

## HORIZONS EDUCATION TRUST

### Disciplinary Policy

May 2026

#### POLICY ISSUE CONTROL

<b>POLICY TYPE:</b>	Statutory, Mandatory
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<b>APPROVED BY:</b>	CEO
<b>TRUST BOARD APPROVAL:</b>	FPP
<b>RELEASE DATE:</b>	May 2026
<b>REVIEW:</b>	May 2028

Document Control	
<b>May 2025</b>	<p>Re-brand</p> <p>Re-written from The Key model policy (January 2025)</p>
<b>April 2026</b>	<p>Section 4.1.1 amended to 'Minor disciplinary issues will normally be addressed initially through informal management advice and support'</p> <p>Section 4.1.2 added 'Notes will be taken during informal management discussions and retained in accordance with the Trust's records retention arrangements.</p> <p>Where management advice is issued, this will normally be recorded using the Trust's Management Advice Record template.</p> <p>A copy of the management advice record will:</p> <ul style="list-style-type: none"> <li>• be provided to the employee by email;</li> <li>• be stored securely within the Trust's HR systems and/or HR Hub disciplinary records;</li> <li>• be retained on the employee's personnel file where appropriate; and</li> <li>• normally be retained for a period of 12 months, after which it will be securely deleted unless there is an ongoing process, safeguarding requirement, legal obligation, or other legitimate reason for retention.</li> </ul> <p>Informal management advice does not constitute formal disciplinary action under this policy but may be considered where repeated concerns arise.'</p> <p>Section 4.1.5 changed to 'The Commissioning Officer will be appointed in accordance with the Trust's governance structure. Further detail regarding the allocation of roles and responsibilities is set out in Appendix 2.'</p> <p>Section 4.2.2 – revised to;</p> <ul style="list-style-type: none"> <li>• The authority to suspend will be determined in accordance with the Trust's governance structure and the allocation of roles set out in <b>Appendix 2: Disciplinary Roles and Responsibilities</b>. This ensures appropriate separation of roles and supports procedural fairness.</li> <li>• Wherever reasonably practicable, the individual authorising the suspension will not take on any further role within the disciplinary process (for example, as Investigating Officer, Commissioning Officer or Appeal Lead), in line with the principles outlined in Appendix 2.</li> <li>• Where possible, the employee will be informed of the suspension in a face-to-face meeting held in person, followed by confirmation in writing within 5 working days.</li> <li>• The employee may request to be accompanied at the suspension meeting by a colleague or trade union representative. Any such request will be considered where reasonably practicable.</li> <li>• The employee will be suspended on full pay.</li> <li>• While an individual is suspended, they must not attend Trust premises or make contact with pupils, parents/carers or other members of staff, unless authorised to do so by the Commissioning Officer.</li> </ul> <p>Section 4.2.3 added 'Employees subject to disciplinary procedures, including suspension where applicable, will continue to have access to appropriate Trust support services, including the Employee Assistance Programme and wellbeing support arrangements, where available.'</p> <p>Section 4.3.1 changed to 'An investigating officer will be appointed by the commissioning officer. This will be an individual who has had no prior involvement in the matter and is sufficiently independent to undertake the investigation.'</p> <p>Section 4.3.3 – line added 'There is no statutory right to be accompanied at an investigation meeting; however, this may be permitted at the Trust's discretion.'</p> <p>Section 4.6.1 – amended to 'The disciplinary hearing will be conducted by a panel of no fewer than three individuals. The panel will be chaired by the Commissioning Officer, who will lead the hearing and ensure that it is conducted fairly and in accordance with this policy.</p> <p>The Investigating Officer and a representative from HR will also be present to present the case and provide advice respectively, but will not form part of the decision-making panel.'</p> <p>Section 4.6.2 amended to 'The Investigating Officer will present the case against the employee and the evidence that has been gathered.'</p>

