Disciplinary Policy



Mansbridge Primary School

Approved by	Governing Body
Approval date	October 2026
Review date	October 2027

Disciplinary Policy
Contents Page

1. Introduction 2
2. Scope 2
3. Grievances 2
4. Mediation 2
5. Fairness and respect 2
6. Remote proceedings 3
7. Adjustments to proceedings 3
8. Recording of meetings 3
9. Change in circumstances 3
10. Postponement of meetings 3
11. Conduct and Behavior 4
12. Safeguarding 5
13. Actions outside of work: 6
14. Allegations of misconduct 6
15. Suspension 6
16. Sage 1 – Investigation 6
17. Stage 2 Hearing your disciplinary meeting 6
18. Disciplinary outcomes 7
19. Appeal 8
20. Trade union representatives 9

Appendix 1 – Procedure for a disciplinary Hearing

Appendix 2 - Procedure for a disciplinary Appeal Hearing

1. Introduction

At Mansbridge Primary we work to ensure that we handle any issues concerning an employee's conduct promptly and fairly.
If we have any concerns about your conduct, we will usually attempt to talk to you about this on an informal basis. An early conversation may be enough to identify the issue and take steps to resolve it. Most minor conduct-related issues can be resolved informally.
However, where an informal approach is unsuccessful, or the allegations are so serious that an informal approach is inappropriate, we will follow a formal disciplinary procedure.
This policy outlines the disciplinary procedure, the roles of those involved and the support that is available to you. It is designed to help and encourage employees to improve conduct. In addition, the employee should know the nature of any accusation, have an opportunity to state their case, and management should act in good faith.
No employee will be treated less favourably due to protected characteristics.
This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2. Scope

This policy applies to all employees of Mansbridge Primary School. It does not apply to contractors, consultants or any self-employed individuals working for the school.

3. Grievances

If you have a grievance that relates to ongoing disciplinary proceedings, you should raise this during the disciplinary procedure and not through our separate grievance procedure (for example during the disciplinary meeting or appeal stage).
If you raise a grievance during disciplinary proceedings that is unrelated to those proceedings, the disciplinary proceedings and grievance procedure will normally run independently in parallel.

4. Mediation

Mediation will be considered where the alleged conduct is interpersonal in nature and all parties agree. This involves the appointment of a third-party mediator, who will discuss your alleged conduct with everyone involved and seek to facilitate a resolution. We will use mediation only where you, and the other individuals involved in the disciplinary issue, agree to do so.

5. Fairness and respect

We recognise that a disciplinary procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.
We will not tolerate abusive or insulting behaviour from anyone taking part in a disciplinary procedure and treat any such behaviour as further potential misconduct.

6. Remote proceedings

Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that you and your representative have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

7. Adjustments to proceedings

If you have a disability that may have an impact on your ability to participate fully in this procedure, or if you need assistance because English is not your first language, you should let us know by contacting your line manager (or a previously named contact), who will make appropriate arrangements for you.

8. Recording of meetings

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting or by an additional person arranged by us to take notes. Copies of all minutes should be circulated to all parties as soon after the hearing as possible and usually within five working days.
You, or any person acting on your behalf, are not normally permitted to record electronically any meeting that we hold under this procedure. This is to encourage openness and full participation. Any breach of this provision may lead to further disciplinary action, which could include dismissal. In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording. Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

9. Change of circumstances

Sometimes circumstances prevent parts of this procedure from being followed in full. For example, employees may be too ill to participate in a disciplinary meeting, or a specified manager may be unavailable to chair the meeting. When this happens, we will do our best to ensure that you fully understand the allegations, are given a proper opportunity to respond to them and that your response is fairly and carefully considered.

10. Postponement of meetings

We will make every effort to ensure that any meeting we hold under this procedure is scheduled for a time and place that is reasonable and within your normal working hours. You are therefore required to attend the meeting if it is possible for you to do so. If you are too ill to attend, or have some other reasonable explanation, we will consider re-arranging the meeting to a time when your attendance is possible.

However, it is important to ensure that disciplinary procedures are completed within a reasonable timescale. We reserve the right to proceed with a meeting in your absence when it has not been possible to arrange a meeting that you are able to attend. In that case, we will make every effort to ensure that you are able to make representations in writing or through a representative. If your companion is not available to attend the meeting, we will agree to postpone and seek to agree a mutually convenient time. However, any such postponement must be short, and we reserve the right to proceed with the original meeting if no new date can be found that is within a reasonable timescale.

