Version 1

Disciplinary Policy

Last Reviewed by:	Rebecca Thompson
Date of review:	October 2025
Due for next Review:	October 2026
Headteacher:	Rebecca Thompson

Table of Contents

1.0 Introduction
1.1 Data Protection
1.2 Guidance on the Application of this Policy
1.3 Governing Body Responsibility
1.4 Scope of this Policy
1.5 Aims of this Policy
1.6 Key Principles of this Policy
1.7 Standards of Conduct
1.8 Informal and Formal Action
1.9 The Right to be Accompanied / Represented
1.10 Human Resources Advice
1.11 Safeguarding / Financial Irregularity
1.12 Notification and Postponements
1.13 Records
1.14 Submission of Issues under the Grievance Procedure
2.0 Unacceptable Conduct
2.1 Misconduct
2.2 Gross Misconduct
3.0 Receiving an Allegation
3.1 Undertaking a Fact Find
3.2 Informal Discussion
4.0 The Formal Disciplinary Procedure
4.1 Introduction
4.2 Management Meeting and Recorded Oral Warning
4.3 Suspension / Restricted Duties / Temporary Redeployment (as an alternative to suspension)
4.4 Management Investigation
4.5 Child Protection
4.6 Malicious Allegations of Unacceptable Conduct
4.7 Disciplinary Hearing
4.8 Conclusion of the Disciplinary Hearing
4.9 Outcomes of the Disciplinary Hearing

- No Action
- Recorded Oral Warning
- Written Warning
- Final Written Warning
- Alternative to Dismissal
- Dismissal

4.10 Warning period and relationship to sickness absence
5.0 Right of Appeal
5.1 Disciplinary Appeal Hearing
5.2 Conclusion of the Disciplinary Appeal Hearing
5.3 Outcomes of the Disciplinary Appeal Hearing
6.0 Reporting Serious Misconduct

1.0 Introduction

The Council and the School Governing Body are committed to the highest possible standards of conduct and, in line with that commitment, expect all employees to conduct themselves professionally, courteously, sensibly and with credit to the Council and the School.

The Council and the School Governing Body acknowledge that, in general, they will have no cause to question the conduct of employees. However, it is inevitable that some employees might not always conduct themselves acceptably. If there is an allegation that an employee's conduct in a particular situation is unacceptable, that employee will be dealt with in accordance with this Policy.

1.1 Data Protection

The Council processes personal information/data collected in the application of this School Disciplinary Policy in accordance with its legal obligations set out in the Data Protection Act 2018 and the General Data Protection Regulations 2016, which are confirmed within the Council's Data Protection Policy.

Information/data specifically obtained to address issues raised under this School Disciplinary Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the Council's Disciplinary Policy.

1.2 Guidance on the Application of this Policy

This Policy must be read in conjunction with the separate Disciplinary Guidance document and where appropriate reference will need to made to other relevant School policies, including the Code of Conduct for employees adopted by the Governing Body and related policies and procedures that impact on conduct, including financial policies and procedures.

1.3 Governing Body Responsibility

The Governing Body is responsible for setting out the disciplinary rules and procedures for staff in accordance with sections 35(8) and 36 (8) of the Education Act 2002 and the School Staffing (England) Regulations 2009.

1.4 Scope of this Policy

This Policy applies to all employees of the School including Head teachers and those supply staff that have not been engaged through an external agency. It has been drawn up in accordance with the provisions of Regulation 7(1) of the School Staffing (England) Regulations 2009 and the Articles of Government (as amended from time to time) for the School.

Trade Union Representatives

Although the same standards of conduct apply to Trade Union representatives as they do to other employees, no disciplinary action either informal or formal will be taken against an accredited[1] representative of a recognised Trade Union until the

circumstances of an allegation have been discussed with a full time union official of the Trade Union concerned. [1]
Where this applies, advice should be obtained from the School's Human Resources service provider.

1.5 Aims of this Policy

Disciplinary policies and procedures are necessary for promoting fairness and consistency in the treatment of employees and for maintaining and improving conduct. This Policy sets out standards of conduct required from employees, the procedures that will be followed to enforce those standards and provides a fair method of dealing with alleged failures to observe them whilst ensuring that the principles of natural justice are considered throughout.

1.6 Key Principles of this Policy

The key principles of this Policy are to:

- inform employees of the standard of conduct expected from them and to provide examples of the types of conduct which are unacceptable;
- inform employees of the possible consequences of a finding that they have conducted themselves unacceptably;
- inform employees about how an allegation against them will be dealt with and confirm that they will be provided with an opportunity to state their case before decisions are reached and an opportunity to appeal against any disciplinary sanction;
- inform employees of the possibility of a referral being made to professional bodies, e.g. The Disclosure and Barring Service where the allegations relate to safeguarding and the National College for Teaching and Leadership for Teachers where the allegations relate to serious misconduct; and
- ensure that allegations are dealt with thoroughly and as quickly as possible.

