



# Ward End Primary

Disciplinary Policy and  
Procedure 2025

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## **Statement of intent**

The main purpose of the disciplinary policy is to encourage all employees to achieve and maintain satisfactory standards of conduct and set out the procedures for when an employee's conduct falls below the expected standard. The procedure serves to ensure that all employees are treated in a fair and consistent manner.

The disciplinary procedure is not contractual and may be varied by the school. Ward End Primary School expressly reserves the right to depart from the terms of the disciplinary procedure in circumstances where the employee does not have two years' qualifying service.

A disciplinary issue will arise when an employee is alleged to have behaved or acted inappropriately and/or contrary to the staff code of conduct.

The disciplinary procedure is strictly confidential and all aspects, including all documentation and records, shall be treated as such. In line with this policy, the following will be adhered to:

- In minor cases of alleged misconduct, the manager should initially seek to resolve the matter informally by discussion with the employee.
- The disciplinary procedure is to be used where an employee's work or conduct is alleged to be unsatisfactory.
- Each step and action under the procedure must be taken without unreasonable delay, by either the school or the employee.
- The timing and location of meetings must be reasonable.

**Please note: Disciplinary actions that relate to allegations of abuse about a member of staff will also be managed in line with the Allegations of Abuse Against Staff Policy.**

## 1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Education Act 2011
- The Teachers' Disciplinary (England) Regulations 2012
- DfE 'Teacher misconduct: the prohibition of teachers'
- DfE 'Keeping children safe in education 2025'
- DfE 'Teachers' Standards'
- DfE 'Teacher misconduct: disciplinary procedures for the teaching profession'
- The School Staff (England) Regulations 2009
- ACAS 'Code of Practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Staff Code of Conduct
- Child Protection and Safeguarding Policy
- Grievance Policy
- Allegations of Abuse Against Staff Policy
- Staff Equality, Equity, Diversity & Inclusion Policy

## 2. Roles and responsibilities

The governing board will be responsible for:

- Monitoring and reviewing this policy on an annual basis to ensure its effectiveness.
- Ensuring that all members of staff have read and understand the provisions outlined in this policy.
- Initiating disciplinary action and deciding the appropriate level of action where an allegation is made against the headteacher.
- Ensuring a culture is established where employees are supported and assisted in achieving and maintaining the required standards of conduct.
- The dismissal of staff and for delegating the hearing of appeals to a sub-committee, if necessary.

The headteacher will be responsible for:

- The day-to-day implementation of this policy and maintaining discipline among all staff.
- Ensuring this policy and associated procedure are readily available to all employees and can be accessed in an appropriate format.
- Initiating disciplinary action and deciding the appropriate level of action.
- Ensuring records are kept of all disciplinary meetings and communications with employees.
- Ensuring that all documentation relating to disciplinary issues is retained in accordance with the schools Records Management Policy.
- If a matter progresses to a disciplinary hearing, presenting details of the employee's failure to meet and maintain the required standards of conduct.
- Communicating the outcomes of disciplinary procedures to employees.
- If a matter concerns a safeguarding issue, ensuring the DSL has been notified.

Employees will be responsible for:

- Familiarising themselves with the standards outlined in the Staff Code of Conduct.
- Adhering to the provisions outlined in this policy and cooperating with the disciplinary procedure.
- Attending all meetings, interviews and hearings that take place in accordance with this policy and its associated procedure.
- Lodging appeals to the headteacher within five working days of receiving a decision.
- If choosing to be accompanied to a disciplinary or appeal hearing, notifying the disciplinary officer who their chosen companion is, in good time before the hearing.

### 3. Minor disciplinary issues

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- There has been no resolution.
- The issue is more serious.
- There are repeated or multiple instances of misconduct.
- There is suspected gross misconduct.

When dealing with an issue informally, the employee's line manager will organise a meeting with the employee and set out the concerns. This meeting will be held without undue delay whenever there is cause for concern. The line manager will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. Notes will be taken and retained. Where appropriate, a note of an informal discussion may be placed on the employee's personnel file, the note will be ignored for the purpose of any future disciplinary hearings.

If the issue cannot be dealt with informally, for example due to the seriousness of the alleged misconduct, or if the matter is not resolved following an informal meeting, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with the Headteacher to be held in person, or over video conferencing where necessary. This will be followed up in writing.

## 4. Powers

The school has delegated powers to the following levels of staff:

Sanction	Disciplinary officer	Appeal officer
Level 1: First warning		
Level 2: Written warning		
Level 3: Final warning		
Level 4: Dismissal.		

