

Mapledown School



Working and Learning Together

DISCIPLINARY POLICY- DRAFT

Name of School	Mapledown School
This policy was written on	Barnet Model Policy - 2024
This policy was ratified at FGB on	TBC - 11 November 2024
The policy is to be reviewed in	September 2025

Signed by:

_____ Headteacher Date: _____

_____ Chair of governors Date: _____

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1. Purpose of the policy

- 1.1** The purpose of the Disciplinary Policy is to help and encourage all employees to achieve and maintain satisfactory standards of conduct within Mapledown School and ensure employees are treated in a manner that is fair, sensitive, and consistent with the School's values, employment law, and good management practice. It is important to note that this Policy and associated processes are not punitive

in nature. Decisions made within the procedure will be on the balance of probabilities. Therefore, where a decision is made, the decision-maker should be able to demonstrate a reasonable belief to support the decision made

- 1.2 The Disciplinary Policy should be read in conjunction with the Disciplinary Procedure, which provides clear guidance on the steps that should be followed to ensure that allegations of misconduct are investigated timely and appropriately, and that decisions made on any sanctions are fair and rational.
- 1.3 The school appreciates that the process around investigating allegations of misconduct may be stressful for those participating in the process. The Disciplinary Procedure outlines various avenues of support that may be available to participants.

2. Scope

- 2.1 This policy applies to all School employees except those who are in their probationary period. It does not apply to agency workers, contractors or consultants.
- 2.2 For newly appointed employees who are in their probationary period, the school's Staff Induction and Probationary Policy applies.

3. References

- 3.1 The School's Code of Conduct, Disciplinary Procedure, and the following policies are associated with this document (please note that the list of associated policies is not exhaustive):
 - Grievance Resolution Policy and Procedure
 - Policy Statement on Dignity at Work
 - Managing Absence Policy and Procedure
 - Procedural arrangements regarding investigations and suspensions as outlined in the relevant Appendices to the Disciplinary Procedure.
 - Policies and procedures covering issues relating to data protection, confidentiality, and information security.
- 3.2 Reference should be made to the relevant Scheme of Delegation provisions to ensure that disciplinary hearings where dismissal is a possible outcome are chaired by a manager with authority to dismiss (see annex A, B and C).

4. General Principles

- 4.1 Many potential disciplinary issues can be quickly resolved informally. Managers and employees should always look to resolve any misunderstandings or low-level concerns around standards of conduct informally within the workplace. Counselling will be offered, where appropriate, to resolve problems.
- 4.2 The School appreciates that each individual case will vary depending on the specific circumstances. The principles of this Policy will apply to all disciplinary cases within the School. However, managers, employees, and trade union representatives should remember that the Disciplinary Procedure contains steps which may not be relevant to some cases (e.g. on interviewing witnesses). Similarly, the circumstances of a case may result in some adjustment to the application of certain steps (e.g. the Investigating Officer may determine that it may be more appropriate to email a set of questions to a member of the public who has witnessed an incident instead of having a real-time interview with them).

- 4.3 The School will conduct disciplinary proceedings in a manner that is consistent with the principles of natural justice. Investigations into allegations of misconduct will be undertaken in a way that is timely, impartial, and proportionate to their seriousness and complexity. Employees against whom allegations of misconduct have been raised will be formally notified of the outcome of the process, together with the rationale behind any decisions made or sanctions imposed.
- 4.4 Any actions/steps within the Disciplinary Procedure should be implemented speedily whilst always maintaining confidentiality and keeping relevant parties informed of what is going to happen.
- 4.5 Where allegations of misconduct have been raised against an employee, the School may decide to temporarily alter or restrict their duties or suspend the employee from work. More details around suspensions and alterations or restrictions to work duties can be found in the Disciplinary Procedure and Appendix 3.
- 4.6 A copy of the Disciplinary Policy and Procedure is available to employees in the School Google area or via a request to their line manager and should be given to any employee who is subject to any disciplinary investigation or action.
- 4.7 Before invoking the formal Procedure, managers should consider seeking assistance and advice from HR, who will ensure that the guidance and advice given supports the case being managed fairly and encourage the consistent application of sound decision-making principles across the School.
- 4.8 The formal Disciplinary Procedure may be implemented at any stage, depending upon the seriousness of the allegations.
- 4.9 No formal disciplinary action will be taken under this Policy and Procedure without a full and proper investigation and hearing.
- 4.10 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.
- 4.11 Recognised trade union representatives will be subject to the same standards of conduct as other employees but will have the right to be represented by their District or Regional Officer or Regional Officer. More information is available in the Disciplinary Procedure.
- 4.12 Employees will have the right of appeal against any formal disciplinary sanction imposed under the Disciplinary Procedure.
- 4.13 Occasionally an employee may raise a grievance during the disciplinary process which is related to the case. Where that happens, managers [with advice from HR as required] will need to make an assessment as to whether the processes can run at the same time (please also refer to Council's Grievance Resolution Policy and Procedure).
- 4.14 On some occasions, a disciplinary investigation and/or hearing will uncover room for improvement in employee training, wider working practices, and/or management systems. Where misconduct allegations against an employee are found to be substantiated, the hearing Chair should determine any appropriate disciplinary sanction[s] taking into account any relevant managerial/organisational shortcomings and their impact on the employee's conduct.
- 4.15 Where such scope for improvement is identified, and regardless of the outcome of the disciplinary investigation and/or any subsequent hearing, Investigating and/or Commissioning Officers should ensure that observations and recommendations are documented and shared with relevant colleagues in the spirit of continuous improvement. Care should be exercised to ensure that data protection and confidentiality requirements are observed. Any management-led improvement plans should not be conflated with any sanctions or any other part of the application of the Disciplinary Procedure to an individual case.

