Barnett Wood Infant School

Staff Disciplinary Policy 2026-27

Barnett Wood Infant School
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Barnett Wood Infant School

Policy Impact Statement and Updates

Policy:	Staff Disciplinary Policy
Date of review:	May 2026
Reviewed by:	Anne Gibbard
Governor/s responsible:	Marie Cast / Guy Bailey
Status / date of next review:	Annual - May 2027

How well has the policy achieved its purpose and outcomes?

The purpose of the Staff Disciplinary Policy is to maintain professional standards by ensuring all staff adhere to the expected standards of conduct and professionalism as outlined in the Teachers' Standards and the school's code of conduct.

The policy protects the safety and well-being of pupils, staff, and visitors by addressing any behaviour that may pose a risk or create an unsafe environment. It fosters a respectful and inclusive school culture where all members of the school community feel valued and supported.

The policy establishes clear procedures for addressing misconduct, ensuring that staff understand the consequences of their actions. It promotes a culture of accountability where staff take responsibility for their behaviour and its impact on others.

Updates and/ or changes to policy:

May 2026	• Added section 4. Safeguarding Concerns and allegations • Updated section 5.2 Suspension regarding 'no contact' rule during suspension • Updated section 5.7 re referrals to TRA and DBS.
May 2025	Section 3 (Definitions and scope) now has: • A clearer definition of 'disciplinary issue' • Clarification as to who the policy applies to • A note that the policy doesn't form part of any contract and may be amended Section 4 (Disciplinary procedures): • Reworked and reformatted to make the process clearer and provide additional detail for each step. • New sub-sections on the right to be accompanied, written warnings and criminal allegations Section 5 (Appeals process): • New section (originally part of section 4 but has been expanded) Section 6 (Record keeping): • New sub-section on confidentiality
May 2024	No changes to the policy

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils and or staff with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

Staff Disciplinary Policy

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1. Aims

This policy aims to:

- Help and encourage all employees to achieve and maintain satisfactory standards of conduct
- Set out the procedures for when an employee's conduct falls below the expected standard
- Ensure that all employees are treated fairly and consistently when a disciplinary issue is being dealt with

2. Legislation and guidance

We are required to set out our disciplinary procedures under The School Staffing (England) Regulations 2009, in particular regulations 7 and 20.

These disciplinary procedures are based on the Disciplinary and grievance code of practice from Acas.

3. Definitions

- **A disciplinary issue** will arise when a staff member has not behaved to the standard expected of them
- Appendix 1 sets out a non-exhaustive list of examples of what we define as **misconduct and gross misconduct.** For the purpose of this policy, misconduct does not cover staff capability or poor performance issues. These are addressed in our capability of staff policy
- This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns
- This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time

4. Safeguarding Concerns and Allegations

Safeguarding concerns, low-level concerns and allegations against staff, including those that may meet the harm threshold, will be managed in line with the school's Managing Allegations Against Staff Policy, Safeguarding Policy, local safeguarding partnership procedures and Part Four of Keeping Children Safe in Education. Where a safeguarding matter also raises concerns about staff conduct, disciplinary action may

follow once appropriate safeguarding procedures, including LADO consultation where required, have been followed.

5. Disciplinary procedures

5.1 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.

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 if necessary. This will be followed up in writing.

5.2 Suspension

In some circumstances it will be appropriate to suspend a member of staff temporarily, for example where there is suspected gross misconduct. This in itself does not constitute disciplinary action or imply that any decision has been made about the allegations.

Where suspension is necessary:

- The headteacher must authorise the suspension. If it is the headteacher who is the subject of the disciplinary procedure, the governors must authorise the suspension
- 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 5 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 employee will be suspended on full pay
- While an individual is suspended, contact with colleagues may be restricted where this is necessary to protect children, preserve evidence, avoid interference with the investigation, or comply with LADO, police or children's social care advice.

5.3 Investigation

When formal disciplinary procedures begin, an independent investigating officer will be appointed by the headteacher. This will be a member of staff who is not involved in the disciplinary issue.

The investigating officer will gather the facts of the case and evidence. The purpose of this investigation is to determine whether a formal disciplinary hearing is required by gathering the facts and any evidence relating to the disciplinary allegations.

The investigating officer will hold an investigation meeting with the employee in question, and seek HR advice as appropriate. The investigation meeting will be held solely for the purposes of fact finding, and no

decision on disciplinary action will be taken until after the investigation has been concluded or, if required, a formal disciplinary hearing has been held.

If relevant, the investigating officer will hold meetings with identified witnesses. Notes can be taken during these meetings and the witness 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.

5.4 Notification

If it is decided that there is a disciplinary case to answer, the employee will receive a 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 is to be held over video conferencing, if relevant)
- 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 should submit any additional evidence they intend to rely on in advance of the hearing.

5.5 Right to be accompanied

Employees have a statutory right to be accompanied at a disciplinary hearing or appeal hearing.

The statutory right is to be accompanied by a colleague, a trade union representative or a trade union official. Employees must make the request in advance, to the headteacher to ensure the school knows who the companion will be.

If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to an alternative time which is reasonable and not more than 5 working days after the original date.

A companion, if a colleague, 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.

We will make reasonable adjustments for disabled employees. This may include allowing an employee to bring a companion who is not a colleague, trade union representative or trade union official.