[1] A part / full time employee who has been elected and / or selected as a representative of a Trade Union

1.7 Standards of Conduct

Head teachers must ensure that the standards of conduct required by the School are explained to employees so they are left in no doubt about what is expected of them. Head teachers should ensure that employees have seen and understood the Code of Conduct for employees adopted by the Governing Body and any other related policies that impact on conduct, including financial policies and procedures. Head teachers must give employees the necessary support, assistance and encouragement to help them reach and maintain those standards of conduct and also explain to employees the consequences of not reaching and / or maintaining them.
In dealing with cases involving alleged failures to observe appropriate standards of conduct a distinction must be made in cases where genuine performance issues arise. Such issues must be dealt with under the Appraisal and Capability Policies for improving performance. Click on https://wakefield.itslearning.com for the Council's Model Appraisal and Capability Policies. Employees who wilfully refuse to work to a satisfactory level must be dealt with in accordance with this Policy.
An employee's duty to the Council and the Governing Body may extend outside their place of employment and outside of working hours. Any alleged misconduct and / or criminal activity outside work which may adversely affect: the reputation of the Council, School, Governing Body or teaching profession; the employee's suitability for the type of work they are employed to undertake; and / or the employee's acceptability to the Council, School, Governing Body, other employees or pupils, may bring about disciplinary action.

1.8 Informal and Formal Action

This Policy provides for an informal discussion between the employee and their manager with a view to helping the employee understand the standard of conduct expected of them.
If an employee's conduct cannot be addressed through this informal process or the allegation(s) are considered to be serious, the matter must be referred to the formal Disciplinary Procedure.

1.9 The Right to be Accompanied / Represented

Informal Discussion – this is a one to one management meeting with the employee and the employee does not have the right to be accompanied or represented at this meeting. Trade Union representatives, work colleagues and / or any Human Resources service provided representative should not therefore attend this meeting.

Formal Stages - employees have the statutory right to be accompanied at any stage of the formal Disciplinary Procedure by a Trade Union representative or a work colleague. An employee who is a Trade Union representative may be accompanied by a Full-Time accredited Trade Union Official at any stage of the formal Disciplinary Procedure.

1.10 Human Resources Advice

Before any formal action is taken by the Head teacher (or the Governing Body where the action involves the Head teacher) advice should be obtained from their Human Resources service provider.
In cases where consideration is being given to suspension or alternative to suspension, the Governing Body should seek advice from their Human Resources service provider.

Where an SLA is in place with the Council, a representative from the Council's Human Resources Services will be present at all Disciplinary Hearings and Disciplinary Appeal Hearings to provide advice. Other Human Resources service providers may or may not provide this same representation.
Where the Council is the employer, the Council must be consulted prior to all Disciplinary Hearings and Disciplinary Appeal Hearings to allow for consideration of the Local Authority's right to attend and offer advice at all such proceedings relating to the dismissal of any teacher including the Head teacher and Deputy Head teacher.

1.11 Safeguarding / Financial Irregularity

The School must follow their Safeguarding Policy where allegations involve child protection and/or safeguarding of children. In the first instance, contact must be made with the designated safeguarding lead in the School and the 'Designated Officer' for the Council.
Where safeguarding issues and / or financial irregularity occur, the Head teacher / Chair of Governors will determine if an investigation is required under the formal Disciplinary Procedure. In such cases the Head teacher / Chair of Governors should seek advice from their Human Resources service provider in order to determine whether an expert, for example Safeguarding, School Improvement Team or relevant Auditors, should be involved in the investigation. This involvement may include joint interviews and / or the expert witness taking part in an investigation. If a case progresses to a Disciplinary Hearing and a Disciplinary Appeal Hearing, the Head teacher / Chair of Governors should seek advice from their Human Resources service provider in order to determine whether an expert advisor should attend the Disciplinary Hearing and any subsequent Disciplinary Appeal Hearing.In some cases, prior to an investigation being invoked, the relevant auditors may conduct a 'fact find' into issues such as fraud, theft or other financial irregularities.