	<p>Section 4.9.3 amended to 'After the active period the warning will remain on the employee's personnel file in line with the Trust's records retention schedule but will be disregarded in deciding the outcome of future disciplinary proceedings once it has expired.'</p> <p>Section 4.11.5 added 'The Trust will not enter into settlement agreements or confidentiality arrangements which prevent, restrict or discourage the appropriate disclosure of safeguarding concerns, misconduct concerns, whistleblowing matters, or referrals to relevant statutory or regulatory bodies.</p> <p>Any settlement agreement entered into by the Trust will be lawful, proportionate and compliant with the Academy Trust Handbook, safeguarding obligations and relevant statutory guidance.'</p> <p>Section 6.0.3 added 'Informal management advice records may also be retained where appropriate. These records will be stored securely and handled confidentially in line with data protection requirements and the Trust's records retention schedule. Informal management advice records will normally be retained for 12 months.'</p> <p>Section 6.0.4 amended to '6.0.4 Where a reference is requested, the Trust will ensure that any information provided is true, accurate and not misleading.</p> <p>Where an employee has a live disciplinary warning at the time the reference is provided, the Trust may disclose this information where it is relevant, appropriate and consistent with trust's reference procedure, including where:</p> <ul style="list-style-type: none"> <li>• the conduct is relevant to the role being applied for;</li> <li>• the role involves safeguarding or regulated activity; or</li> <li>• not disclosing the information would result in a misleading reference.</li> </ul> <p>Any such disclosure will be proportionate, factual, and limited to necessary information only and made in accordance with the trust reference procedures.</p> <p>Disciplinary warnings that have expired (spent) will not be disclosed in references.</p> <p>Each case will be considered on its own facts to ensure fairness and proportionality.'</p> <p>Section 6.0.5 added '6.0.5 External Agency Information Sharing</p> <p style="padding-left: 40px;">The Trust may share information, records and documentation relating to disciplinary matters with appropriate external agencies where lawful, necessary and proportionate to do so. This may include, but is not limited to, the Local Authority Designated Officer (LADO), Teaching Regulation Agency (TRA), Disclosure and Barring Service (DBS), Department for Education (DfE), police, safeguarding partners or other relevant regulatory or professional bodies.</p> <p style="padding-left: 40px;">Any information sharing will be carried out in accordance with data protection legislation, safeguarding obligations, statutory guidance and the Trust's relevant policies and procedures.'</p> <p>Appendix 2 added to confirm roles and responsibilities around process.</p> <p>Appendix 3 added 'Management Advice Template'</p>
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## 1.0 AIMS

1.1 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

## 2.0 LEGISLATION & GUIDANCE

2.1 We are required to set out our disciplinary procedures under general employment law.

2.2 These disciplinary procedures are based on the [Acas Code of Practice on disciplinary and grievance procedures](#). This policy covers all trust employees.

2.3 These procedures also comply with our funding agreement and articles of association.

## 3.0 DEFINITIONS & SCOPE

- **A disciplinary issue** will arise when an employee is alleged to have behaved or acted inappropriately and/or contrary to the staff code of conduct
- 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 [Appraisal & Capability 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

## 4.0 DISCIPLINARY PROCEDURES

### 4.1 Minor disciplinary issues

4.1.1 Minor disciplinary issues will normally be addressed initially through informal management advice and support, 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

4.1.2 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 during informal management discussions and retained in accordance with the Trust's records retention arrangements.

Where management advice is issued, this will normally be recorded using the Trust's Management Advice Record template.

A copy of the management advice record will:

- be provided to the employee by email;
- be stored securely within the Trust's HR systems and/or HR Hub disciplinary records;
- be retained on the employee's personnel file where appropriate; and
- normally be retained for a period of 12 months, after which it will be securely deleted unless there is an ongoing process, safeguarding requirement, legal obligation, or other legitimate reason for retention.

Informal management advice does not constitute formal disciplinary action under this policy but may be considered where repeated concerns arise.

