

## **Disciplinary Procedure Policy**

Date Reviewed:	September 2025
Next Review Date:	September 2026
Policy Owner:	Mrs Gemma Mitchell
Ratified @ FGB & Date:	Full Governing Board 14.10.2024

### **Mission Statement**

We are committed to providing a supportive, enjoyable and family style environment in which every child is nurtured and encouraged to achieve their potential through a broad-based curriculum and opportunities for developing sporting, dramatic, artistic and musical talents.

### **Statement of Aims & Objectives**

- To enable each child to fulfil their own academic and personal potential.
- To instil in every child the importance of developing personal initiative and to foster in them a belief that they can fulfil their potential in any area of school life.
- To provide a broad based academic and extra-curricular education that is delivered in such a way as to satisfy the learning needs of each and every pupil.
- To help each pupil to develop both a set of Christian values and an understanding and appreciation of other religious beliefs.
- To learn the difference between right and wrong and to appreciate that rights and responsibilities are equally balanced.
- To develop and promote a sense of caring and community between the pupils within the school and the wider community as a whole.
- To instil in each pupil a high degree of self-respect and respect for their fellow pupils, teachers and other adults.
- To prepare each child for the transition to the next stage of their education and to be able to take advantage of any opportunities as they present themselves.



## Oakhyrst Grange School

### **Safeguarding**

Oakhyrst Grange School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. At this school we respect and value all children and are committed to providing a caring, friendly and safe environment for our pupils so that they can learn in a relaxed and secure atmosphere. We believe that every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Oakhyrst Grange School. We recognise our responsibility to safeguard all who access school and promote the welfare of all of our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying. This should be read in conjunction with the Safeguarding Policy.

All staff will be asked to complete training annually following KCSIE updates. Further safeguard training will take place throughout the year. All staff must wear their lanyards at all times.

The Safeguarding governor is: Pauline Clark [Pauline.clark@oakhyrstgrangeschool.co.uk](mailto:Pauline.clark@oakhyrstgrangeschool.co.uk)

DSL: Roxann Dowling (Head of EYFS) 07746135233

DDSL: Gemma Mitchell (Headteacher) 07786 393228

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## About this procedure

- 1.1 We will deal with any disciplinary matter fairly by taking steps to establish the facts and giving employees the opportunity to respond before taking any formal action. The purpose of this Disciplinary Procedure is to provide a framework within which the Headteacher and Senior Leadership Team can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

Under the Worker Protection (Amendment of Equality Act 2010) Act 2023 (in force 26 October 2024), the School has a legal duty to take reasonable steps to prevent sexual harassment. Allegations of harassment or related misconduct will be handled in a manner consistent with this duty.

- 1.2 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure.

- 1.3 This procedure does not form part of any contract of employment or other contract to provide services, and we may amend at any time .

## 2. Who does this procedure apply to?

- 2.1 This procedure applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

There concerns arise about the conduct of non-employees (e.g. contractors, agency workers, volunteers), the School will take appropriate action under contractual or safeguarding arrangements, and may restrict access to site and/or report to third parties or regulators as appropriate.

## 3. Who is responsible for this procedure?

- 3.1 The Board of Governors has overall responsibility for the effective operation of this procedure but has delegated responsibility for overseeing its implementation to the Headteacher.
- 3.2 The Senior Leadership Team has day-to-day responsibility for this procedure and you should refer any questions about this policy to them in the first instance.



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Managers must ensure reasonable adjustments are considered and implemented where required for employees with disabilities or other relevant needs throughout investigations, hearings and appeals

### **4. Minor conduct issues**

- 4.1 Minor conduct issues can often be resolved informally between you and the Senior Leadership Team. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases, an informal verbal warning may be given. An informal warning will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

Notes of informal outcomes will be retained in line with data protection requirements and shared on a 'need-to-know' basis only.

- 4.2 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with the Senior Leadership Team as soon as possible.

### **5. Confidentiality**

- 5.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 5.2 You, and anyone accompanying you (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.
- 5.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

Nothing in this policy or any confidentiality agreement prevents a protected disclosure (whistleblowing) or reporting concerns of harassment or discrimination in good faith.

### **6. Investigations**

- 6.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. By way of example, it may involve interviewing and taking statements



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from you and any witnesses, reviewing relevant documents and email correspondence, and/or reviewing any CCTV or other footage.

- 6.2 The Headteacher will usually appoint an Investigating Officer to carry out the investigation.
- 6.3 Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 6.4 You do not normally have the right to bring a companion to an investigation meeting. However, we may allow a companion to accompany you if it helps you to overcome any disability or any difficulty in understanding English.
- 6.5 You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

Where appropriate, the School may pause or coordinate internal investigations with external safeguarding, regulatory or police processes to avoid prejudice and to protect pupils.

### **7. Criminal allegations**

- 7.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 7.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have 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.
- 7.3 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 your employment.

### **8. Suspension**

- 8.1 In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary proceedings against you are outstanding. We will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our parents, students, Governors, suppliers, contractors or staff, unless you have been authorised to do so by the Headteacher.



