

Applecroft School



Staff Disciplinary Policy and Procedure

Person Responsible:	Finance & Business Manager
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This policy is based on the HfL policy that the Professional Associations/Trade Unions were consulted on.

Staff Disciplinary Policy and Procedure

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1) Introduction:

School Vision:

'To be a positive and inspiring community that nurtures each individual and empowers leaders for life'.

School Mission Statement:

'Nurturing Potential, Inspiring Minds, Changing Lives'

School Values:

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience

Leader in Me Vision:

'To empower leaders for life'.

The aims of this Disciplinary Policy are to:

- set out the standards of conduct expected of all staff
- ensure consistent and fair treatment for all
- ensure that any disciplinary matter is dealt with fairly and in a timely manner.

The policy and procedure applies to all employees within their probationary period who are regulated by the probationary policy of the school. It does not apply to agency workers, consultants, self-employed contractors or volunteers unless the allegation relates to safeguarding.

This policy and procedure does not form part of any employee's contract of employment and it may be amended at any time.

The school reserves the right to invoke this disciplinary policy and procedure at any stage according to the seriousness of any unsatisfactory conduct regardless of any management warnings. Actions taken by employees outside working hours may also fall within the scope of this policy. For example, where these have an effect on the employee's ability and/or suitability to do their job or the school considers the employee's actions bring the school or employee into disrepute. This includes a breach of professional standards and the code of conduct.

Where an employee is subject to more than one allegation relating to their conduct, these issues may be dealt with together, if appropriate.

Statutory requirements make it necessary for the school to refer the matter to the Disclosure and Barring Service (DBS) and National College for Teaching and Leadership in cases involving teachers and other school-based employees where the thresholds for referral are met. Information about making a referral can be found on the Gov.UK website here: [Guidance](#).

2) Disciplinary Rules:

The normally accepted rules of behaviour, which apply in society as a whole, apply equally in the work environment. Any breach of an employee's contract of employment, any conduct, which the school considers unsatisfactory or prejudicial to its interests, or any failure to meet the required standards of work, may render an employee liable to disciplinary action.

The lists below are not exhaustive and only serve as a guide to matters that the school may deem (depending upon the nature, circumstances, and severity of the incident) to be a breach of general discipline or gross misconduct.

It is accepted that to differentiate between general and serious breaches of discipline is difficult, therefore each case must be treated on its own merits. Since the examples are only guidelines, discretion will have to be exercised by the school in categorising breaches of discipline having regard to all the circumstances under which the breach of discipline occurred.

Some non-exhaustive examples are:

Examples of misconduct:

- poor timekeeping (i.e. lateness/leaving early) and attendance standards
- work not of the required standard (where capability is not in question)
- disruptive behaviour
- breaches of contract
- breaches of policies
- time wasting
- refusal to follow instructions
- inappropriate or offensive behaviour for example foul or abusive language
- damage to, or unauthorised use of, school property/facilities for example unauthorised use of the internet or excessive personal emailing
- negligence in the performance of duties

Examples of gross misconduct:

- behaviour prejudicial to the good name or interests of the school or which may bring the employee or the school into disrepute
- unauthorised and unreasonable absence from the place of work
- wilful or persistent refusal to carry out a management instruction or any act of serious insubordination
- breach of confidentiality or failure to ensure that confidential information is kept secure
- breach of trust and confidence
- theft, misuse or abuse of the school's property
- actual or threatened assault upon another employee, pupil or person in the school
- being under the influence of (in the employer's opinion) alcohol or drugs on the school's premises, in working time or at a school event
- fraudulent practices
- falsification of any school records such as expenses claims, pupils' work, examination or assessments and registration of pupils
- violent or threatening behaviour towards people or property on the school's premises or at a school related event
- gross negligence
- dishonesty involving anything that relates to life in school
- covertly recording hearings, meetings or colleagues
- smoking on the school's premises
- serious breach of health and safety procedures or regulations
- making any sexual or other inappropriate contact or conduct including failure to maintain appropriate professional boundaries with any pupil
- using, handling or possessing illegal drugs or substances irrespective of whether it is on the school's premises, in working time, at a school event or whilst acting on behalf of the school