4.1.3 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 commissioning officer, to be held in person, or over video conferencing if necessary.

4.1.4 This will be followed up in writing.

4.1.5 The Commissioning Officer will be appointed in accordance with the Trust's governance structure. Further detail regarding the allocation of roles and responsibilities is set out in Appendix 2.

## 4.2 Suspension

4.2.1 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.

4.2.2 Where suspension is necessary:

- The authority to suspend will be determined in accordance with the Trust's governance structure and the allocation of roles set out in **Appendix 2: Disciplinary Roles and Responsibilities**. This ensures appropriate separation of roles and supports procedural fairness.
- Wherever reasonably practicable, the individual authorising the suspension will not take on any further role within the disciplinary process (for example, as Investigating Officer, Commissioning Officer or Appeal Lead), in line with the principles outlined in Appendix 2.
- Where possible, the employee will be informed of the suspension in a face-to-face meeting held in person, or via video conferencing where necessary, followed by confirmation in writing within 5 working days.
- The employee may request to be accompanied at the suspension meeting by a colleague or trade union representative. Any such request will be considered where reasonably practicable.
- The employee will be suspended on full pay.

- While an individual is suspended, they must not attend Trust premises or make contact with pupils, parents/carers or other members of staff, unless authorised to do so by the Commissioning Officer.
- 4.2.3 Employees subject to disciplinary procedures, including suspension where applicable, will continue to have access to appropriate Trust support services, including the Employee Assistance Programme and wellbeing support arrangements, where available.

### 4.3 Investigation

- 4.3.1 An investigating officer will be appointed by the commissioning officer. This will be an individual who has had no prior involvement in the matter and is sufficiently independent to undertake the investigation.
- 4.3.2 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.
- 4.3.3 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. There is no statutory right to be accompanied at an investigation meeting; however, this may be permitted at the Trust's discretion.
- 4.3.4 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.
- 4.3.5 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, the hearing will be led by the commissioning officer. This will be a person independent from the investigating officer.

### 4.4 Notification

- 4.4.1 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 it 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).
- 4.4.2 If the employee intends to call witnesses, they should notify the commissioning

officer in advance of the disciplinary hearing and it will be for the employee to arrange the attendance of their witnesses.

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

#### **4.5 Right to be accompanied**

- 4.5.1 Employees have a statutory right to be accompanied at a disciplinary hearing or appeal hearing.
- 4.5.2 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 commissioning officer, to ensure the trust knows who the companion will be.
- 4.5.3 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.
- 4.5.4 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.
- 4.5.5 The trust 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.

#### **4.6 Disciplinary hearing**

- 4.6.1 The disciplinary hearing will be conducted by a panel of no fewer than three individuals. The panel will be chaired by the Commissioning Officer, who will lead the hearing and ensure that it is conducted fairly and in accordance with this policy.

The Investigating Officer and a representative from HR will also be present to present the case and provide advice respectively, but will not form part of the decision-making panel.

- 4.6.2 The Investigating Officer will present the case against the employee and the evidence that has been gathered.
- 4.6.3 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.
- 4.6.4 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.

- 4.6.5 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.
- 4.6.6 If the employee or their companion cannot attend the hearing, they should inform the commissioning 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.

#### 4.7 Taking appropriate action

4.7.1 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**.

4.7.2 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 12 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 12 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 trust's discretion. Examples include:
  - Demotion
  - Transfer to another role
  - Loss of seniority
  - Period of suspension without pay
  - Reduction in pay

4.7.3 The trust will refer a case of gross misconduct by a teacher, trainee teacher or someone holding a teacher reference number to the Teaching Regulation Agency (TRA) if we believe the TRA should consider whether the teacher should be prevented from teaching (see appendix 1 for instances of when this may apply).

We will also refer cases to other relevant authorities, including but not limited to the Disclosure and Barring Service, where appropriate.

#### **4.8 Dismissal**

4.8.1 If the decision is made to dismiss, this will need to be communicated to the CEO, the Director of Finance and the Director of Operations.