Where the employee is employed by the school at the level of the appointed disciplinary officer, then the next level of management up will ordinarily deal with the matter; for example, where an allegation is raised regarding an assistant headteacher, a deputy headteacher will ordinarily be the disciplinary officer and the headteacher will ordinarily be the appeal officer.

For allegations regarding the headteacher, the chief executive shall have the authority to be the disciplinary officer and a nominated governor will hear the appeal. For allegations regarding the chief executive, a nominated chair of governors will have the authority to be the disciplinary officer and any appeal will be to another nominated chair of governors.

In a case where the person who would normally be the disciplinary officer is compromised through existing circumstances, is significantly involved in the investigation, or does not have the resource to deal with the matter at that time, the case will normally be dealt with by an alternative at the same level or the next level of management, i.e. another deputy headteacher or headteacher within the school.

Before any disciplinary decision is made, the employee will be advised of the allegations against them and will be given the opportunity to state their case. The employee will be notified in writing of the allegations to be answered, plus any documentary evidence, before the disciplinary hearing.

The employee must make every effort to attend an investigative interview or disciplinary hearing and failure to attend, without good reason, may be treated as misconduct in itself. If the employee fails to attend without good reason, or if they are persistently unable to do so (for example, for health reasons), the school may have to take a decision based on the available evidence.

Investigatory meetings will not, by themselves, result in any disciplinary action.

At any disciplinary hearing or appeal hearing, the employee will have the right to put forward their case. The school will only consider evidence presented by the employee which is relevant to the allegations.

The school shall be entitled to manage the time and resources allocated to a disciplinary matter, including managing the time of a disciplinary hearing and allocating time within a disciplinary hearing. This may result in limiting the amount of time allocated to an employee to present their case.

The decision and the reasons shall be communicated in writing to the employee. An employee will be advised of their right of appeal and how to exercise that right.

Minutes will be kept of all interviews and meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the disciplinary procedure will be kept securely, only for as long as necessary in line with data protection law and the school's privacy notices.

The school will disclose any proven, unexpired disciplinary offences by an employee if a reference is requested by a future employer.

## 5. The right to be accompanied

The employee has a statutory right to be accompanied, by a companion to any disciplinary or appeal hearing under this procedure. The companion may be either a trade union official, a trade union representative or a work colleague. The employee must tell the disciplinary officer who their chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties, without loss of pay, but no one is obliged to act as a companion if they do not wish to do so.

If the employee's chosen companion is unavailable at the time a hearing is scheduled, the hearing will be postponed to an alternative time which is reasonable and not more than five working days after the original date.

The school may, at its absolute discretion, allow the employee to bring a companion or union representative who is not a work colleague as a reasonable adjustment if this will help the employee overcome barriers to effective participation caused by a disability.

At a hearing, the companion may make representations to the school and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a hearing.

## 6. Trade union representatives

Although normal disciplinary standards will apply to the conduct and performance of trade union representatives as employees, no disciplinary action or suspension will be taken until the circumstances of the case have been discussed with an appropriate trade union official, provided the employee's consent has been obtained. In the case of suspension, this may not be practical and should not prevent leaders taking action.

## 7. Suspension

In certain circumstances, consideration may be given to temporarily suspend the member of staff from their place of work at the outset of the investigation or at any stage during the course of the investigation, for example where there is suspected gross misconduct. The school will consider and document why suspension is necessary before making this decision, and will consider alternatives to suspension, where possible.

The suspension will be for no longer than is necessary and where possible, the employee will be informed of the suspension in a face-to-face meeting held in person, or over video conferencing if necessary, followed by a notification in writing within **five** working days.

The employee will be permitted to be accompanied to the meeting by a colleague, a trade union representative or a trade union official.

The decision to suspend will only be taken by the headteacher **[or other designated senior leader, as determined by the school]**. If that person is unavailable, the decision may be delegated to a nominated deputy, who must make every effort to contact the headteacher or designated leader to discuss the case and be authorised to make the decision.

Where the headteacher is suspended, the chair of governors only has the power to do so and must notify the full governing board.

While the employee is suspended, they should not visit the school site or contact any of its pupils, parents, governors, chair of governors, members or colleagues, unless the employee has been authorised to do so.

While suspended, the school will provide the employee with a named contact with whom they can liaise to support them through the investigation.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive their full pay during the period of suspension. Every effort will be made to avoid lengthy periods of suspension. The decision to suspend, and the conditions of suspension, will be reviewed periodically and the employee will be updated as necessary.