- harassment, bullying or discrimination related to any of the Protected Characteristics, whether verbal, written, pictorial or physical whether inside or outside the school
- inappropriate use of the school's Information Technology, hardware, systems and passwords including email or internet abuse or misuse (including accessing sites containing pornographic, offensive or obscene material)
- using social media whether inside or outside of working time (e.g., blogs, Facebook, Twitter etc.) to post derogatory or offensive comments about the school, work colleagues, or third parties with which the school has an operational relationship
- any misappropriation of files or documents belonging to the school of any kind or making copies, duplicates or excerpts of these for private or any other purposes unrelated to an employee's employment and without consent
- material breach of contract or of the school's policies and procedures
- criminal offences or conduct, including those committed outside the workplace, which impact on the employee's ability or suitability to do his or her job
- giving false information as to qualifications, entitlement to work (including immigration status and the disqualification from childcare requirements) or otherwise to gain or retain employment or other benefits
- serious failure to follow child protection procedures

3) Principles:

Any disciplinary matter will be dealt with fairly and without unreasonable delay. Employees will be given the opportunity to respond before any formal sanction is taken by the school; all employees have the right to appeal any sanction. An employee may bring a work colleague or an accredited professional association/trade union representative to disciplinary and appeal hearings and investigative interviews under this policy and procedure.

Employees will not normally be dismissed for a first act of misconduct unless the school decides that the conduct amounts to gross misconduct or the employee has not completed their probationary period.

All employees must treat information communicated to them in connection with a disciplinary matter as confidential. A breach of confidentiality will be taken seriously and may lead to disciplinary action under this policy and procedure.

4) Informal Process / Management Advice:

It may be appropriate for minor conduct issues to be dealt with informally through management discussion rather than a formal process. Where appropriate a note of any such informal discussion will be placed on the employee's personnel file. Further advice should be sought as to when/if it is appropriate to refer to management advice in future investigations and disciplinary hearings.

5) Allegations about safeguarding children (Child Protection):

Allegations about the safeguarding and protection of children must be handled in accordance with statutory guidance and the latest version of Hertfordshire Safeguarding Children Board ("HSCB") Procedures Manual ("HSCB" Procedures") in place at the time this policy is in use; this document can be accessed at <https://hertfordshirescp.trixonline.co.uk/>. The relevant statutory guidance can be found in 'Keeping Children Safe in Education' (Statutory Guidance for Schools and Colleges) dated 2025 and 'Working Together to Safeguard Children' dated 2025. These documents can be accessed at <https://www.gov.uk/government/publications/keeping-children-safe-in-education>.

A safeguarding allegation is an allegation that an employee has:

- behaved in a way that has harmed a child, or may have harmed a child and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Schools should appoint a designated safeguarding lead (DSL), also known as 'designated senior person' (DSP) from the school's senior leadership team who has appropriate authority and is given the time for training and resources in order to provide support and advice to other staff on child protection matters. There should always be cover for this role should the DSL be away for any reason.

At Applecroft School this responsibility is shared between six members of staff, all of which are members of the Senior Leadership Team (SLT).

The DSLs at Applecroft School are:

- Assistant Headteacher for Inclusion and Well-Being,
- Headteacher,
- Deputy Headteacher
- Family Link Support Worker
- 2 members of the Senior Leadership Team

Schools should ensure they are familiar with their designated officer (DO), also known as 'Local Authority Designated Officer' (LADO) from the Local Authority who handles child protection/safeguarding allegations. The DO has a statutory duty to ensure that allegations about safeguarding are handled properly and expeditiously.

The key points for all responsible individuals (typically the Headteacher, chair of governors and DSL) to follow when made aware of a safeguarding allegation are:

- read and be familiar with chapter 4.1: "Managing Allegations Against Adults Who Work with Children And Young People" of the HSCB Procedures
- if it is believed or suspected that a child is suffering or is likely to suffer significant harm, a referral must be made immediately to the Children's Services Assessment Team and/or the police
- inform the LADO within one working day of any allegation meeting the criteria above that comes to the school's attention and any referral made to the Children's Services Assessment Team and/or the police. Whilst a preliminary assessment of the available evidence can be made in order to inform the LADO, no attempt should be made to carry out an investigation. The standard referral form must be used (*available from the Safeguarding portal within the LADO section: <https://www.hertsforlearning.co.uk/lado>*) and a decision is usually made within 24 hours and often within just a few hours
- a strategy meeting should be arranged within two working days in circumstances where the child is suffering or is likely to suffer significant harm which will then determine whether the allegation should be investigated by the police or by some other agency or by the school under this disciplinary policy and procedure
- in circumstances where significant harm is not suspected to be suffered or likely to be suffered by the child, an evaluation meeting may be called with the DO to ascertain next steps

- if the matter is handed back to the school, whether at the first strategy meeting, an evaluation meeting or at some later stage, consideration should be given to any recommendations from the strategy/evaluation meetings

The HSCB procedures contain clear timelines for management of safeguarding cases.