See also section 4.5 Child Protection

1.12 Notification and Postponements

Employees must be notified in writing in advance of any meeting, hearing or appeal arranged under the formal Disciplinary Procedure. 15 working days' notice must be provided for a Disciplinary Hearing or a Disciplinary Appeal Hearing (including appeals against a Recorded Oral Warning) and 5 working days' notice for any other meetings. Employees must use this time to make arrangements for the attendance of a Trade Union Representative or a work colleague, should they wish to be so accompanied or represented.
Employees must take all reasonable steps to attend any meeting, interview, hearing or appeal. If they cannot attend they must, whenever possible, inform the Head teacher or the Chair of the Disciplinary Hearing Panel or Appeal Panel in advance.
If an employee is unable to attend a meeting, interview, hearing or appeal and has good reason for non-attendance, e.g. unavailability of their representative or other circumstances outside of their control and unforeseeable at the time it was arranged, another date will be arranged. Unless exceptional circumstances exist the employee will be expected to offer their availability for an alternative date within 5 days of the originally planned date. This date will be agreed with all parties. However, if the employee fails to

attend this re-arranged meeting, interview, hearing or appeal without good reason it may be progressed in the employee's absence.
Failure to attend a meeting, interview, hearing or appeal for no good reason will lead to the circumstances for the employee's absence being considered and a decision taken whether to adjourn to a further date or to continue in the absence of the employee. Additionally, depending upon the circumstances in question a failure to attend a meeting, interview, hearing or appeal for no good reason could constitute unacceptable conduct in its own right and consideration could be given to whether further disciplinary action should be taken against the employee.
If an employee fails to attend a meeting, hearing or appeal, and the decision is taken to continue without them, consideration must be given to how best to conduct the meeting in their absence, to ensure, in so far as possible, that the untested evidence is considered in a fair and even-handed way. One way to facilitate this could be to adjust the agenda for the meeting and to conduct a review of the paper evidence presented before reaching a decision.
In circumstances where the employee produces a doctor's 'fitness for work note' (sick note) stating they are unfit to attend a meeting, interview, hearing or appeal, a postponement can be agreed pending receipt of medical advice from an Occupational Health service provider to establish when the employee will be fit to attend. Employees must comply with reasonable requests to attend an Occupational Health service provider.
Where the medical advice received from an Occupational Health service provider is that the employee's absence is likely to continue for a prolonged period, a discussion must be held with the employee and any representative to determine how the meeting, interview, hearing or appeal can be facilitated. A hearing or appeal can take place in the absence of the employee and each case will be considered on its own merits. Medical circumstances however cannot be a continued reason for postponing a meeting, interview, hearing or appeal indefinitely.

1.13 Records

All details of disciplinary action, outcomes, sanctions and appeals will be kept on personal files in School and, where the Council is the employer, a copy must be sent to the Council for retention in the personnel files.

1.14 Submission of Issues under the Grievance Procedure

If an employee wishes to raise an issue whilst they are subject to the formal Disciplinary Procedure they must follow the School's Grievance Procedure. Consideration must then be given as to the nature and the contents of the grievance. Where the grievance is connected to the disciplinary process, it will be considered as part of the disciplinary process. Where it is not connected to the disciplinary process, it will be considered in accordance with the Grievance Procedure. The Head teacher (or nominee) should seek advice from their Human Resources service provider before taking this decision.

2.0 Unacceptable Conduct

2.1 Misconduct

Misconduct is a breach of discipline which is not sufficiently serious to give rise to the consideration of an immediate dismissal (summary dismissal), but will warrant action being taken under this Policy. Examples of misconduct are listed below. This list is not intended to be exclusive or exhaustive and there may be other incidents of misconduct of a similar gravity which could result in action being taken under this Policy up to and including dismissal on notice or with pay in lieu of notice.

- Breach(es) of the Council's and / or the Governing Body's acceptable standards of conduct;
- instance(s) of neglect of duties and responsibilities;
- poor timekeeping;
- failure to follow a reasonable management instruction;
- • acts of insubordination
- abuse of the Electronic Equipment Policy adopted by the Governing Body.

2.2 Gross Misconduct

Gross misconduct is a breach of discipline which is serious enough to significantly affect further working relations and destroy trust and confidence between employer and employee which could lead to summary dismissal (i.e. dismissal without the normal period of notice or pay in lieu of notice), even for first incidents of misconduct. Examples of gross misconduct are listed below. This list is not intended to be exclusive or exhaustive and there may be other incidents of gross misconduct of a similar gravity which could result in action being taken under this Policy up to and including summary dismissal.