## 8. Investigations

When formal disciplinary procedures begin, an independent investigating officer will be appointed by the headteacher. This will be a member of staff who has not been involved in the disciplinary issue. The investigating officer will gather the facts of the case and evidence.

The purpose of an investigation is for the school to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

The investigating officer will hold an investigation meeting with the employee in question and seek HR advice as appropriate. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after the investigation has been concluded or, if required, a formal education act disciplinary hearing has been held.

An employee will not have the right to bring a companion to an investigative interview; however, the school may, in its absolute discretion, allow an employee to bring a companion if it helps the employee to overcome barriers to effective participation caused by a disability or in exceptional circumstances.

The employee must cooperate fully and promptly in any investigation. This will include informing the school of the names of any relevant witnesses, disclosing any relevant documents to the school and attending investigative interviews if required. Any failure to comply may lead to disciplinary action. It is incumbent on the employee, during the investigation stage, to raise details of additional witnesses whom the school should interview during the investigation.

If relevant, the investigating officer will hold meetings with identified witnesses. Notes can be taken during these meetings and the witness will be asked to sign a copy to form a witness statement. Alternatively, the witness can write and submit a witness statement.

The employee will be informed of the outcome of the investigation in writing.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing, a disciplinary officer will be appointed to lead the disciplinary hearing. This will be a person independent from the investigating officer, and they will be appointed by the headteacher.

The school will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated. Where an employee has been accused of misconduct by a pupil, the school will ensure that no material is published or made public that could identify the employee as the subject of the allegation.

The school will ensure compliance with statutory reporting restrictions where an allegation is made against a person who is employed or engaged to be a teacher, and the allegation is that they are guilty of a relevant criminal offence, and it is made by or on behalf of a registered pupil at the school.

## 9. Notification

If it is decided that there is a disciplinary case to answer, the employee will receive written notification **5** working days before the hearing. The hearing could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences, including stating where dismissal is a possibility.
- Copies of any written evidence, including witness statements and any relevant documents or other evidence which will be used at the disciplinary hearing.
- The time, date and location of the disciplinary hearing (including the details if it's to be held over video conferencing).
- A statement that the employee has the right to be accompanied by a colleague, a trade union representative or a trade union official.
- Notification that the employer intends to call witnesses (if relevant).

If the employee intends to call witnesses, they should notify the disciplinary officer in advance of the disciplinary hearing, and it will be for the employee to arrange the attendance of their witnesses.

The employee will submit any additional evidence they intend to rely on in advance of the hearing.

## 10. Criminal charges

Where the employee's conduct is the subject of a criminal investigation, charge or conviction, the school will investigate the facts when able to do so – taking in to consideration any delay in waiting for a police investigation to be conducted – before deciding whether to take formal disciplinary action.

The school will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the school may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the school considers that it is relevant to the employee's employment.

## 11. Procedure at disciplinary hearings

At the beginning of the hearing, the disciplinary officer will introduce those present and the purpose of the meeting. This will include the investigating officer and a member of the HR department. The employee will be reminded of their right to be accompanied (if the employee has not chosen to be accompanied by a trade union representative or a work colleague). The disciplinary officer will go through the allegations against the employee and the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

The employee's companion will be able to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing, and confer privately with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish them to, or prevent the employer from explaining their case.

The disciplinary officer may adjourn the disciplinary hearing if the school needs to carry out any further investigations in light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider and comment on any new information obtained before the hearing is reconvened.

The employee must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to do so (for example, for health reasons), a decision may have to be taken based on the available evidence, including any written representations the employee has made.

## 12. Levels of disciplinary action

The hearing will be adjourned and a decision about whether disciplinary action is necessary will be taken. The employee will be informed of the decision in writing within **5** working days.

There are four levels of disciplinary sanctions, each of which is designed to cover the varying seriousness of the cases. The levels give a proper sequence for persistent cases. Where the case is of sufficient importance or seriousness to use the procedure, disciplinary action will be taken at whatever level appears appropriate to the circumstances. No

employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice and without pay in lieu of notice.

The following decisions will be confirmed in writing:

- **Level 1:** A verbal/informal warning may be given where the case is of sufficient importance or seriousness to bring to the attention of the employee formally but not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the employee's behaviour, such as a training course or occupational health support.
- **Level 2:** A first written warning may be given where the case has already involved a verbal/informal warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness. A first written warning will be placed on the employee's personnel file and remain active for **12 months** from the date of the decision. The written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe may result in a final warning.
- **Level 3:** A final warning may be given where the employee already has an active first written warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient importance or seriousness. A final written warning will be placed on the employee's personnel file and remain active for 24 months from the date of the decision. The final written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe may result in dismissal or other disciplinary sanction.
- **Level 4:** Dismissal. Where there has been gross misconduct, regardless of whether there are active warnings on the employee's personnel file, or where there has been further misconduct and there is an active written warning on the employee's personnel file.