4.16 Occasionally an employee who is subject to the Conduct Procedure may lodge grievances. Both processes will normally run at the same time, however, consideration may be given to suspending the Conduct Procedure.

5. Investigations

- 5.1 The School will carry out confidential investigations into allegations of misconduct including collecting evidence from employees and other parties who may be aware of the facts of a case.
- 5.2 Managers who commission an investigation into disciplinary allegations ('Commissioning Officers') will designate an 'Investigating Officer' tasked with undertaking the investigation and compiling a report with their findings. They should exercise care in ensuring that Investigating Officers are capable of undertaking an independent investigation and able to review the relevant information and produce a report without undue delay.
- 5.3 Investigations into misconduct allegations may overlap with other investigations or similar processes relating to financial audits, the safeguarding of children, or parental/resident complaints. Disciplinary investigations will normally be conducted separately and independently from other processes. Investigating Officers will be permitted to review any evidence that has been collected as part of those processes and include relevant parts of such evidence in their investigation reports.

6. Meetings, interviews, hearings

- 6.1 Any references to 'meetings', 'interviews', or 'hearings' within this policy will be applicable to discussions held in a defined physical location (e.g. on School premises) and those held remotely through the use of teleconferencing/video conferencing facilities.
- 6.2 Employees are entitled to bring a companion or trade union representative into meetings or hearings held under this Policy. More details can be found in the Disciplinary Procedure.

7. Appeals

- 7.1 Employees who have received a formal sanction at/after a disciplinary hearing are entitled to appeal against the decision of the Chair.
- 7.2 Appeals must be lodged in writing within 14 calendar days of the date of issue of the formal notification of the outcome. Any appeals submitted after the 14-day deadline will need to include reference to the circumstances/reasons for the delay, which will be considered on a case-by-case basis. More information can be found in the Disciplinary Procedure.
- 7.3 Disciplinary appeals are not structured to provide a facility for cases to be reassessed from scratch. Accordingly, appeals must be made on specific grounds, as set out within the Disciplinary Procedure.
- 7.4 The decision of the Chair of a disciplinary appeal hearing is final. The authorities listed in **Annex A and B** will hear the appeal. The appeal should not be delegated to a manager or governor who has had any previous direct involvement or where there may be a conflict of interest
- 7.5 In the interests of natural justice, disciplinary appeal hearing decisions will not result in the employee receiving increased/additional sanctions.
- 7.6 The manager / panel hearing the appeal should give a decision about the outcome of the grievance within 10 working days. This decision is final within the Council and no further internal appeal is permitted.

8. The role of The Governing Body

- 8.1 The Governing Body is responsible for making sure that the Disciplinary Policy is regularly reviewed and advising on its fair and consistent application, providing managers and employees with advice, support, training, and assistance where required. More information is available within the Disciplinary Procedure.

9. Confidentiality

- 9.1 Any employee involved with this process is expected to maintain confidentiality at all stages. If an employee breaches confidentiality, they may be subject to separate disciplinary action depending on the nature of the breach.

10. Equality Statement

- 10.1 In applying this policy, the School will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership (in employment only), pregnancy and maternity, race, religion or belief, and sexual orientation. In addition, the School will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership.

Authority Levels – Up to and including a final written warning

Job Role	Authority Level	Appeal Stage
Head Teacher – directly employed by the Council under Head Teachers’ pay and conditions	Governing Body, who should normally delegate this to the Chair of Governors	Panel of Governors
Head Teacher – employed by the Governors	Governing Body, who should normally delegate this to the Chair of Governors	Panel of Governors
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers’ pay and conditions	Head Teacher or Senior School Manager	Head Teacher, if not previously involved in case, or Panel of Governors
Teacher, including Deputy Head Teacher - employed by the Governors	Head Teacher, Senior School Manager or a nominated Governor.	Head Teacher, if not previously involved in case, or Panel of Governors
All other employees, not listed above	Head Teacher, Senior School Manager or a nominated Governor.	Head Teacher, if not previously involved in case, or Panel of Governors

Authority Levels – Dismissal or action short of dismissal

Job Role	Authority	Appeal - Dismissal
Head Teacher – directly employed by the Council under Head Teacher pay and conditions	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Head Teacher – employed by the Governors	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers' pay and conditions	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy HT - employed by the Governors	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
All other employees, not listed above including Centrally Employed Teachers	Governing Body, would recommend dismissal	Panel of Governors

Authority Levels – Suspension

Job Role	Authority
Head Teacher – directly employed by the Council under Head Teachers’ pay and conditions	The Governing Body can suspend after discussion with HR / the Director Childrens’ Services. Chair of Governors and Director Childrens’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Head Teacher – employed by the Governors	The Governing Body can suspend after discussion with HR / the Director Childrens’ Services. Chair of Governors and Director Childrens’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers’ pay and conditions	The Head Teacher and / or the Governing Body can suspend after discussion with HR / Director of Childrens’ Services. Chair of Governors and Director Childrens’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Teacher, including Deputy Head Teacher - employed by the Governors	The Head Teacher and / or the Governing Body can suspend after discussion with HR / Director of Childrens’ Services. Chair of Governors and Director Childrens’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
All other employees, not listed above including Centrally Employed Teachers	The Head Teacher and / or the Governing Body can suspend after discussion with HR / Director of Childrens’ Services. Chair of Governors and Director Childrens’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
<p>In all cases where the employee is a member of a recognised trade union the Branch Secretary must be made aware by telephone, followed up in writing, of the suspension.</p>	

Retention of Warnings

Action	Period of time the Warning will remain on an employee's personal record
Counselling Notes	12 months
First Written Warning	12 months
Final Written Warning	12 months
Action short of dismissal	24 months

Allegations involving Safeguarding will be retained indefinitely, as per statutory requirements.