11. Conduct and Behaviour

11.1 Gross misconduct

Gross misconduct is conduct that is so serious that it justifies dismissal without notice or payment in lieu of notice, although we will always consider the circumstances of any case before deciding on the appropriate penalty.

Examples of gross misconduct include (but are not limited to):

- theft and dishonesty.
- physical violence.
- serious instances of bullying or harassment (whether it takes place in person or online).
- acts of discrimination against fellow staff members, clients or customers.
- deliberate damage to company property.
- unauthorised disclosure of confidential information.
- serious breach of our rules, including, but not restricted to, health and safety rules and rules on computer use.
- consuming alcohol or unlawful drugs during working hours or in the workplace.
- smoking (including the use of e-cigarettes) in any unauthorised area.
- unauthorised use of computer equipment.
- misuse of company passwords or log-in details.
- deliberate breach of procedures on the handling of personal data.
- deliberate refusal to follow reasonable instructions.
- accessing obscene or pornographic material while at work or on equipment that we provide.
- breach of cash-handling procedures.
- falsifying time sheets and/or recording of work time.
- breach of requirements and regulations relating to safeguarding of children or vulnerable adults.
- deliberate breach of professional standards relevant to your employment; and
- offering or accepting a bribe within the meaning of the Bribery Act 2010.
- dishonesty, including falsification of statutory or school documents.
- any action which contravenes the policies of the school, or brings or has the potential to bring, the school into disrepute.

11.2 Misconduct

Examples of misconduct for which disciplinary action is appropriate include (but are not limited to):

- persistent poor timekeeping.
- breach of our absence reporting procedures.
- general disobedience.
- careless work.
- time-wasting.
- disruptive behaviour; and
    - insulting or offensive behaviour towards others, not amounting to serious harassment or bullying.
    - breach of health and safety rules or procedures (some major breaches may constitute gross misconduct);
    - engaging in activities or conduct that places an individual, e.g., a child, at risk, including the inappropriate disclosure of confidential information.
    - inappropriate or excessive personal use of school property and/or equipment or a failure to report damage to school property and/or equipment as soon as possible.
- breaches of school policies.
    - failure to follow a clear management request/instruction; (note that some cases may constitute gross misconduct).
    - aiding or encouraging other employees to breach rules or procedures or to perform other acts of misconduct.
- any other acts the school deems to be misconduct.

12. Safeguarding

Where the matter concerns a safeguarding issue, i.e. there is a concern regarding the conduct of an employee in respect of a child, the headteacher will ensure that the Local Authority Designated Officer (LADO) are made aware, if they are not already aware by other means. No action should be taken until the LADO has offered advice. At this stage the employee should not be told that the matter has been raised to avoid the employee from discussing the issue with the child before the child has been spoken to by the appropriate officers.
It is important that hasty decisions to suspend an individual are not made before any assessment has been made as to the substance of an allegation. This can be a traumatic experience for the employee concerned and the child and must be managed carefully and efficiently. Any safeguarding and employment investigations may run at the same time or jointly, where possible and appropriate. Employment investigations need not wait until after the resolution of any safeguarding concerns (unless there are on-going police enquiries in which case, an HR representative will advise the appropriate way to proceed). Safeguarding actions however, must take priority until risks are

satisfactorily managed.

13. Actions outside work

We may consider your actions outside work (including your use of social media) to be gross misconduct, or misconduct, if they affect your ability to carry out your job or have a negative effect on our reputation.

14. Allegations of misconduct

Where an allegation of misconduct is made against you that cannot be resolved informally, or it is not appropriate to do so, the allegation will be explained to you by your line manager (or, where appropriate, a different manager). The details of the allegation will also be confirmed to you in writing, together with a copy of this disciplinary procedure.

15. Suspension

In some cases, it may be appropriate to suspend you from work for a temporary period while the disciplinary matter is dealt with. This is in no way intended to indicate guilt on your part, but is an administrative measure designed to protect involved parties and the business or ensure the smooth running of the disciplinary procedure. Any period of suspension will be regularly reviewed, kept as short as possible and will be on a fully paid basis.

16. Stage 1 - Investigation

We will investigate the allegations to decide whether there is sufficient evidence to justify taking the matter further.
The person appointed to conduct the investigation will usually talk to you at an early stage to hear your response to the allegations and will talk to anyone else who may have relevant information, although a delay of at least 24 hours will be applied before questioning to give time for reflection. You should be aware that although there is no statutory right for you to be accompanied to this meeting you may be accompanied by a union representative or work colleague.
Where appropriate, the investigation may also include the examination of documents, including emails and other forms of electronic communication. It is important that you cooperate fully with the investigation process as this is the best way to ensure a fair outcome.
Once the investigation is complete, we will decide whether to proceed to a formal disciplinary meeting or whether the matter can, in fact, be resolved informally or without any further action.