- serious breach(es) of the Code of Conduct for employees adopted by the Governing Body;
- serious departure from personal and professional conduct elements of the latest teachers standards, or the standards set by other professional bodies e.g. Personal and professional conduct of the DfE Teachers Standards in England from September 2012;
- deliberate and/or negligent failure to report any matter which the employee is under a duty to report[2];
- bringing the Council / School / Governing Body into disrepute
- misconduct seriously affecting the education and or wellbeing of pupils;
- discrimination and / or harassment, for example on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation;
- abuse of position / trust or violation of the rights of pupils
- fraud, bribery and / or deliberate falsification of records;
- theft of the school's or Council's funds or property
- physical violence, bullying, disorderly conduct and / or assault against another person
- serious criminal activity which may (whether committed during or outside working hours) adversely affect: the reputation of the Council / School / Governing Body; the employee's suitability for the type of work they are

employed to undertake; and / or the employee's acceptability to the Council / School / Governing Body / other employees / pupils;

- serious negligence / incompetence which causes unacceptable loss, damage and / or injury;
- possession of prohibited firearms, knives or other weapons;
- serious act(s) of insubordination at work;
- cyber abuse / bullying and/or inappropriate / derogatory / defamatory remarks on social media

- serious incapability and/or misconduct as a result of being intoxicated by reason of alcohol and / or drugs;
- serious breach(es) of Health and Safety at Work rules and procedures;
- serious breach(es) of confidence and / or unauthorised use, or disclosure of confidential information;
- serious abuse of the Electronic Equipment Policy adopted by the Governing Body and / or in relation to accessing pornographic internet sites or sending and receiving offensive or obscene material;
- serious instances of unauthorised absence may include prolonged and / or repeated unauthorised absence and / or where the employee defies and / or flagrantly disregards the absence reporting procedures;

[2] Employees should refer to the School's Whistleblowing Policy to assist them in making any disclosures which need to be reported.

3.0 Receiving an allegation

Where an alleged incident of misconduct is brought to the attention of a manager, the manager receiving that allegation must undertake an initial fact find to appraise the immediate facts and determine what course of action (if any) to follow in response (see 3.1 below).
The exception to this is any allegation involving the safeguarding of children, where an immediate referral to the 'Designated Officer' must be made before any fact finding is undertaken.
The following possible outcomes may result from a fact finding: no further action being taken; an informal discussion with the employee (see 3.2 below); or the matter may need to be referred to a senior manager (see 4.1 below).

3.1 Undertaking a Fact Find

Fact Finding is an exercise to collate information in order to seek clarification on an issue. It is usually a "desk-top" exercise collecting information and documents already in existence. At this stage, managers undertaking a fact-find would not probe further into the information they have collected and they would not interview staff or witnesses formally. The purpose of the fact-find is to quickly check facts from information already available to determine whether a management investigation should be commissioned or whether the matter can be resolved through an informal discussion, or whether no further action is required.
Sometimes the outcome of a fact-find may be inconclusive. If this is the case, it would then be necessary to consider whether or not to commission a management investigation to seek further clarification (see 4.1).
The Human Resources service provider can provide further advice to managers who have been asked to undertake a fact-finding exercise.

3.2 Informal Discussion

The informal discussion between the employee and their manager should be two-way, held in private with a view to helping the employee understand the standard of conduct expected of them.
This discussion does not mean that the matter(s) will necessarily progress to the formal Disciplinary Procedure. It is expected this informal discussion will mean that there is likely to be less recourse to the formal Disciplinary Procedure and an earlier resolution to the conduct being addressed**.**
The informal discussion must be held in private with just the manager and employee present. The manager must provide the employee with an explanation of what has been identified as a shortcoming in their conduct and the employee must have the opportunity to reply.
In considering how the employee can be supported in meeting the standard of conduct expected of them, the manager should ensure that the informal discussion is constructive with an emphasis on finding ways for the employee to improve and be sustained. The manager must keep a note of what was discussed at this meeting for future reference.
The manager must be clear on what improvements need to be made, over what period and how they will be monitored. They can (but may not need to) issue a management instruction to the employee to be clear on what is expected of the employee. The

manager must continue to review the employee's conduct. Where it improves and an acceptable standard is maintained, they must inform the employee.
If the manager considers the matter(s) cannot be resolved through the informal discussion process they must refer the matter(s) to the formal Disciplinary Procedure.

Head teachers

In the case of Head teachers, the informal discussion must take place with a nominated Governor. The informal discussion will be arranged by the School after consultation with the Chair of the Governing Body. All other processes described above apply. Consideration must be given as to whether the nominated Governor may be called upon to hear any Disciplinary Hearing / Disciplinary Appeal Hearing if the matter were to progress; if so, another Governor must be nominated to undertake the informal discussion.

