



# Hounslow Town Primary School

## Disciplinary Policy

Approved by: Headteacher

Last reviewed on: April 2025

Next review due by: April 2026

### 1. INTRODUCTION

- 1.1 This disciplinary policy is established in the context of the School Staffing (England) Regulations 2003 (hereafter referred to as ‘the Staffing Regulations’) and with statutory guidance issued in accordance with sections 35 and 36 of the Education Act 2002 (hereafter referred to as ‘the Statutory Guidance’). It will apply to all employees of the school, including the Headteacher. Where the conduct of the Headteacher is subject to consideration under this procedure then this document should be read with “Chair of Governors” replacing any reference to the “Headteacher” and the “Headteacher” replacing any reference to the “employee”. The Chair of Governors may delegate his/her responsibilities as outlined in this document to the Vice Chair or other appropriate governor.
- 1.2 The Disciplinary Policy is separate and distinct from the Grievance and Fair Treatment Policy whereby an employee is entitled to air a grievance relating to her/his employment.
- 1.3 Disciplinary procedures are necessary for promoting fairness and order in the treatment of individuals and in the conduct of employment relations. This document has been drawn up to ensure that all employees who become subject to disciplinary action are dealt with in a fair and equitable manner.
- 1.4 Formal disciplinary procedures should be commenced in cases where an employee’s conduct is in question and should normally follow only after the failure of remedial measures. Where capability or competence of teaching staff is the issue, the separate procedure should be followed. *Note: If there is a capability issue with a member of the Support Staff, please contact a member of the HR Advisory Team before taking any further action.*
- 1.5 The exercise of disciplinary authority shall be free from bias and in accordance with natural justice.
- 1.6 The employee shall be entitled, at all stages, formal and informal, to be accompanied by a trade union representative or fellow employee. The employee shall be given reasonable notice to attend formal meetings/hearings as set out in section 3 and 5 of this procedure. In circumstances when the employee fails to attend without good reason it may be determined for the meeting/hearing to proceed in the employee’s absence. In certain other exceptional circumstances it may not be possible for the employee to attend a meeting/hearing within a reasonable period of time (e.g. due to ill health). In such circumstances it will be appropriate for the Headteacher/Chair of Governors/Disciplinary Committee to consider alternative means of proceeding giving all reasonable opportunity for the employee to make her/his case (e.g. through documentary submission and/or the case being presented on her/his behalf by a trade union representative or fellow employee). Before proceeding with such a variation to the normal process advice will be taken from appropriate sources

(e.g. the CS&LL Human Resources Section and, for matters where the health of the employee is a factor, the Occupational Health Service).

- 1.7 Records will be kept on the employee's personal file, detailing the nature of any misconduct, the action taken and reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. Such records will be treated as confidential.
- 1.8 The employee will be informed at any stage when there is a right of appeal and this will be confirmed in writing.
- 1.9 If disciplinary action has to be taken against an area trade union representative the case will be discussed with a full-time official of the union concerned as soon as is practicable.
- 1.10 Information relating to disciplinary action must be confidential. Any reports arising from action by the Headteacher or Governor Committees should only be dealt with in the confidential section of the minutes, after the whole procedure including any appeal has been concluded. Proceedings which do not reach this stage should not be reported.
- 1.11 In accordance with School (Government) Regulations, the Governing Body should establish a Disciplinary Committee and an Appeals Committee, each consisting of at least 3 governors other than in exceptional circumstances such as when there are insufficient eligible governors (see paragraph 1.12). The Disciplinary Committee will have the purpose of hearing disciplinary cases referred to it for consideration, and the Appeals Committee will have the purpose of hearing appeals against disciplinary decisions taken by the Headteacher or the Disciplinary Committee. Members of the Disciplinary Committee who conduct a disciplinary hearing must not have had prior involvement in the case prior to the disciplinary hearing. Members of the Appeal Committee who conduct an appeal hearing must not have had prior involvement in the case prior to the appeal hearing.
- 1.12 All reasonable efforts should be made to ensure that there are sufficient governors available for the purpose of disciplinary and appeal hearings but in exceptional circumstances it is possible for hearings to take place with fewer than 3 members of the Committee in attendance. In such circumstances the number of governors sitting at a meeting of the Appeal Committee must be at least equal to the number of governors that heard the original disciplinary case. Example: if only 2 governors are available for a disciplinary hearing then it would be possible for an appeal in respect of that case to be heard by an appeal committee of 2 or more governors. If 3 governors were present on the Committee for the disciplinary hearing then at least 3 governors would need to be in attendance at the Appeal Committee hearing any consequent appeal.

