Disciplinary Policy & Procedure

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Tel: 01709 914070 | Email: admin@stfranciscmat.com | www.stfcmat.com
Registered Office: The Old Grammar School, 13 Moorgate Road, Rotherham, S60 2EN

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Changes to this Edition

DATE	VERSION	DETAILS OF CHANGES
March 2025	1.0	First Edition – no changes
September 2025	2.0	Reformatted and included Section 13 – Monitoring and Review
September 2026	3.0	No changes

Introduction

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed several key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of School life and these policies are reviewed regularly in this regard.

Definitions

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings

i. 'Board' and 'Board Members' mean the Trust Board members of the Academy Trust of St Francis CMAT.

i. ''Companion' means a willing work colleague not involved in the subject matter of the disciplinary proceedings against an employee under this Disciplinary Policy and Procedure, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Disciplinary Policy and Procedure.

i. 'Diocesan Schools Commission' means the education service provided by the diocese in which the school is situated, which may also be known, or referred to, as the Diocesan Education Service.

i. 'Headteacher' means the most senior teacher in the school who is responsible for its management and administration.

i. 'Misconduct' means any action or inaction which may contravene the provisions of the employee's contract of employment, the rules laid down by the Trust/legislation or any Professional Code of Conduct and Practice. Where the Disciplinary Policy and Procedure applies, the Capability Policy and Procedure may also be relevant and apply.

i. 'School' means a School within St Francis CMAT and includes all sites upon which the Trust's undertakings are being carried out and includes those that work for the Trust Central Team.

i. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Disciplinary Policy and Procedure.

1. Scope

1.1 This Disciplinary Policy and Procedure applies to you if you are a Trust employee or worker at any of its Schools (hereinafter referred to as an "employee" or "you").

1.2 The purpose of this procedure is to provide a structure to address any issues or concerns that the Trust may have relating to an employee's conduct.

1.3 An employee is entitled to have access, by arrangement, to their staff file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

1.4 The Trust and Local Academy Committee (LAC) delegate their authority in the manner set out in this policy.

1.5 There may be some occasions where an employee's lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the Schools' Capability Policy and Procedure may be used concurrently whilst the school endeavours to ascertain if the employee's lack of capability is due to Misconduct, (for example, where the employee is capable of reaching the required standard but has taken not done so), or lack of competence.

1.6 There may be occasions where an employee's conduct could be related to their health. This Disciplinary Policy and Procedure may be used in parallel with the Schools' Sickness Absence Policy and Procedure. Where an employee commences sick leave following the Disciplinary Policy and Procedure being initiated, the school may explore the reasons for absence. Depending on the nature of the absence the school may initiate its Sickness Absence Policy and Procedure if it is appropriate in the circumstances. The process of managing unsatisfactory behaviour using this Disciplinary Policy and Procedure will not necessarily cease where the employee is absent on the grounds of illness. This will be subject to the circumstances at the time.

1.7 Subject to Sections 1.5(a) and (b) of the Schools' Grievance Resolution Policy and Procedure, there may be occasions when an employee raises a grievance in relation to actions taken under this Disciplinary Policy and Procedure. This shall not lead to an automatic delay or pause in the disciplinary process. The appeal stage under the Disciplinary Policy may be the relevant procedural step to discuss the grievance. If the grievance relates to a member of staff with a designated role within the disciplinary process, the Trust will consider replacing this person to resolve any grievance. The Headteacher, or in the case where the disciplinary matter relates to the Headteacher, the CEO, will decide if the Disciplinary Policy and Procedure should be paused whilst the grievance is heard, and this decision will be final. The grievance will be heard by a different suitably trained senior manager who has not had any involvement in the disciplinary process to this point.

1.8 There may be occasions where this procedure needs to be modified, for example to comply with the requirements of the schools' Child Protection and Safeguarding Policies, by allowing the Local Authority Designated Officer to offer advice to the Trust at appropriate stages, or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the schools' Child Protection and Safeguarding Policies are initiated, the Disciplinary Procedure may be paused until the Trust determines, at its discretion, that it is appropriate to resume it.

1.9 The school is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Disciplinary Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the school community.

1.10 The schools' Appraisal Policy and Procedure and Capability Policy and Procedure do not form part of this Disciplinary Policy and Procedure but relevant information from the appraisal and/or capability process, including Appraisal Reports, may be considered as evidence during a conduct investigation.