4.0 The Formal Disciplinary Procedure

4.1 Introduction

If an employee's conduct cannot be addressed through the informal discussion or the allegation(s) is considered to be serious, the matter must be referred to the formal Disciplinary Procedure.
A member of the Senior Leadership Team may consider that the matter(s) can be dealt with by a management meeting with the employee to consider whether to issue a Recorded Oral Warning, without the need to conduct an investigation (see 4.2 below). In these circumstances the maximum sanction that the manager can give the employee is a Recorded Oral Warning.
If a member of the Senior Leadership Team considers that the matter cannot be resolved by an informal discussion or by issuing a Recorded Oral Warning or that the allegation(s) is serious enough to consider a more serious sanction they must refer the matter to the Head-teacher or Committee (or nominated Governor) of the Governing Body or Chair of Governors for consideration (see 4.4)

4.2 Management Meeting and Recorded Oral Warning

The purpose of this management meeting is to determine whether a Recorded Oral Warning should be issued to the employee. The member of the Senior Leadership Team will chair the management meeting and the employee will be given the opportunity to respond to the issue(s) that has been raised in relation to their conduct.
The member of the Senior Leadership Team must give the employee at least 5 working days' notice in writing of the management meeting and they must use this time to make arrangements for the attendance of a Trade Union representative or a work colleague, should they wish to be accompanied or represented. The letter must specify sufficient detail of the issue(s) of conduct in question in order to give the employee an opportunity to respond to the issue(s) during the management meeting.

Conclusion of the Meeting

At the conclusion of the management meeting, the member of the Senior Leadership Team may after appropriate consideration provide a verbal outcome of their decision. Confirmation of the outcome of the management meeting must in any event be provided to the employee in writing as soon as is reasonable practicable but no later than 5 working days after the conclusion of the meeting, unless otherwise notified to the employee and any representative.

Outcome

A Recorded Oral Warning is the maximum sanction that can be issued at this management meeting if the member of the Senior Leadership Team is not satisfied with the response given by the employee. The Recorded Oral Warning will be effective from the date of notification for a period of 6 months, after which time it will be disregarded. Alternatively, where the member of the Senior Leadership Team concludes that there is insufficient evidence to issue a Recorded Oral Warning, or that the unacceptable conduct did not occur, the employee will be advised in writing that no action will be taken. The member of the Senior Leadership Team may still make recommendations that specific actions be taken including instructions to others within the School.

Head teachers

In the case of Head teachers, the management meeting must take place with a Committee of the Governing Body nominated for that purpose. The management meeting will be arranged by the School after consultation with the Chair of the Governing Body. All other processes described above apply.
In convening the management meeting, consideration must be given as to whether any of the Governors may be called upon to hear any Disciplinary Hearing / Disciplinary Appeal Hearing if the matter should progress; if so, they must be excluded from the management meeting.

Appeal

Employees have the right to appeal a decision to issue a Recorded Oral Warning in accordance with the principles set out in section 5 below.

4.3 Suspension / Restricted Duties / Temporary Redeployment (as an alternative to suspension)

An employee may be suspended by the Head teacher or Governing Body, or given restricted duties or be temporarily redeployed (as an alternative to suspension). The Governing Body or Head teacher must inform the Human Resources Service when it suspends a member of staff and where a suspension is being lifted.
Consideration of suspension from duty, restricted duties or temporary redeployment (as an alternative to suspension) must always be given for alleged gross misconduct.
Any decision to suspend an employee must only be taken after providing the employee with an explanation of the allegation(s) being made against them and giving them an opportunity to respond to the allegations. Careful consideration must be given to the employee's response before reflecting and confirming, if appropriate, that suspension is necessary (and also explaining why any of the alternative courses of action to suspension are not deemed to be appropriate).

Employees who are suspended or temporarily redeployed will be allocated a "Contact Officer" (usually from within the Human Resources service provider) who will keep the employee informed of any developments, advise them of any meetings they are required to attend and / or respond to any queries the employee may have.
During the period of suspension or restricted duties or temporary redeployment (as an alternative to suspension) employees will be paid their normal level of contractual pay. Non-contractual pay will not normally be paid during this period.
Confirmation of the suspension / restricted duties / temporary redeployment (as an alternative to suspension) should always be given to the employee in writing by the Head teacher. Such confirmation must include a summary of the allegations being investigated and an explanation as to why the course of action chosen is believed to be appropriate given all the related circumstances.
If an employee is suspended or given restricted duties or temporarily redeployed (as an alternative to suspension), that arrangement must be reviewed by the Commissioning Manager on a 4 weekly working time equivalent basis (i.e. excluding school holidays). The outcome and reasons (including details of the alleged misconduct and circumstances why management have decided that this arrangement is appropriate to continue) must be communicated in writing to the employee as soon as is reasonably practicable after each review.
In the case of a Head teacher, the Chair of Governors will follow the above procedure.

Managers should refer to the separate Schools Disciplinary Guidance document (section 3.5) for additional information on suspension, restricted duties and temporary redeployment (as an alternative to suspension), and in all cases should seek advice from their Human Resources service provider when considering the suspension of an employee.