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- 8.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full salary and benefits during the period of suspension.

Prior to suspension, the School will consider whether alternative measures (e.g. temporary relocation, amended duties, supervision) are sufficient. Any suspension will be kept under regular review, recorded with reasons and anticipated duration, and lifted as soon as it is no longer necessary.

### **9. Notification of a hearing**

- 9.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded. We will also include the following where appropriate:

- (a) a summary of relevant information gathered during the investigation;
- (b) a copy of any relevant documents or other evidence which will be used at the disciplinary hearing; and
- (c) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

- 9.2 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually five working days, to prepare your case based on the information we have given you. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

Outcome letters will set out the decision, reasons, any sanction, the improvement required (if applicable), duration of any warning, and the right and timeframe to appeal.

### **10. The right to be accompanied**

- 10.1 You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. A legal representative may not accompany you but this could be a colleague. You must tell the individual chairing the hearing who your chosen companion is, in good time before the hearing.



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- 10.2 A companion 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.
- 10.3 If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 10.4 We may, at our discretion, allow you to bring a companion who is not a colleague (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

This right is exercised in accordance with the Employment Relations Act 1999 and associated guidance.

### **11. Trade Union Representatives**

- 11.1 In all respects it is expected that trade union representatives will adhere to the rules of conduct applicable to all other employees. If there should be an allegation of misconduct against an in-school trade union representative then no formal disciplinary action may be taken until the circumstances of the case have been discussed, after obtaining the employee's agreement, with the appropriate full-time trade union official.
- 11.2 A trade union representative may be suspended on full pay without discussion with the full-time trade union official, if they are not readily available. Notification should, however, be made as soon as possible.

### **12. Procedure at disciplinary hearings**

- 12.1 If you or your companion cannot attend the hearing, you should inform us immediately and we will arrange an alternative time for the hearing to take place. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.
- 12.2 The hearing may be chaired by a member of the Senior Leadership Team, the Headteacher, a panel including members of the Senior Leadership Team and Governors or a panel of Governors/Trustees (depending on the seriousness of the case and who has delegated authority). The Investigating Officer will also be present. You may bring a companion with you to the disciplinary hearing (see paragraph 10).
- 12.3 At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions but should not answer



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questions on your behalf. You may confer privately with your companion at any time during the hearing.

- 12.4 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 12.5 We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

### **13. Disciplinary penalties**

- 13.1 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 13.2 You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.
- 13.3 **Stage 1: first written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.
- 13.4 **Stage 2: final written warning.** It will usually be appropriate for:
  - (a) misconduct where there is already an active written warning on your record; or
  - (b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.
- 13.5 **Stage 3: dismissal.** Dismissal may be authorised by the Headteacher. It will usually only be appropriate for:
  - (a) any misconduct during your probationary period;
  - (b) further misconduct where there is an active final written warning on your record; or
  - (c) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).
- 13.6 **Alternatives to dismissal.** In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by the Headteacher and will usually be accompanied by a final written warning. Examples include:
  - (a) Demotion.





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- (b) Transfer to another department or job.
- (c) A period of suspension without pay.
- (d) Loss of seniority.
- (e) Reduction in pay.
- (f) Loss of future pay increment or bonus.
- (g) Loss of overtime.

Where allegations relate to safeguarding or potential regulatory breaches, disciplinary outcomes may include referrals to external bodies in addition to internal sanctions (see section 16).

### **14. The effect of a warning**

- 14.1 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.
- 14.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct a final written warning may state that it will remain active indefinitely. Your 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.
- 14.3 After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

### **15. Appeals**

- 15.1 If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the individual named within the outcome letter within 5 days of the date on which you were informed of the decision.
- 15.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.
- 15.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.



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- 15.4 We will give you written notice of the date, time and place of the appeal hearing. This will normally be five working days after you receive the written notice. As detailed in paragraph 9.2, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.
- 15.5 The appeal hearing will be a review of the fairness of the original decision.
- 15.6 Where practicable, the appeal hearing will be conducted by an individual who has not been previously involved in the case and is senior to the individual who conducted the previous hearing, or a panel of Governors/Trustees. The Investigating Officer and the individual or chair of the panel who conducted the disciplinary hearing will also usually be present. You have the right to bring a colleague or trade union representative to the meeting (see paragraph 10).
- 15.7 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 15.8 Following the appeal hearing we may:
- (a) confirm the original decision;
  - (b) revoke the original decision; or
  - (c) substitute a different penalty.
- 15.9 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

### **16. Case Referral**

- 16.1 Where a Teacher is dismissed for serious misconduct or resigns prior to the completion of the disciplinary process, the School should consider making the appropriate referral to the Teaching Regulation Agency (TRA).
- 16.2 If the allegation against any member of staff (both Teaching and Support staff) is in any way connected to the safeguarding of children, a referral will be made to the Disclosure & Barring Service (DBS).

The School may also have obligations to report to other bodies (e.g. professional regulators, insurers, or the Local Authority Designated Officer (LADO) for safeguarding) and will do so where required.

This Policy is subject to regular review.