1.11 The management of disciplinary issues and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.

1.12 The school/Trust will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure for a period of up to 12 months and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared

between all the relevant parties, including the employee, where there is an applicable lawful basis under the provisions of the GDPR.

2. Informal Advice and Guidance

2.1 Sometimes potential disciplinary issues can be resolved informally in the workplace. This involves discussing the unsatisfactory conduct with the employee and agreeing an appropriate way forward including expectations. Your line manager may give you informal advice and guidance at any time about any conduct falling short of the standard expected and, in many cases, a conversation at the time may be all that is needed. Where appropriate, support will be provided by your line manager.

2.2 Informal advice and guidance may be provided verbally or in writing but will always be noted in writing on your personnel records. Where informal advice and guidance is provided verbally and noted on your staff record you will be provided with a copy of this note. The provision of informal advice and guidance may be referred to at a later stage to evidence that an informal approach was attempted and to demonstrate the success or failure of such an approach. The provision of informal advice and guidance is not a disciplinary sanction. Employees have the right to have their response to any informal advice and guidance provided, recorded in writing on their personnel records.

2.3 Failure to comply with any informal advice and guidance provided will not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

2.4 Consideration will be given to any difficulties which an employee may be facing, and the school will provide reasonable support and assistance to help the employee to overcome them. Support and assistance may include, where appropriate, the School/Trust seeking appropriate medical or other advice regarding the effective management of any disciplinary issues.

3. Suspension

3.1 In cases where the Investigating Manager (in accordance with Section 4) considers that it is appropriate, the Headteacher/Trust manager, or in the case of a decision regarding the suspension of the Headteacher, the CEO, may take the decision to suspend an employee. This decision will be as a last resort.

3.2 The reason for suspension will be discussed with the employee and why alternatives are not appropriate. The employee may be accompanied by a companion during the suspension meeting, a request will not be unreasonably refused e.g. a reasonable adjustment.

3.3 A record will be kept of the purpose for the suspension on staff file or a period of up to 12 months and of any notes of any alternatives to suspension that were considered.

3.4 The Headteacher must inform the CEO of the suspension. Where it is the Headteacher who has been suspended, the CEO must inform the Chair of the Trust Board.

3.5 Alternatives for suspension will be considered based upon the circumstances and risk to other staff/children and availability of evidence. This may include temporary amendments to duties, the workplace or line management arrangements. Notification of suspension should ideally be undertaken in person but may, where there may be circumstances where the employee is notified in writing. If notification of suspension takes place, the reasons for this will be confirmed in writing.

3.6 ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:

(a) relationships have broken down;
(b) gross Misconduct is alleged;
(c) here are reasonable concerns that evidence or witnesses could be prejudiced by the employee's continued presence during the investigation;
(d) there are responsibilities to other parties;
(e) it is necessary for the protection of pupils, staff or property; and/or
(f) the presence at work of the employee may be inappropriate whilst an investigation takes place, ego a safeguarding allegation, fraud (this list is for illustration purposes and not exhaustive).

3.7 Suspension does not constitute a disciplinary sanction. It is intended to ensure an effective investigation can take place. You will receive full pay and benefits during any period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence). Periods of suspension will be as brief as possible and will be kept under review. For periods of suspension lasting 20 Working Days or longer, they will be reviewed at least every 20 Working Days.

3.8 During a period of suspension, the school may require that you do not:

(a) attend the school at any time (except with the prior agreement of the Headteacher/CEO);
(b) communicate in any way with parents, pupils, Governors or any other third party connected to the school except:

i. with the prior written agreement of the Headteacher/CEO; or
ii. where following an investigation, you are called to a formal Disciplinary Meeting, when you may then approach parents, pupils, Governors or any other third party connected to the school as potential witnesses but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality;

(c) discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:

i. with the prior written agreement of the Headteacher/CEO;
ii. for communication with your Companion where your Companion is a Trade Union representative;
iii. where you are called to an interview with the Investigating Manager, a Disciplinary Meeting or suspension meeting, when you approach a Companion who is a colleague; or

3.9 During periods of suspension the School/Trust may suspend your access to your email account and to all other virtual resources.

3.10 During periods of suspension the School/Trust may take such steps as are necessary to cover your workload.

3.11 During any period of suspension your contractual duties to the School, the LAC and the Trust Board (whether express or implied) remain in force.

3.12 During any periods of suspension, the Headteacher/Trust, or where it is the Headteacher who has been suspended, the CEO, will appoint an appropriate member of staff, or in the case of the suspension of the Headteacher, a member of the Governing Body, to act as a point of contact for you. This individual will not be able to discuss the disciplinary matter with you, but will be responsible for keeping you informed of any relevant workplace developments and maintaining your relationship with the School/Trust.