4.4 Management Investigation

If it is concluded that the matter cannot be resolved by an informal discussion or by the issuing a Recorded Oral Warning or that the allegation(s) is serious enough to proceed to the formal Disciplinary Procedure, the Head teacher, Committee (or nominated Governor) of the Governing Body or Chair of Governors must commission an investigation and in doing so become the Commissioning Manager, appointing an Investigating Officer to carry out a thorough investigation.
The Commissioning Manager must provide the Investigating Officer with their terms of reference for the investigation and, if the employee is suspended or temporarily redeployed (see 4.3 above), the name of the Contact Officer for the employee. They must inform the employee in writing of the name of the Investigating Officer and that an investigation has been commissioned, providing details of the allegation(s) against them and the process which will be followed.
The Investigating Officer must interview the employee and any other relevant witnesses and gather all relevant evidence relating to the allegation(s). In some cases joint interviews may be held by the relevant Auditor and the Investigating Officer.
If, during the course of the investigation, a new allegation(s) is brought to the attention of the Commissioning Manager, they must review the case and consider whether or not it is appropriate to amend the terms of reference provided to the Investigating Officer so as to include the new allegation(s) or whether it would be more appropriate to refer the new allegations to another senior manager for consideration to be given to commissioning a separate investigation. Where this occurs, the Commissioning Manager must inform the employee and the Investigating Officer accordingly.
If, at any time during the investigation, the Investigating Officer believes there is no case to answer they must inform the Commissioning Manager, who must make a decision as to whether or not the investigation will continue. If the decision is made that the investigation no longer needs to be undertaken, the employee must be informed of this as soon as possible. This decision must also be confirmed to the employee in writing within 5 working days of the decision being taken.
Once the Investigating Officer has completed their investigation they must produce a Statement of Case and provide this to the Commissioning Manager for consideration. The Commissioning Manager may request additional information from the Investigating Officer following the submission of the Statement of Case and prior to making a decision about what action, if any, to take next. The Commissioning Manager may meet with the employee to explain the outcome of the investigation but must in any event inform the employee of this in writing in accordance with the timescales specified
The following outcomes are possible:

- The Commissioning Manager may determine that there is insufficient evidence to support the allegation(s) against the employee and that no further action will be taken in accordance with the formal Disciplinary Procedure. This decision must be confirmed to the employee in writing within 5 working days of the decision being taken.
- Having consulted with the School's Human Resources provider, the Commissioning Manager may consider that progression to a formal Disciplinary Hearing is not appropriate to the circumstances of the case, but

that the matter can be dealt with in accordance with section 4.2 by a management meeting and consideration of a Recorded Oral Warning.

- If the Commissioning Manager considers that there is sufficient evidence to support the allegation(s) against the employee and that the nature of the allegation(s) is serious enough to consider a more serious sanction then they must confirm to the employee that it is necessary to proceed to a formal Disciplinary Hearing.

4.5 Child Protection

The School must follow their Safeguarding Policy where allegations involve child protection and/or safeguarding of children. In the first instance, contact must be made with the designated safeguarding lead in the School and the 'Designated Officer' for the Council.
Allegations concerning Child Protection will initially be handled in accordance with the Statutory Guidance 'Keeping Children Safe in Education' and also the 'West Yorkshire Consortium Procedures' for safeguarding children.

4.6 Malicious Allegations of Unacceptable Behaviour/Conduct

If at any stage of an investigation, the Investigating Officer considers that any allegation(s) made against an employee is malicious, this must be brought to the attention of the Commissioning Manager, who must consider whether it is appropriate to pursue disciplinary action in accordance with this Policy against the person(s) responsible for making the malicious allegation(s).

4.7 Disciplinary Hearing

The purpose of the Disciplinary Hearing is to reach findings upon the facts of an allegation(s) in order to determine the validity or otherwise of the allegation(s) against the employee and, if misconduct or gross misconduct is proven, to determine which outcome is appropriate for the employee. The Disciplinary Hearing Panel must make a judgment on the facts presented and have no pre-conceived views on the outcome of the Disciplinary Hearing.
The Commissioning Manager must arrange for a Disciplinary Hearing Panel to be appointed, drawn from the Resources Committee, whose terms of reference are to carry out the Governing Body's responsibilities in considering cases of staff discipline. The Disciplinary Hearing will be conducted in accordance with Appendix A *'*Procedure to be followed at Disciplinary Hearings' of this Policy.
The employee must be given at least 15 working days' notice writing of their Disciplinary Hearing and must use this time to make arrangements for the attendance of a Trade Union Representative or a work colleague, should they wish to be accompanied or represented. The letter will specify sufficient details of the allegation(s) against the employee in order to give the employee an opportunity to respond to the allegation(s) during the Disciplinary Hearing. The employee and School representative must provide to the School's Human Resources service provider all documents and other evidence upon which they wish to rely at the Disciplinary Hearing at least 10 working days prior to the Disciplinary Hearing. All documents and other evidence will be sent by the School's Human Resources service provider to the other party and provided to the Disciplinary Hearing Panel at least 5 working days in advance of the Disciplinary Hearing.
Any documents and other evidence supplied to the School's Human Resources service provider after this deadline will not be sent to the other party in advance of the