17. Stage 2 - Hearing your disciplinary case

17.1 Invitation to a disciplinary meeting

If we consider that it is necessary to hold a disciplinary meeting, we will confirm this to you in writing. You will usually be given at least ten days' notice of any meeting, depending on the complexity of the case, to allow you to prepare and to arrange for a companion to accompany you. You will be entitled to be accompanied by a fellow employee or a trade union official. The responsibility for finding a companion rests with you. If your chosen companion is not a fellow employee, we reserve the right to check their credentials as an accredited trade union representative.
We will give you a copy of any evidence collated during the investigation in advance of the disciplinary meeting, and you will be invited to submit any further evidence that you consider to be

relevant not less than 5 working days prior to the hearing.

17.2 The disciplinary meeting

The disciplinary meeting will be conducted by the headteacher or a member of the senior leadership team with delegated authority to hear disciplinary cases, plus other panel members as may be appointed. As far as possible, we will ensure that the disciplinary meeting is conducted by managers who have not previously been involved in the matter.

The evidence gathered during the investigation will be presented and you and your companion will be given an opportunity to confer and to respond. You may also call on witnesses to give evidence on your behalf, if they are willing, and their evidence is relevant to the issues being considered in the meeting.

The chair of the meeting may choose to adjourn the meeting so that further new and relevant evidence can be obtained. If this happens, the meeting will be reconvened once this is done, and you will be given an opportunity to respond to any new evidence. Before the meeting closes, you (or your companion) will be given an opportunity to make any comments or representations that you think are relevant and which may explain the situation.

17.3 The outcome

The chair of the meeting will usually adjourn for a period to consider the outcome. The outcome will usually be communicated when the meeting is reconvened on the same day but will, in any case, be confirmed to you in writing as soon as possible and usually within ten working days after the meeting.

17.4 Agreed outcomes

If, at the end of an investigation into a potential disciplinary issue, the employee accepts all the allegations made against them then there is no need to automatically proceed to a Disciplinary Hearing.

If the facts of the allegation are not in dispute and the employee has accepted the allegations either prior to or during an investigation, the manager can propose that the matter is dealt with by way of an agreed outcome meeting where what needs to be determined is the level of sanction.
Agreed outcomes are only appropriate where both parties are agreeable to the process. If either the employee or their representative is unhappy with a proposal for an agreed outcome, then the normal disciplinary process must be followed. The employee will be written to asking to consider this process and ask for agreement in writing.

18. Disciplinary outcomes

If the allegations are upheld to any extent, formal disciplinary action may be taken. This will usually take the form of a first written warning for a first offence. However, we reserve the right to implement this procedure at any stage depending on the circumstances and misconduct.
A first written warning is appropriate for instances of misconduct that are sufficiently serious to warrant disciplinary action, but where there is no current warning in place. The warning will set out the nature of the misconduct and explain that any further misconduct (similar or otherwise) will be likely to result in further disciplinary action.

A final written warning is given in cases of serious misconduct or where there is a live first written warning in place and the circumstances justify it. It will set out the nature of the misconduct and make it clear that any further misconduct (similar or otherwise) will be likely to result in dismissal. If you are found to have committed misconduct while subject to a live final written warning, the outcome may be that you are dismissed with notice.

If you are found to have committed gross misconduct, the outcome may result in you being dismissed without notice. In these circumstances, your contract of employment will end immediately, although this will not affect your right of appeal.

In exceptional circumstances (for instances where you are likely to continue to commit misconduct even if subject to warning), you may be dismissed even if no warning of dismissal has been given. Depending on the terms of your contract, this may involve being given a payment in lieu of notice. If you are dismissed with notice, we reserve the right to instruct you not to work for the duration of your notice period.

Where we find that the misconduct is sufficiently serious to justify dismissal, we may consider alternative disciplinary action such as suspension without pay, demotion, transfer to other work or a loss of seniority, where your terms and conditions of employment allow for this.

Schools are required to refer to the Disclosure and Barring Service anyone who has harmed or poses a risk of harm to a child or young person and who has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left. The DBS will consider whether to bar the person.