4. Investigating, Disciplinary and Appeal Managers

4.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

School Staff

Employee Level	Investigating Manager	Disciplinary Manager	Appeal Manager
Staff Member	SLT / Independent Investigator	Headteacher or a sufficiently senior member of staff appointed by the CEO/ Headteacher	Member of Trust Executive Team
SLT	Headteacher / Independent Investigator	CEO/Headteacher or a sufficiently senior member of staff appointed by the CEO/ Headteacher	Member of the Trust Executive Team
Headteacher	Member of Trust Executive Team / Independent Investigator	CEO/or a sufficiently senior member of staff appointed by the CEO	CEO/Member of the Trust Board

Central Team

Employee Level	Investigating Manager	Disciplinary Manager	Appeal Manager

Staff Member	Line Manager /Independent Investigator	CEO/ or a sufficiently senior member of staff appointed by the CEO	Member of the Trust Board
Exec Team	External Director from another CMAT / Diocese or similar public sector organisation / Independent Investigator	CEO / or a sufficiently senior member of staff appointed by the Chair of the Trust Board	Member of the Trust Board
CEO	External Director from another CMAT / Diocese or similar public sector organisation / Independent Investigator	Member of the Trust Board	Member of the Trust Board

5. Formal Process

5.1 Step 1 – Investigation

5.1.1 The Investigating Manager will investigate the allegations in a timely manner. A suitably trained manager will be appointed as the Investigating Manager and should not have had any previous involvement in the matter.

5.1.2 The Investigating Manager may appoint any other person from within the school or an external third party to assist in the investigation.

5.1.3 The Investigating Manager will notify you in writing of the fact of the investigation, the allegations made, the terms of reference for the investigation and they will provide you with a copy of this Disciplinary Policy and Procedure. The investigation will include a face to face or virtual interview with you apart from in exceptional circumstances. In the event of a face-to-face or virtual interview you will be notified at least 5 Working Days beforehand. You may, if you wish, provide a written statement or response to the Investigating Manager.

5.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed promptly and thoroughly as possible and, in any event, within a reasonable timeframe.

5.1.5 At the conclusion of the investigation, the Investigating manager will establish the facts and produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct and showing that evidence either does or does not support the allegations. The report will recommend that either:

(a) that there is a case to answer, and a Disciplinary Manager be appointed and a Disciplinary Meeting be convened in accordance with Step 2 below; or

(b) there is insufficient evidence to support the allegations of Misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure; or

(c) a Disciplinary Meeting is not required despite evidence to support the allegations of Misconduct, but informal advice and guidance should be issued to you in accordance with the provisions of Section 2 of this Disciplinary Policy and Procedure; or

(d) there is no case to answer.

5.1.6 In all circumstances, you will be sent a copy of the Investigation Report as soon as is reasonably practicable following the end of the investigation. As a guide, from the time the Investigating Manager begins their investigation, the Investigation Report will normally be produced within 15 Working Days. For allegations of gross Misconduct and more complex cases, the Investigation Report should be produced within 20 Working Days. In complex or exceptional circumstances, a reasonable timescale will be determined by the Investigating Manager and will be notified to you in writing.

5.2 <u>Step 2 – Disciplinary Meeting</u>

5.2.1 If the Investigation Report recommends that there is a case to answer, you will be invited to attend a formal disciplinary meeting ("the Disciplinary Meeting"). The Disciplinary Manager will write a letter to you inviting you to the Disciplinary Meeting. You will be given 10 Working Days of notice of the Disciplinary meeting. If dismissal is a possible outcome this will be stated in the letter. The letter shall state that any documentation you wish to rely on must be submitted at least 2 Working Days in advance of the Disciplinary Meeting.

5.2.2 Appendix A sets out details of the process that will be followed in any Disciplinary Meeting.

5.2.3 In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

(a) evidence presented in support of the allegations of Misconduct;

(b) evidence presented that doesn't support the allegations of Misconduct; and

(c) any evidence you have in mitigation.

5.2.4 Witness evidence is provided by witness statements. There is no right for either the School/Trust or the employee to call witnesses to a disciplinary hearing/meeting. If there are any questions for the witnesses, there will be an adjournment for these to be answered, documented and shared with the employee, their companion and the Disciplinary Manager.