Disciplinary Hearing. Instead, their late supply will be referred to the Disciplinary Hearing Panel at the start of the Disciplinary Hearing for a decision to be made by the Disciplinary Hearing Panel about whether or not to accept those documents and other evidence supplied late. If the decision is made to accept the documents and other evidence, they will then be provided to the other party and, if necessary, the Disciplinary Hearing will be adjourned.

Head teachers

In the case of Head teachers, the Disciplinary Hearing must take place with a Committee of the Governing Body nominated for that purpose. The Disciplinary Hearing will be arranged by the Chair of the Governing Body. All other processes described above apply.

4.8 Conclusion of the Disciplinary Hearing
At the conclusion of the Disciplinary Hearing, the Chair of the Disciplinary Hearing Panel may, after appropriate consideration, provide a verbal outcome of their decision and must in any event provide confirmation of the outcome to the employee in writing as soon as reasonably practicable, but no later than 5 working days after the conclusion of the Disciplinary Hearing unless otherwise notified to the employee and any representative.

4.9 Outcomes of the Disciplinary Hearing
The Disciplinary Hearing Panel, having given due consideration to all of the evidence presented, must decide which of the following outcomes is appropriate:

No Action

The employee will be advised in writing that no action will be taken in cases where it is found that unacceptable conduct has not occurred or where there is insufficient evidence to conclude that unacceptable conduct has occurred.
Where this outcome is taken, recommendations that specific actions can be taken can still be made. This could include instructions to the School.

Recorded Oral Warning

A Recorded Oral Warning may be issued to the employee for unacceptable conduct. This will be effective from the date it was given for a period of 6 months, after which it will be disregarded, provided no further unacceptable conduct is found to have occurred during this period. The written confirmation of Recorded Oral Warning will be retained on the School's personnel records and the employee's file but will not be referred to after the expiry date has passed.

Written Warning

A Written Warning may be issued to the employee for unacceptable conduct. This will be effective from the date it was given for a period of 12 months, after which it will be disregarded, provided no further unacceptable conduct is found to have occurred during this period.
The Written Warning will inform the employee of the consequences should they be found to have committed further unacceptable conduct within the 12 months it is in place. The confirmation of Written Warning will be retained on the School's personnel

records and the employee's file but will not be referred to after the expiry date has passed.

Final Written Warning

A Final Written Warning may be issued to the employee for:

- a repeat of unacceptable conduct committed whilst a Written Warning is in place;
- a serious occurrence of unacceptable conduct; and
- an occurrence of gross misconduct where strong mitigation has been presented.

The Disciplinary Hearing Panel will define the time limit of the Final Written Warning, which will be for 12 months unless the Disciplinary Hearing Panel consider that the seriousness of their finding(s) justify an increase in this time limit, in which case this can be increased for any period up to 2 years. This will be effective from the date it is given and provided no further unacceptable conduct is found to have occurred during this period will be disregarded at the expiry of the defined period.
The Final Written Warning will inform the employee of the consequences should they be found to have committed further unacceptable conduct within the defined period. The confirmation of Final Written Warning will be retained on the School's personnel records and the employee's file but will not be referred to after the expiry date has passed.

Alternative to Dismissal

An alternative to dismissal may be appropriate where it is considered acceptable for the employee to continue in employment at the School but no longer appropriate for the employee to continue in their current role. This will be given with a Final Written Warning. Where the finding by the Disciplinary Hearing Panel is one of gross misconduct, this arrangement can only be considered in exceptional circumstances. The Disciplinary Hearing Panel determines that an alternative to dismissal is more appropriate than dismissal, the employee must accept this outcome otherwise dismissal will occur. In circumstances where the alternative to dismissal is to a lower paid post than the employee's substantive post, the employee will be paid in accordance with the rate of pay for the post identified without any period of pay protection.

Dismissal

A Dismissal should be the expectation for:

- a repeat of more serious occurrences of unacceptable conduct whilst a Final Written Warning is in place;
- any occurrence of gross misconduct where strong mitigation has not been presented.

Dismissal may be with notice, paid in lieu of notice (if appropriate) or without notice (a summary dismissal, which is immediate).