#### **4.9 The effect of a warning**

4.9.1 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.

4.9.2 A first written warning will usually remain active for 12 months and a final written warning will usually remain active for 12 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.

4.9.3 After the active period the warning will remain on the employee's personnel file in line with the Trust's records retention schedule but will be disregarded in deciding the outcome of future disciplinary proceedings once it has expired.

#### **4.10 Criminal allegations**

4.10.1 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.

4.10.2 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.

4.10.3 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.

#### **4.11 Special cases**

4.11.1 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.

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

4.11.3 If the employee who is subject to disciplinary procedure raises a grievance about

something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

- 4.11.4 If the person appointed to deal with the investigation, disciplinary hearing or appeal is unable to undertake the role due to previous involvement or a conflict of interests then the trust reserves the right to substitute that person for another.
- 4.11.5 The Trust will not enter into settlement agreements or confidentiality arrangements which prevent, restrict or discourage the appropriate disclosure of safeguarding concerns, misconduct concerns, whistleblowing matters, or referrals to relevant statutory or regulatory bodies.

Any settlement agreement entered into by the Trust will be lawful, proportionate and compliant with the Academy Trust Handbook, safeguarding obligations and relevant statutory guidance.

## **5.0 APPEALS PROCESS**

- 5.1 The employee has the right to appeal any disciplinary sanction. Appeals must be made in writing to the clerk within 10 working days of the decision, setting out at the same time the grounds for appeal.
- 5.2 A disciplinary appeals panel will be appointed of no less than 3 members.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 The appeal will be dealt with impartially and by a panel that has not previously been involved in the case.
- 5.8 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.

5.9 Following the appeal hearing, we may:

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

5.10 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.

## **6.0 RECORD KEEPING**

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

6.0.2 Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records retention schedule.

6.0.3 If disciplinary action is taken, a record of this will be added to the employee's personnel file.

Informal management advice records may also be retained where appropriate. These records will be stored securely and handled confidentially in line with data protection requirements and the Trust's records retention schedule. Informal management advice records will normally be retained for 12 months.

6.0.4 Where a reference is requested, the Trust will ensure that any information provided is true, accurate and not misleading.

Where an employee has a live disciplinary warning at the time the reference is provided, the Trust may disclose this information where it is relevant, appropriate and consistent with trust's reference procedure, including where:

- the conduct is relevant to the role being applied for;
- the role involves safeguarding or regulated activity; or
- not disclosing the information would result in a misleading reference.

Any such disclosure will be proportionate, factual, and limited to necessary information only and made in accordance with the trusts reference procedures.

Disciplinary warnings that have expired (spent) will not be disclosed in references.

Each case will be considered on its own facts to ensure fairness and proportionality.

6.0.5 External Agency Information Sharing

The Trust may share information, records and documentation relating to disciplinary matters with appropriate external agencies where lawful, necessary and proportionate to do so. This may include, but is not limited to, the Local Authority Designated Officer (LADO), Teaching Regulation Agency (TRA), Disclosure and Barring Service (DBS), Department for Education (DfE), police, safeguarding partners or other relevant regulatory or professional bodies.

Any information sharing will be carried out in accordance with data protection legislation, safeguarding obligations, statutory guidance and the Trust's relevant policies and procedures.

## **6.1 Confidentiality**

- 6.1.1 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.
- 6.1.2 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.
- 6.1.3 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.

## **7.0 MONITORING ARRANGEMENTS**

- 7.1 This policy will be reviewed every 2 years, but can be revised as needed.
- 7.2 This policy will be approved by the Finance, People and Premises committee.

## **APPENDIX 1: DISCIPLINARY RULES FOR ALL EMPLOYEES**

### **Purpose**

The disciplinary rules should be read in conjunction with our disciplinary policy. The disciplinary rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our disciplinary policy.