- Where it is clear straightaway that the allegation is unsubstantiated or malicious, these should be resolved within one week.
- If a disciplinary hearing is required in relation to a safeguarding case and can be held without further investigation, the hearing should be held within 15 working days.
- If further investigation is required, an investigation report should be aimed to be produced within 10 working days.
- On receipt of the investigation report, the school should decide within two working days if a disciplinary hearing is needed, and, if so, it should be held within fifteen working days.
- If formal disciplinary action is not required, the school should still consider any other appropriate action within three working days. These time limits apply only to safeguarding disciplinarys.
- Where the harm test is or may be met allegations concerning the safety and welfare of children must be investigated and heard even if the employee has resigned. The employee should be given a full opportunity to answer the allegation and make representations about it. It may be difficult to reach a conclusion and it may not be possible to apply any disciplinary sanctions if a person leaves employment before the process is complete. However, the disciplinary process should still be completed.
- If the decision is that the member of staff would have been dismissed or a sanction imposed had they still been in employment, there is a legal duty to make a referral to the DBS.
- In some circumstances, the school will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency.
- Whilst the school is not the employer of agency workers, we must ensure allegations are dealt with properly. In no circumstances should a setting within the school decide to cease to use an agency worker due to safeguarding concerns, without finding out the facts and liaising with the Local Authority Designated Officer (LADO) to determine a suitable outcome. The school will discuss with the agency whether it is appropriate to suspend the worker, or redeploy them to another part of the school, whilst an investigation is carried out.
- The school will give reasonable consideration, before taking any action, to making a referral to the Local Authority Designated Officer and whether there is an obligation, statutory or otherwise, to make an appropriate disclosure to any relevant bodies.

6) Financial Irregularity:

In the case of investigation of fraud, theft or irregularity at Applecroft School, then as a Single Academy Trust (SAT), the Academy Trust handbook governs how the situation must be addressed. The Department for Education (DfE) must be notified of any fraud, theft or irregularity that singly or cumulatively exceeds £5K. Any unusual or systemic fraud must be reported regardless of value. The DfE may decide to conduct their own investigation that may take precedence over the schools, and this should be checked at an early stage.

7) Criminal Activity:

Police investigations and/or LADO advice will be sought with regards to any concurrent investigations, prior to them being initiated.

8) Disciplinary action involving a professional association/trade union representative or relating to trade union activities:

If the employee is a trade union representative or if the allegation relates to trade union activity, no action under this disciplinary policy and procedure will be taken until the matter has been discussed (with the employee's consent) with a full time official of the relevant union. If consent is withheld the school may proceed in any event.

9) Overlapping disciplinary and grievance issues:

If an employee raises a grievance after disciplinary proceedings have started against them the school will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated, they can be heard separately but if connected they may be dealt with concurrently.

10) Definition and separation of roles:

There are several distinct roles to be taken during disciplinary proceedings. It is essential that they are clearly defined and that the person carrying out the role is clearly identified.

The Commissioning Manager:

The Commissioning Manager, normally the Headteacher or the chair of Trustees, will decide whether an allegation is sufficiently serious as to warrant the possible instigation of this policy and procedure and whether a formal investigation under this policy and procedure is necessary. If so, they will appoint an investigating officer to carry out an investigation. If the Headteacher faces an allegation or has had any prior involvement in the matter under investigation, including as a witness, the role of Commissioning Manager will be assumed by the chair of governors.

The Investigating Officer:

The Investigating Officer will normally be an appropriate member of the school's staff or a member of the Schools' HR advisory team. Care must be taken to ensure that the investigating officer is able to carry out the investigation impartially. If the Headteacher conducts the investigation, the role of Commissioning Manager must be assumed by the chair of governors, and any disciplinary hearing or appeal conducted by a panel of other governors. The purpose of the investigation is to establish a fair and balanced view of the facts. Dependent on the case this may involve interviewing the employee and any witnesses or reviewing relevant documents and other information.

When the investigation is complete, the Investigating Officer will submit a report to the Commissioning Manager presenting all the evidence.

The person or panel who conducts the hearing:

Where dismissal is a possible outcome, the case will normally be heard by a panel of three Trustees.

It may be necessary to co-opt governors / Trustees from other schools where it is not possible to form a panel from the school's own Board of Trustees. The Governance team should be contacted for advice.

Expert advice at the hearing:

At any disciplinary hearing, including during the subsequent deliberations leading to a judgment, the panel may be advised by a member of the Schools' HR advisory team.

11) The Formal Process

11.1) Suspension:

There may be circumstances when an employee has to be suspended on full pay.