5.2.5 The Disciplinary Manager may adjourn the Disciplinary Meeting (for a period of up to 15 Working Days) to allow for further investigations in the light of your evidence or any other matter that may arise during the meeting and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced. You will be provided with at least 5 Working Days written notice of any reconvened Disciplinary Meeting.

5.2.6 Written or verbal evidence can be presented at the Disciplinary Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Disciplinary Meeting and you will be given a reasonable opportunity to comment on it during the Disciplinary Meeting if you attend the meeting. If you do not attend the Disciplinary Meeting, you will be given an opportunity to provide written responses to any written evidence shared.

5.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting or reconvened Disciplinary Meeting, in writing to you within 5 Working Days of the date of the Disciplinary Meeting or the reconvened Disciplinary Meeting, ("the Disciplinary Decision Letter"). The potential outcomes of a Disciplinary Meeting are as follows:

(a) you will be issued with a formal disciplinary sanction in accordance with Section 6; or

(b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary process will end, and no further action will be taken under this Disciplinary Policy and Procedure; or

(c) formal disciplinary sanction is not required despite evidence to support the allegations of Misconduct, informal advice, training/refresher training will be provided to you in accordance with the provisions of Section 2 of this Disciplinary Policy and Procedure; or

(d) that there is no case to answer.

5.2.8 You will be provided with a copy of the notes from the Disciplinary Meeting with the Disciplinary Decision Letter.

5.3 **Step 3 – Appeal**

5.3.1 If you are dissatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager in writing to the Trust within 10 Working Days of the date of the Disciplinary Decision Letter by emailing:

5.3.2 Your appeal letter must clearly set out the grounds of your appeal. Your appeal may either be a review of any formal disciplinary sanction imposed or a re-hearing of the case and the Appeal Manager will determine whether your appeal is a review or a re-hearing based on the content of your appeal letter. The decision of the Appeal Manager in this regard will be final. When preparing your appeal letter, you may wish to consider the following grounds (for illustration purposes only and not exhaustive):

(a) that the action taken was unfair;

(b) that this Disciplinary Policy and Procedure was applied defectively or unfairly;

(c) that new evidence has come to light which was not available when the relevant decision was made by the Investigating Manager or Disciplinary Manager;

(d) that the sanction was overly harsh in all the circumstances.

5.3.3 The Appeal Meeting will normally be held within 20 Working Days of your appeal letter being received by the Trust. You will be given at least 5 Working Days' notice of the Appeal Meeting.

5.3.4 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

5.3.5 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your reliability in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.

5.3.6 Written evidence can be presented at an Appeal Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Appeal Meeting and you will be given a reasonable opportunity to comment on it during the Appeal Meeting, if you attend the meeting. If you do not attend the Appeal Meeting, you will be given an opportunity to provide written responses to any written evidence presented. Where you are relying on new written evidence this must be sent to the Appeal Manager 2 days prior to the date of the Appeal.

5.3.7 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 Working Days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The potential outcomes of the Appeal Meeting are that:

(a) the decision of the Disciplinary Manager and any formal disciplinary sanction imposed by the Disciplinary Manager will be upheld; or

(b) your appeal is upheld and the decision of the Disciplinary Manager and any formal sanction imposed by the Disciplinary Manager will be overturned; and/or

(c) the Appeal Manager may impose a lesser formal disciplinary sanction to that imposed by the Disciplinary Manager.

5.3.8 Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

6. Formal Sanctions

The Disciplinary Manager (and Appeal Manager where appropriate) may impose the following sanctions:

6.1 A First Written Warning

6.1.1 A First Written Warning will remain live for **6** months from the date of the First Written Warning was issued in writing.

6.1.2 For a first disciplinary offence (ignoring any informal advice and guidance), a First Written Warning will be the normal response unless the Misconduct is serious as set out in Section 6.2.3 below.

6.1.3 A First Written Warning will set out the nature of the Misconduct and the change in behaviour needed within a reasonable timescale set by the School/Trust.

6.2 A Final Written Warning

6.2.1 A Final Written Warning will remain live for **12** months from the date of the Final Written Warning being issued in writing.

6.2.2 A Final Written Warning will normally be given for a second disciplinary offence committed or discovered during the period of a live First Written Warning (even if that First Written Warning relates to a different type of Misconduct).

6.2.3 A Final Written Warning can be given for serious Misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

6.2.4 A Final Written Warning will set out the nature of the Misconduct and the change in behaviour needed (within a reasonable timescale). A Final Written Warning will also confirm the consequences of further Misconduct.