### **Gross Misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Allegations of gross misconduct will be dealt with under our disciplinary policy and, if upheld, will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 1. Behaviour that has or may have harmed a child\* or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:**
  - Sexual behaviour towards or relations with a pupil
  - Physically harming a pupil
  - Criminal offences related to or against a child
- 2. Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.**
- 3. Sexual misconduct, whether at work or not and, whether criminal or not.**
- 4. Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence.**
- 5. Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.**
- 6. Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.**
- 7. Deliberately accessing internet sites containing pornographic, offensive or obscene material on our equipment or during working time.**
- 8. Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.**
- 9. Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public**

**examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:**

- Failure to comply with the Prevent Duty
- Failure to report safeguarding concerns
- Failure to exercise proper control or supervision of pupils
- Disclosure of restricted public examination material or content
- Falsifying sickness absence
- Taking leave when permission denied
- Job abandonment
- Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food

**10. A serious breach of our Code of Conduct.**

**11. A serious act of insubordination.**

**12. Dishonesty associated with place of work or job being undertaken, for example:**

- Theft or unauthorised removal or misuse of property.
- Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
- Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
- Failure to disclose criminal convictions, cautions, bindover orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bindover order, a reprimand or a warning given by a police force.
- Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.

**13. Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.**

- 14. Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a governor, a member of the public, or our reputation.**
- 15. Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a governor, or a member of the public.**
- 16. Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, e.g. grievance policy, disciplinary policy or otherwise.**
- 17. Making a disclosure of false or misleading information under our whistleblowing policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.**
- 18. Bringing the organisation into serious disrepute.**

### **Misconduct**

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our disciplinary policy. This list is intended as a guide and is not exhaustive.

#### **1. Absenteeism and lateness, for example:**

- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence
- Frequent failure to attend work punctually
- Failure to comply with our sickness absence reporting procedure

#### **2 Neglect of duty, for example:**

- Failure to adopt safe working practices/use protective equipment where required by law or management
- Damage to, or unauthorised use of our property or contractors property
- Insubordination

#### **3 Obscene language or other offensive behaviour.**

#### **4 Undertaking additional employment outside normal working hours without authorisation.**

#### **5 Breaches of our policies.**

#### **6 Breaches of your contract.**

\*Child/children relates to anyone under the age of 18.

[Teacher misconduct guidance](#) from the TRA explains that, among other things, the following offences may be serious enough to warrant prohibition of teaching:

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

## APPENDIX 2: DISCIPLINARY ROLES & RESPONSIBILITIES

### Purpose

This appendix supports the implementation of the Trust’s Disciplinary Policy by setting out the allocation of roles and responsibilities within disciplinary processes.

It is designed to:

- ensure consistency in the application of the policy
- support procedural fairness and impartiality
- reduce the risk of challenge through clear role separation
- reflect the operational realities of a small multi-academy trust

This appendix should be read in conjunction with the main Disciplinary Policy.

### Misconduct and Gross Misconduct

#### Misconduct:

Normally managed without suspension. Matters will be addressed proportionately in line with the Trust’s Disciplinary Policy and statutory requirements.

#### Gross Misconduct:

May result in suspension and formal disciplinary proceedings. Employees have the right to be accompanied at formal meetings in line with statutory requirements.

### Roles and Responsibilities

The table below outlines the typical allocation of roles within disciplinary processes. These arrangements are designed to ensure appropriate separation of responsibilities, maintain procedural fairness, and reflect the operational structure of the Trust.