Suspension does not imply that any decision about the veracity of the allegations has been made. The decision to suspend may be made by the Headteacher or the Board of Trustees after serious consideration of the case. Suspension is not automatic and depending on the circumstances it may be possible that alternative arrangements are made such as a change to work location or reorganisation of duties.

Where the allegation concerns the safeguarding of children, a risk assessment must be discussed with the DSL. Once this assessment has been made, a decision about suspension can be taken. The decision will be confirmed in writing as soon as possible.

During suspension a named contact will be assigned to keep in touch with the employee. Suspension will be reviewed periodically to consider whether circumstances surrounding the suspension have changed. If circumstances require, the suspension can be lifted by the Board of Trustees.

11.2) Investigation:

No disciplinary action or sanction will be applied until the allegations have been investigated.

Unless otherwise impracticable, different individuals will carry out the investigation and disciplinary hearing.

An investigation may consist of the gathering of evidence or an investigation interview with you or witnesses as the case requires.

Investigation interviews are solely for the purpose of information gathering and you will be informed at the outset that the meeting is an investigation interview.

There is no statutory right for you to be accompanied at a formal investigatory meeting however we may choose to extend this right to those who do wish to be accompanied.

You may make a request to be accompanied where you would be otherwise unable to reasonably participate. The companion or representative is limited to those persons outlined in section 12.2 and we will consider any reasonable requests made for an alternate companion.

You will be informed as soon as possible as to the conclusion of the investigation and its outcome.

If the allegation is without foundation, no further formal action will be taken, and you will be informed of this in writing.

11.3) Witnesses:

The investigator will decide if any witnesses will be interviewed as part of the investigation in relation to the allegation(s).

If there are a large number of witnesses the investigating officer can decide to only talk to a selection of them, however it may be appropriate to talk to all witnesses.

Character witness statements will not usually be accepted.

The investigating officer may decide that a witness statement can be provided instead of an interview. These would only be if:

- the witness is not an employee, for example a parent or from a third-party business
- only needs to confirm very simple information
- is too unwell to attend a meeting.

If the witness is a child or pupil under the age of 18, the parent/guardian must give consent to us for the child to be spoken to.

The child can only be spoken to once as part of this investigation.

All witnesses will be spoken to as soon as reasonably possible.

11.4) Conclusion of the investigation:

On receipt of the investigation report the Commissioning Manager will consider whether there is a case to answer.

If they conclude that the allegation is without foundation, no further formal action will be taken, and the employee will be informed of this in writing. Management advice may be provided and noted on the employee's file (see section 4), which may include, where appropriate, advice to reduce the risk of similar allegations being made in the future.

If the Commissioning Manager believes that there is a case to answer, they will arrange a formal disciplinary hearing at which the employee will be invited to attend - see full details 12) formal disciplinary hearing.

Having considered the report and the nature of the allegation, the Commissioning Manager will decide what the possible outcomes of the hearing could be and the employee will be advised of this in the letter inviting them to the hearing.

If the employee cannot attend the hearing the employee should inform the commissioning manager immediately and an alternative date may 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 due to health reasons), reasonable adjustments may be made to facilitate attendance with advice sought from Occupational Health (for example remote attendance, or through written submission) and/or the hearing may be convened, and the decision taken based on the available evidence.

12) Arranging a formal disciplinary hearing:

12.1) Invite to formal hearing:

The employee must receive a letter formally inviting them to a disciplinary hearing with at least five working days' notice, by recorded delivery or delivery by hand. Included with this letter will also be a copy of the investigation report and any relevant documents and/or evidence gathered throughout the investigation that will be using throughout the hearing.

12.2) Right to be accompanied:

An employee has the right to be accompanied and supported at any disciplinary hearing and appeal hearing by a work colleague or an accredited professional association/trade union representative. Under this policy and procedure an employee may additionally be so accompanied at any investigatory meeting.

The employee should provide the name of their representative in advance. If the chosen representative is unavailable at the time of the meeting/hearing, the employee may request a postponement (once) to a time that is convenient to the school within a reasonable timescale not exceeding five working days. If the representative remains unavailable, the employee may be asked to choose another representative.

12.3) Disciplinary Panel:

Those hearing the case must be impartial and must not have any prior knowledge of the case. Panel members should receive the papers to be presented, including a copy of the letter inviting the employee to the hearing, in reasonable time before the hearing.

Where dismissal is not a possibility a panel may reasonably be conducted by the Commissioning Manager or other appropriate person with authority to give a disciplinary sanction.

Where dismissal is a possible outcome, the case will normally be heard by a panel of three Trustees. It may be necessary to co-opt Trustees from other organisations where it is not possible to form a panel from our own body of Trustees.