6.3 Dismissal with notice

6.3.1 Dismissal on contractual notice may be given for a disciplinary offence (other than an act of gross Misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of Misconduct.).

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 Where your employment is terminated in accordance with Section 6.3:

(a) if your contract of employment contains a garden leave clause, the Trust may exercise that clause so that you are not required to attend the School/Trust during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or

(b) if your contract of employment contains a payment in lieu of notice clause, the Trust may exercise that clause to bring your contract to an end with immediate effect.

6.4 Dismissal without notice

6.4.1 Dismissal without notice (also known as Summary Dismissal) will occur if the outcome is gross Misconduct or the trust and confidence required between an employee and their employer has been broken. For the avoidance of doubt, where appropriate, dismissal without notice may occur regardless of previous disciplinary history.

6.4.2 For the avoidance of doubt your dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the School/Trust may consider gross Misconduct:

(a) Conduct that is likely to bring the school, Trust or the Church into disrepute

(b) Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during your employment

(c) Failure to disclose your DBS status/submit to a DBS check when requested to do so by the Headteacher/Trust

(d) A serious breach of any relevant code of conduct or professional standards

(e) Theft of any property

(f) Malicious or willful damage to any property

(g) knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents/electronic systems regardless of personal or other people's gain

(h) Ordering any goods or services on behalf of the School/Trust from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the CFO or CEO.

(i) Dishonesty

(j) Violence to any person

(k) Unlawfully restraining a pupil

(l) Abusive, threatening or offensive language or behaviour to any person

(m) Discrimination or harassment

(n) Bullying

(o) Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent

(p) Concealing any actual or attempted cheating by any pupil or colleague, including participating in or concealing any actual or attempted exam misconduct

(q) Attending work or undertaking duties whilst under the influence of alcohol or unlawful substances

(r) Misuse of the School/Trust ICT (including internet and email access and breaches of the Trust's social networking policy) to view or distribute obscene, pornographic, hatred, defamatory or otherwise unacceptable material

(s) Interacting with a pupil online out of school hours other than through the Managed Learning Environment

(t) Making any sexual or romantic contact with any pupil whatever the age of the pupil

(u) Breaching the confidentiality, data protection or privacy obligations surrounding the School/Trust, a parent, pupil, colleague or Governor

(v) Covert recording of any meetings without the knowledge or consent of all persons present

(w) Serious breach of health and safety procedures

(x) Serious negligence (regardless of actual loss)

(y) Criminal activity during employment

(z) Making a false, malicious or vexatious allegation against the School/Trust, a parent, pupil, colleague or Governor

(aa) Repeated acts of less serious Misconduct which collectively may deemed by the panel as gross Misconduct.

Voluntary demotion as an alternative to higher formal sanction

6.4.4 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your Misconduct.

6.4.5 Where Section 6.5.1 applies, the Disciplinary Manager may offer you the option of agreeing to voluntarily give up a promotion or job change as an alternative to a higher formal disciplinary sanction. Any such offer shall be made in writing. Should the option of voluntary demotion or job change be accepted this will not need to be a post with equivalent terms and conditions and protection of salary will not apply. For the avoidance of doubt, whether such an offer is made will be at the sole discretion of the Disciplinary

Manager. There may be circumstances where it is not appropriate to make such an offer, for example, where there has been a safeguarding issue or where an allegation of bullying has been upheld.

7. Companion

7.1 If you are the subject of disciplinary allegations which lead to you being invited to an interview or meeting within the Disciplinary Policy and Procedure, you may be accompanied at such interview or meeting by a work companion or Trade Union Representative.

7.2 You must let the relevant Manager know who your companion will be at least two working days before the relevant interview or meeting.

7.3 Your companion can address the relevant interview or meeting to:

(a) put your case;
(b) sum up your case;
(c) respond on your behalf to any view expressed at the relevant interview or meeting; and
(d) ask questions on your behalf.
(e) confer with you during the relevant interview or meeting.

7.4 Your companion is not permitted to:

(a) answer questions on your behalf;
(b) address the relevant interview or meeting if you do not wish it; or
(c) prevent you from explaining your case.

7.5 Where you have identified your companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant interview or meeting will be postponed for a period not in excess of five working days from the date set by the School/Trust to a date and time agreed with your Companion. Should your companion subsequently be unable to attend the rearranged date, the meeting may be held in your/their absence or written representations will be accepted.