In cases of serious teacher misconduct the school will make a referral to the Teaching Regulation Agency (TRA) which is an executive agency of the Department for Education and are responsible for the regulation of the teaching profession. The employee will be notified that such a referral will be made.

19. Stage 3 - Appeal

19.1 Appealing against the outcome

If you believe that a disciplinary penalty is unfair, you are entitled to appeal.
You should appeal in writing to the Chair of Governors within ten working days of receipt of the disciplinary outcome letter.

You should also set out in writing the grounds on which you believe the outcome of the original meeting to have been unfair.

19.2 Appeal meeting

Following receipt of your appeal, we will arrange an appeal meeting within five working days. However, if this is not possible, you will be informed of the reason for any delay.
You are entitled to be accompanied at the appeal meeting by a fellow employee or a trade union official.
The appeal meeting will be conducted by the appeal panel, who will consider the grounds that you have put forward and review the conclusion reached in the original disciplinary meeting. The appeals panel should be formed from the governing body with a quorum of three.
At the meeting you will be given the opportunity to explain why you feel the initial meeting reached the wrong conclusion.

Depending on the circumstances, the meeting may either solely consider the points that you have raised, or it may reconsider the whole case and reach its own conclusion on the correct outcome.

19.3 Outcome of appeal

Following the appeal meeting, the relevant manager will inform you in writing, usually within seven working days, of the outcome.

If the result of the appeal is that a decision to dismiss you is overturned, you will be reinstated with immediate effect. You will be reimbursed in full for any wages lost since your dismissal. The outcome of the appeal is final.

19. 4 Duration of warnings

When you are given a warning, we will tell you how long it will remain live. This will depend on the specific circumstances. However, in general:

- a first written warning remains live for up to six months; and
- a final written warning remains live for 12 months.

Warnings may be live for a longer period depending on the seriousness of the misconduct and the wider circumstances of the case.

Once a warning has expired, it will no longer be considered when determining the level of any further disciplinary action.

20. Trade union representatives

If you are an accredited representative of a recognised trade union, we will take no action under this procedure (except for suspending you in a case of alleged gross misconduct) until we have had an opportunity (with your agreement) to discuss the matter with a full-time official of the union.

Appendix 1

Procedure for a Disciplinary Hearing

Note: Manager = the manager hearing the case. Where dismissal is a possible outcome, this will be a manager with delegated authority to dismiss, or above.

The employer = the appointed person who presents the case for disciplinary action.

1. The Manager hearing the case Chairs the Hearing and will explain the process to all and ensure introductions are made
2. The employer representative will outline the allegation, present the evidence against the employee, call any witnesses, and explain the case, their findings and their conclusion
3. The employee (or their nominated representative) may question the employer representative and the witnesses.
4. The Manager and the HR representative may question the employer representative and the witnesses.
5. The employee (or representative) will respond to the allegations and may call witnesses
6. The employer representative may question the employee (or their nominated representative) and the witnesses.
7. The Manager may question the employee (or their nominated representative) and the witnesses
8. The employer representative will sum up the case against the employee
9. The employee (or representative) will sum up the response
10. The Manager will adjourn to consider the evidence and make a decision regarding the allegation and, if proven, the appropriate disciplinary action.
11. The employee will be advised of the decision at the conclusion of the hearing, or within five working days of the hearing.
12. The decision will be confirmed in writing within 10 working days.

Appendix 2

Procedure for a Disciplinary Appeal Hearing

Note: Manager = the manager who took the original decision.

Employer = the appointed person who presented the case at the disciplinary hearing.

The Appeal Panel will be supported by HR.

Appellant = the employee appealing against the disciplinary decision

1. The Manager / Chair of the Disciplinary Hearing will outline the allegation, present the evidence against the employee (as presented at the original disciplinary hearing) and call any witnesses. The Manager who heard the original case may be called as a witness if they are not presenting the case.
2. The Appellant (or their nominated representative) may question the manager and any witnesses.
3. The Panel may question the employer representative/Manager and the witnesses.
4. The Appellant (or representative) will explain his/her case and may call witnesses
5. The Manager may question the Appellant (or representative) and the witnesses.
6. The Panel may question the Appellant (or representative) and the witnesses
7. The Manager will sum up the case
8. The Appellant (or representative) will sum up the response
9. The Panel, together with HR, will adjourn to consider the appeal decision.
10. The appeal decision will be given at the conclusion of the hearing, or within five working days of the hearing.
11. The decision will be confirmed in writing within 10 working days.

This Policy will be reviewed and approved by the Governing Board annually.