5.6 Disciplinary hearing

The hearing will be chaired by the disciplinary officer. The investigating officer and a member of the HR department will also be present.

At the hearing, the disciplinary officer will explain the case against the employee and go through 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 a 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 can 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 hearing may be adjourned if further investigation needs to be carried out, such as re-interviewing witnesses in light of any new points the employee raises at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

If the employee or their companion cannot attend the hearing, they should inform the disciplinary officer immediately and an alternative time for the hearing will be arranged. 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.

5.7 Taking appropriate action

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

Actions taken may be:

- **A verbal or informal warning** where it is decided that the action was 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
- **A first written warning** for a first instance of misconduct. A first written warning will be placed on the employee's personnel file and remain active for 6 months. 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
- **A final written warning** where the employee already has an active first warning, or where the employee's misconduct was sufficiently serious to warrant a final written warning. A final written warning will be placed on the employee's personnel file and remain active for 6 months. The 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 action
- **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 final written warning on the employee's personnel file
- **Alternatives to dismissal** can be considered at the school's discretion. Examples include:
    - Demotion
    - Transfer to another role
    - Loss of seniority
    - Period of suspension without pay
    - Reduction in pay

Where a teacher, trainee teacher or person carrying out teaching work is dismissed, resigns, or the school ceases to use their services because of serious misconduct, or where the school would have dismissed or

ceased to use their services had they not left first, the school will consider whether to refer the matter to the TRA. (see appendix 1 for instances of when this may apply).

Where the legal referral criteria are met, the school will make a referral to the DBS. This includes circumstances where the school dismisses, removes from regulated activity, would have removed, or ceases to use a person's services because they have harmed, may have harmed, or pose a risk of harm to a child.

5.8 Dismissal

The power to decide that members of staff should no longer work at this school rests with the governing board.

Once the decision that the staff member should no longer work at the school has been taken, the governing board will notify the local authority of this decision and the reasons for it. Where staff work solely at this school, the local authority must dismiss them within 14 days of the date of the notification. Where they work in more than one school, the local authority must require them to cease to work at this school.

The power to dismiss staff in this school rests with the governing board.

5.9 The effect of a warning

Written warnings will set out 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.

A first written warning will usually remain active for 6 months and a final written warning will usually remain active for 6 months. The employee's conduct may be reviewed at the end of a warning's active period and, if it has not improved sufficiently, we may decide to extend the active period.

After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings once it has expired.

5.10 Criminal allegations

Where an employee's conduct is the subject of a criminal investigation, charge or conviction, we will investigate the facts when we are able to do so (there may be a delay in waiting for a police investigation to be conducted) before deciding whether a formal disciplinary hearing is required.

We 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, we 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 we consider that it is relevant to an employee's employment.

5.11 Special cases

If the employee involved in a disciplinary procedure is also the trade union representative, we will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the employee's agreement. The procedure will continue as normal.

When dealing with an issue informally, the employee's line manager will organise a brief meeting with the employee and set out the concerns. They 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.

If the issue cannot be dealt with informally, 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 if necessary. This will be followed up in writing.

If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.

The companion can 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 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 it or prevent the employer from explaining their case.

6. Appeals process

The employee has the right to appeal any disciplinary sanction. Appeals must be made in writing to the headteacher within 5 working days of the decision, setting out at the same time the grounds for appeal.

A disciplinary appeals officer/panel will be appointed.

If the employee is appealing against a 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 or pay.

If the employee raises any new matters in their appeal, we may need to carry out further investigation. If any new information comes to light, we will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness evidence. 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 and at an agreed time and place (in person, or over video conferencing as necessary). The employee will be notified, in writing, of the date, time and place of the appeal hearing. Employees' statutory right to be accompanied by a companion will apply as with formal disciplinary hearings. Notes will be taken and a copy sent to the employee.

The appeal hearing will consider the fairness of the original decision in the light of the procedure that was followed, the evidence and any new information that may have come to light.

The appeal will be dealt with impartially and by an individual/panel that has not previously been involved in the case.

The appeal hearing may be adjourned if required to carry out further investigations in light of any new points that the employee raises at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing, we may:

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

The employee will be informed in writing of the results of the appeal hearing as soon as possible. There will be no further right of appeal.

7. Record keeping

Minutes will be kept of all interviews and meetings and logged electronically using CPOMS Staff Safe. 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 process will be kept securely on CPOMS Staff Safe, only for as long as necessary and in line with data protection law and our privacy notices. If disciplinary action is taken, a record of this will be added to the employee's personnel file.

We will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

7.1 Confidentiality

We aim to deal with disciplinary matters sensitively and with due respect for the privacy of any individual involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

The employee, and anyone who may accompany the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

The employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe that a witness's identity should remain confidential.

8. Monitoring arrangements

This policy will be reviewed annually, but can be revised as needed.

This policy will be approved by the full governing board.

9. Links with other policies

This policy links with our policies on:

- Staff code of conduct
- Managing Allegations Against Staff (incl Low Level Concerns) Policy
- Capability of Staff policy
- Staff Grievance procedures
- Equality Policy
- Safeguarding Policy
- E-safety Policy
- Privacy notice

Appendix 1: instances and behaviours classed as misconduct

The following lists are not exhaustive.

Instances of misconduct include:

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

Instances of gross misconduct include:

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

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

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