8. Timing of Interviews and Meetings

8.1 The aim is that interviews and meetings under this Disciplinary Policy and Procedure will be held at mutually convenient times but depending on the circumstances, interviews and meetings may:

(a)need to be held when you were timetabled to teach (if that is appropriate to your role);

(b) exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role). If this time is used, the equivalent PPA time will be provided at another time in agreement with you;

(c) exceptionally be held after the end of the school day;

(d) not be held on days on which you would not ordinarily work;

(e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

8.2 Where an employee is persistently unable or unwilling to attend an interview or meeting without good cause the relevant Manager will decide on the evidence available.

9. Venue for Interviews or Meetings

Meetings may take place at any of the Trust's sites and will be sensitive to any reasonable requests from the employee. This could be at another School or the Trust's central office.

10. Assistance

10.1 In any case concerning the religious character of the School, the Diocesan Schools Commission will be notified immediately the School/Trust becomes aware of the allegations and it may be represented at any relevant interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.

10.2 In all cases involving any disciplinary sanction in relation to the Headteacher or an employee on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the Disciplinary Manager or Appeal Manager.

11. Trade Union Officers

The school will notify a full time Trade Union official where an employee who is a trade union representative is subject to the Disciplinary Policy and Procedure in accordance with ACAS guidelines.

12. Referrals

12.1 Where a teacher is dismissed for serious Misconduct (or may have been dismissed for serious

Misconduct if the teacher had not resigned) the School/Trust must consider whether to refer the circumstances to the Department for Education and the Teaching Regulation Agency.

12.2 Where a person working within the School/Trust (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned during the process; the School/Trust must refer that person to the LADO. Examples include:

(a) endangered a child or was likely to endanger a child;

(b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger them;

(c) involved sexual material relating to children (including possession of such material);

(d) Involved sexually explicit images depicting violence against human beings (including possession of such images);

(e) of a sexual nature involving a child

13. Monitoring and review

This policy will be reviewed by the Trust on an **annual** basis; they will make any necessary changes and communicate these to all members of staff and relevant stakeholders.

The next scheduled review date for this policy is **September 2027**.

14. Appendices

13.1 – Appendix A – Disciplinary Meeting Process

13.2 – Appendix B – Disciplinary Appeals Meeting Process

Appendix A

Disciplinary Meeting Process

1. Introductions

2. School/Trust representative* puts the schools' case

(a) Employee questions School/Trust representative

(b) Disciplinary Manager questions School/Trust representative

(c) Additional questions asked by Employee if necessary

(d) Additional questions asked by the Disciplinary Manager if necessary

3. Employee puts their case

(a) School/Trust representative questions Employee

(b) Disciplinary Manager questions Employee

(c) Additional questions asked by School/Trust representative if necessary

(d) Additional questions asked by Disciplinary Manager if necessary

4. Summaries

(a) School/Trust representative summarises the Schools'/Trust's case

(b) Employee summarises their case

5. The Disciplinary Manager deliberates in private and provides the outcome to the employee in writing within 5 Working Days of the Disciplinary Meeting

*Ordinarily the investigating manager in accordance with Section 5.1.2.

Appendix B

Disciplinary Appeals Meeting Process

1. Introductions

(a) Appeal Manager introduces the parties and summarises the steps taken so far

(b) Appeal Manager briefly sets out the grounds for the appeal as detailed in the appeal letter

(c) Appeal Manager confirms if the appeal is a review or a re-hearing based on the content of the appeal letter

2. Employee puts their appeal case

(a) Employee outlines grounds of appeal and presents any evidence which was not available to the Disciplinary Manager

(b) Disciplinary Manager questions Employee

(c) Appeal Manager questions Employee

(d) Additional questions asked by Disciplinary Manager if necessary

(e) Additional questions asked by Appeal Manager if necessary

3. The Disciplinary Manager puts their case in response to the appeal

(a) Disciplinary Manager outlines the response to the appeal and presents any evidence which either touches on the reliability of the Employee in relation to evidence already given, or queries the new evidence produced

(b) Employee questions Disciplinary Manager (which may include representatives of the School/Trust)

(c) Appeal Manager questions Disciplinary Manager

(d) Additional questions asked by Employee if necessary

(e) Additional questions asked by Appeal Manager if necessary

4. Summaries

(a) Employee summarises their appeal

(b) Disciplinary Manager summarises their response to the appeal

5. The Appeal Manager deliberates in private and provides the outcome of the appeal to the Employee within 5 Working Days of the Appeal Meeting.