Written warnings will set out, where appropriate, the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

The school will refer a case of gross misconduct by a teacher, trainee teacher or someone holding a teacher reference number to the Teaching Regulation Agency (TRA) if it is believed that the TRA should consider whether the teacher should be prevented from teaching (see appendix 1 for instances of when this may apply). The school will also refer cases to other relevant authorities, including but not limited to, the Disclosure and Barring Service, where appropriate.

## 13. Alternatives to dismissal

In some cases, the school may, at its discretion, consider alternatives to dismissal. Examples include the following:

- Demotion.
- Transfer to another department or job role.
- A period of suspension without pay.
- Loss of seniority.
- Reduction in pay.

## 14. The decision letter

A letter detailing the decision will be given to the employee and a copy placed on their personnel file, if a warning is issued. Following the outcome of the hearing, the decision letter will state:

- The reason for the decision.
- The course of action to be followed by the employee.
- The timescale in which improvement is required, if applicable.
- Where assistance is required, the assistance which will be made available to the employee, e.g. training and guidance.
- The date on which the warning will elapse and that if an employee's conduct doesn't improve sufficiently at the end of the active warning period, then the warning may be extended.
- That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the timescale of the warning.
- The right of appeal against the decision and how to exercise that right.

If the warning is a final, it will also state that if the employee's conduct continues to be unsatisfactory or if there is further misconduct, it may lead to dismissal.

## 15. Special cases

If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.

If the employee who is subject to disciplinary procedure raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

If the person appointed to deal with the investigation, disciplinary hearing or appeal is unable to undertake the role due to previous involvement or a conflict of interests then the school reserves the right to substitute that person for another.

## 16. Right of appeal

All employees have the right to appeal any disciplinary sanction. Appeals must be lodged in writing to the headteacher within **five** working days of the decision being communicated to the employee setting out the grounds for appeal.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal; however, if the appeal is successful, the employee will be reinstated with no loss of continuity of pay.

If the employee raises any new matters in their appeal, the appeal officer may need to carry out further investigations. If any new information comes to light, the appeal officer will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable

opportunity to consider this information before the hearing and the employee, or their companion, may comment on any new evidence arising during the appeal before any decision is taken.

Appeals will be heard without unreasonable delay. The school will give the employee written notice of the date, time and place of the appeal hearing. Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case. The employee has a statutory right to be accompanied by a companion to the appeal hearing.

The appeal officer may adjourn the appeal hearing if the school needs to carry out any further investigations in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The appeal officer may do any of the following:

- Confirm the original decision
- Revoke the original decision
- Substitute a different penalty

The appeal officer will inform the employee in writing of the final decision as soon as possible. There will be no further right of appeal.

## 17. Monitoring and review

This policy is reviewed annually by the headteacher and governing board.]

The scheduled review date for this policy is September 2025.

## Instances and behaviours classed as misconduct

The following lists are not exhaustive:

Instances of misconduct include:

- Failure to comply with reasonable instructions from senior staff
- Failure to follow the policies, practices and requirements of the school
- Inappropriate use of the school's facilities
- Unauthorised absence from work or persistent lateness
- Unsatisfactory standards of work (not related to capability)
- Using bad language in front of pupils

Instances of gross misconduct include:

- Deliberately acting in a way that will cause damage to the school's reputation
- Deliberately damaging the school's property
- Discrimination, harassment, victimisation and/or bullying of pupils, colleagues or visitors
- Inappropriate relationships with pupils or any other actions that would be classed as a serious safeguarding issue
- Physical violence or assault
- Serious breaches of confidentiality
- Sexual offences
- Theft

Teacher misconduct guidance from the TRA explains that, among other things, the following offences will be serious enough to warrant prohibition of teaching:

- Abuse of position or trust (particularly involving pupils) or violation of the rights of pupils
- Actions or behaviours that promote extremist political or religious views or attitudes, or that undermine fundamental British values
- Misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk
- Serious departure from the personal and professional conduct elements of the Teachers' Standards
- Sustained or serious bullying (including cyberbullying), or other deliberate behaviour that undermines pupils, the profession, the school or colleagues