Staff Group	Investigating Officer (IO)	Commissioning Officer (CO)	Suspension Authorisation	Clerk & Welfare Support	Appeal Lead
<b>TA / TLM / Site Staff / other support staff</b>	Assistant Head	Headteacher	Director of Education (DOE)	School Secretary	Chair of Local Governing Board
<b>Teachers / Admin Staff</b>	Deputy Head (or Assistant Head where no Deputy)	Headteacher	Director of Education (DOE)	School Secretary	Chair of Local Governing Board
<b>Assistant Head / Deputy Head</b>	Headteacher <b>from another academy</b>	Director of Education (DOE)	CEO	School Secretary	Chair of Local Governing Board
<b>Headteacher</b>	External HR Provider	CEO	Executive Team	Director of Governance (DOG)	Chair of Local Governing Board

<b>Executive / Central Team</b>	External HR Provider	Committee Chair (not Chair of Trustees)	CEO	Clerk to Trustees or External HR Provider	If no suspension: CEO  If suspended: Committee Chair
<b>CEO</b>	External HR Provider	Independent Chair	Committee Chair (not Chair of Trustees)	Clerk to Trustees or External HR Provider	If no suspension: Committee Chair  If suspended: Chair of Trustees

### Safeguarding Fact-Finding (LADO Threshold)

Staff Group	Fact-Find Lead
<b>TA / TLM / Site Staff</b>	Designated Safeguarding Lead (DSL)
<b>Teachers / Admin Staff</b>	Designated Safeguarding Lead (DSL)
<b>Assistant Head / Deputy Head</b>	Director of Safeguarding & Attendance (DOS&A)
<b>Headteacher</b>	Director of Safeguarding & Attendance (DOS&A)
<b>Executive / Central Team</b>	Director of Safeguarding & Attendance (DOS&A) or Independent
<b>CEO</b>	Safeguarding Trustee
<b>Trustee</b>	Director of Safeguarding & Attendance (DOS&A)

### Procedural Principles

Suspension is a neutral, precautionary measure and does not imply guilt or indicate an outcome. Wherever reasonably practicable, the individual authorising a suspension will not act as the Investigating Officer (IO), Commissioning Officer (CO), or Appeal Lead in the same case. This separation supports fairness, transparency and confidence in the process.

Where full separation of roles is not reasonably practicable, the Trust will record the rationale and seek external HR advice to ensure the process remains fair and proportionate.

Prior line management involvement does not automatically invalidate an investigation, provided the Investigating Officer is not the decision-maker and HR advice is sought and documented.

Appeal panels will consist of individuals with no prior involvement in the case.

Safeguarding fact-finding is a threshold assessment only and must not pre-determine disciplinary outcomes.

In a small trust, careful allocation of roles is necessary to maintain independence and avoid perceived bias across different stages of the process.

Disciplinary hearings will be conducted by a panel, chaired by the Commissioning Officer.

## APPENDIX 3: Management Advice Record Template

### Management Advice Record (Informal)

#### Employee Details

	Detail
Employee Name	
Job Title	
Academy / Department	
Line Manager	
Date of Meeting	
Date of Incident / Concern	
Location of Incident (if applicable)	

#### Nature of Concern

	Detail
Type of concern	Attendance / Conduct / Professional Conduct / Communication / Other
Summary of concern / misconduct	
Policy or expectation discussed	
Was this a repeated concern?	Yes / No
Previous management advice given?	Yes / No

#### Employee Response

	Detail
Employee explanation / comments	

### Management Advice Given

	Detail
Advice / expectations outlined	
Support offered	Training / Coaching / Occupational Health / Supervision / Other
Improvement required	
Review period (if applicable)	
Consequences of further concerns	e.g. Formal disciplinary process may be considered

### Record Keeping

	Detail
Date issued to employee	
Issued by	
Sent by email?	Yes / No
Stored in HR Hub disciplinary folder?	Yes / No
Personnel file copy retained?	Yes / No
Review / destroy date	
Retention period	12 months

### Signatures

	Detail
Manager signature	
Employee acknowledgement of receipt (optional)	
Date	

**Employee acknowledgement confirms receipt of this document only and does not imply agreement with its contents.**

**If the employee declines to acknowledge receipt, this will be recorded by the manager and will not invalidate the management advice record.**

**This document constitutes informal management advice and is not formal disciplinary action under the Trust Disciplinary Policy. It may, however, be considered in determining whether informal concerns have previously been addressed.**