4.10 Warning period and relationship to sickness absence

Where an employee is in receipt of a disciplinary sanction which is in effect for a specified period of time, and subsequently they are absent due to sickness for a continuous period of 4 weeks or more their disciplinary sanction may be suspended for

the period of sickness absence and resumed on the employee's return to work. Further clarification can be found in the School's Disciplinary Guidance

5.0 Right of Appeal

If the employee wishes to appeal against a disciplinary sanction they must do so in writing to the person detailed in the Disciplinary Hearing outcome letter, setting out the reasons for their appeal, within 10 working days' of receipt of the letter confirming that disciplinary sanction.
Where the decision is taken at the end of term, thereby affecting notification of the disciplinary sanction and the timing of the appeal, the Disciplinary Hearing Panel should discuss and agree a time frame for submitting an appeal with the employee or their representative.

5.1 Disciplinary Appeal Hearing

The Disciplinary Appeal Hearing is a re-hearing of the Disciplinary Hearing. Its purpose is to reach findings on the facts of the allegation(s) against the employee in order to determine their validity or otherwise.
Any appeal heard in respect of a Recorded Oral Warning issued at a management meeting will follow the same principles / procedure as those set out for Disciplinary Appeal Hearings.

The employee must be given at least 15 working days' notice in writing of their Disciplinary Appeal Hearing and must use this time to make arrangements for the attendance of a representative, should they wish to be accompanied or represented.
The employee and their representative must provide the School's Human Resources service provider with a copy of all documents and other evidence upon which they wish to rely at the Disciplinary Appeal Hearing at least 10 working days prior to the Disciplinary Appeal Hearing. All documents and other evidence will be sent to the other party and provided to the Disciplinary Appeal Hearing at least 5 working days in advance of the Disciplinary Appeal Hearing.
Any documents and other evidence supplied to the School's Human Resources service provider after this deadline will not be sent to the other party in advance of the Disciplinary Appeal Hearing. Instead, their late supply will be referred to the Disciplinary Appeal Panel at the start of the Appeal Hearing for a decision to be made by the Disciplinary Appeal Panel about whether or not to accept those documents and other evidence supplied late. If the decision is made to accept the documents and other evidence, they will then be provided to the other party and, if necessary, the Disciplinary Appeal Hearing will be adjourned.
The Disciplinary Appeal Hearing will be heard by a panel of the Governing Body, comprising of Governors who have not previously been involved in the disciplinary process and the employee shall have the same opportunity to make representations to the Appeal Panel as they had to the Disciplinary Hearing.
The Appeal Panel should ideally be comprised of the same number of Governors as heard the Disciplinary Hearing. The Disciplinary Appeal Hearing will be conducted in accordance with Appendix B 'Procedure to be followed at Disciplinary Appeal Hearings' of this Policy.

Head teachers

In the case of Head teachers, the Disciplinary Appeal Hearing must take place with a Committee of the Governing Body nominated for that purpose. The Disciplinary Appeal

Hearing will be arranged by the Chair of the Governing Body. All other processes described above apply.

5.2 Conclusion of the Disciplinary Appeal Hearing

At the conclusion of the Disciplinary Appeal Hearing, the Chair of the Appeal Panel may, after appropriate consideration, provide a verbal outcome of their decision and must in any event provide confirmation of the outcome to the employee in writing as soon as reasonably practicable, but no later than 5 working days after the conclusion of the Disciplinary Hearing unless otherwise notified to the employee and any representative.

5.3 Outcomes of the Disciplinary Appeal Hearing

The Appeal Panel, having given due consideration to all of the evidence presented, may either:

- Uphold the original disciplinary sanction issued;
- Revoke or vary the original disciplinary sanction issued. Where a lesser outcome such as a Recorded Oral Warning, Written Warning or Final Written Warning is imposed, the relevant time limit for the new disciplinary sanction will run from the date of the Disciplinary Hearing and not the date of the Disciplinary Appeal Hearing.

The Appeal Panel cannot increase the original disciplinary sanction issued by the Disciplinary Hearing Panel.

6.0 Reporting Serious Misconduct

Where the Council is the employer, the Council will report allegations of serious misconduct against a Teacher or Head teacher to the National College for Teaching and Leadership (which acts on behalf of the Secretary of State) where that employee is dismissed, or removed from 'regulated activity' as an alternative to dismissal, under this Policy and Procedure, or would have been had they not resigned first.
If an employee (or former employee) meets any of the criteria listed below, a referral must be made by the Council and / or School to the Disclosure and Barring Service ("DBS):

- The employee has been dismissed because they harmed a child through their actions or inaction;
- The employee has been dismissed because they represent a risk of harm to a child, i.e. they might have harmed a child; or
- The employee might have been dismissed because of either of the above, but the employee resigned first.