12.4) The note taker at a disciplinary hearing:

A written record of the hearing must be taken. The note taker may be the clerk to the Trustees or a member of staff at the school. The note taker will make a record of the hearing, but not of the confidential deliberations of the panel.

The school does not support the audio recording of disciplinary hearings unless there are exceptional circumstances for doing so. Covert recording is considered gross misconduct.

13) Hearing procedures:

A Human Resources advisor may attend the disciplinary panel to provide professional support and advice to the panel. This advisor will not be a decision maker in this process.

You (and your companion) must make every effort to attend the hearing. If you fail to attend the hearing without good reason, or are persistently unavailable, we may make a decision based on the evidence available.

We do not allow the audio recording of disciplinary hearings unless there are pre-agreed exceptional circumstances. Covert recording or allowing a person to attend covertly is considered gross misconduct.

At the hearing you will be entitled to:

- a full explanation of the case against yourself
- set out your case and respond to any allegation
- ask questions, present evidence and call relevant witnesses
- raise points about any information provided by witnesses.

Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case at least 3 working days in advance of the hearing. These statements will be shared with all relevant parties without delay.

The Disciplinary Panel may adjourn the hearing if it is necessary to do so. You will be informed of the likely period of any adjournment

13.1) Pre-agreement:

It is perfectly acceptable for an agreement to be arrived at prior to the hearing between both parties in circumstances where the facts are not in dispute and both parties agree on the sanction. A formal meeting should be held to discuss the key findings of the investigation and issue the pre-agreed sanction. This approach will not apply to allegations of gross misconduct where dismissal is a possible outcome or where the allegation concerns the safeguarding and protection of children where the harm threshold has or may have been met. There will be a right to revert to the procedure outlined within this disciplinary policy and procedure within seven calendar days of the receipt of the decision letter and to exercise the right an employee should write to the person named within the decision letter setting out their reasons for no longer wishing to proceed with the Pre-agreement route.

14) Hearing outcome:

The panel's decision is normally conveyed orally by the chair of the panel in the presence of the parties and will be confirmed in writing as soon as reasonably practicable, usually within five working days. The panel may, particularly after a lengthy hearing, adjourn and reconvene at another time to consider its decision. In such cases it may be agreed to communicate the outcome by telephone before confirming the decision in writing.

15) Disciplinary actions:

15.1) First Written warning:

If an employee's conduct does not meet acceptable standards and informal discussions have not led to sufficient improvement or are not considered appropriate, a formal written warning may be issued. A written warning will remain active for a period of 12 months unless the employee is notified to the contrary and will be recorded on the employee's personnel file. After the expiry of the warning period, the warning will remain permanently on the personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

The employee will need to be at work throughout the relevant warning period. If they should be absent from work for any reason, e.g., sickness, this period will not count for the purposes of the warning period.

15.2) Final written warning:

If the misconduct is sufficiently serious, or if further misconduct occurs during the period that a written warning is live, a final written warning may be issued.

A final written warning will normally remain active for a period of 12 months or in exceptional circumstances up to 24 months and will be recorded on the employee's personnel file. After the expiry of the warning period the warning will remain permanently on the personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings. The employee will be advised of their right of appeal.

The employee will need to be at work throughout the relevant warning period. If they should be absent from work for any reason, e.g., sickness, this period will not count for the purposes of the warning period.

15.3) Dismissal (including summary dismissal for gross misconduct):

Where there is further misconduct during the life of a final written warning, the employee may be dismissed with notice or payment in lieu of notice. If an allegation of gross misconduct is upheld, the employee will be summarily dismissed without notice.

16) Appeals:

Employees have the right of appeal against any disciplinary sanction. This will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. At an appeal, any disciplinary penalty may be reconsidered but it cannot be increased.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original hearing.

Any employee who wishes to appeal a sanction should do so in writing within seven calendar days of the receipt of a decision letter to the person named in the letter. The employee's letter to lodge the appeal should include the grounds for appeal.

16.1) The appeal process:

The appeal hearing will take place as soon as is reasonably practicable and without unreasonable delay.

Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have not been involved in the decision to impose a disciplinary sanction.

At our discretion, the appeal may be either:

- a complete re-hearing of the matter or
- a review of the fairness of the original decision in the light of the procedure that was followed.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original hearing.

At an appeal, any disciplinary penalty may be reconsidered but it cannot be increased.

The appeal panel should consist of at least the same number of Trustees as at the previous hearing.

The decision of the appeal panel will be final and must be reported to the Chair of Trustees. It will be confirmed in writing as soon as reasonably practicable, usually within 5 working days.

Appendix 1 - disciplinary procedure flowchart