## **2. INVESTIGATION**

- 2.1 Prior to a matter being subject to the warning procedures set out in section 3 or the stage 2 disciplinary action set out in section 5, it is necessary for sufficient investigation to have taken place to enable a clear view of the facts to emerge. In some circumstances an investigation may have been initiated under another procedure (e.g. the Grievance and Fair Treatment Procedure) which may have led to the recommendation that allegations against the employee should be considered in accordance with section 3 or section 5 of the Disciplinary Procedure. Investigations may also be initiated under the Disciplinary Procedure and in all circumstances where disciplinary action may be contemplated as a result of an investigation the following principles will apply.
- 2.2 A decision to initiate a disciplinary investigation will normally be made by the Headteacher (or the Chair of Governors if the matter to be investigated involves the Headteacher). The Headteacher may

conduct the investigation her/himself or otherwise delegate the responsibility to an appropriate manager. If the manager undertaking the disciplinary investigation is an employee of the school then she/he must be more senior in the school's staffing structure than those who are subject to investigation. Where a disciplinary investigation is initiated by the Chair of Governors she/he may conduct the investigation her/himself or assign this to one or more governors. The Chair shall be mindful of maintaining sufficient governors to sit on any committee that may have to conduct a formal disciplinary and appeal hearing (see paragraph 1.11 and 1.12). The term 'investigating manager' is used hereon in this document to refer to the person/people responsible for investigating a disciplinary matter.

- 2.3 In many circumstances it is preferable for the investigating manager to be separate from the person/people who consider the allegation at a formal disciplinary hearing. There may however be circumstances in stage 1 formal meetings (3.2 – 3.4) when the alleged misconduct is considered relatively minor and the circumstances are straight forward (e.g. the facts of the case are not disputed) when it is appropriate for the investigating manager to also conduct the disciplinary meeting. Such a process is intended to be in accordance with the principle of proportionality and to ensure that the process does not become unduly protracted.
- 2.4 The extent of the investigation will depend on the circumstances and seriousness of the case. In serious or complex cases the investigating manager may engage the support of another manager/governor or other professional support to assist her/him in the investigation. The investigating manager has a responsibility for ensuring that disciplinary investigations within their remit are carried out without undue delay. Every effort should therefore be made to commence investigations in an efficient and timely manner. If a matter being investigated is highly serious in nature such that it may constitute gross misconduct or it is considered that the continued presence of an employee at work would undermine the investigation then suspension should be considered, as outlined in section 4.
- 2.5 Employees who are interviewed shall be given the opportunity to be accompanied by a trade union representative or fellow employee (though witnesses may not accompany one another) but it is expected that arrangements to be accompanied can be made without causing significant delay to the investigation.
- 2.6 The investigating manager will determine the findings from her/his investigation and decide from the following possible outcomes:
- To proceed to action as outlined in section 3 or 5 of this procedure
  - To take alternative or additional action to the disciplinary procedure
  - To take no further action.
- 2.7 The employee should be informed of the outcome from the investigation as soon as is reasonably possible. Where it is decided to take the matter forward in accordance with the formal stages of this procedure the investigating manager shall compile the evidence to be provided to the employee and made available at the meeting/hearing. The employee shall be sent this documentation along with the written notification to attend the meeting/hearing as outlined in 3.2 and 5.3.

### **3. WARNING PROCEDURES**

#### **Informal Procedure**

- 3.1 It is recognised that many matters relating to discipline and conduct may be resolved by informal discussion without recourse to any formal disciplinary procedure, and that such discussions form an important part of school management. It is important that informal measures are clear and

employees advised that further occurrence of inappropriate conduct may need to be dealt with through formal disciplinary action (such notification may be in writing but would not hold the status of a formal written warning).

### **Formal Procedure – First Stage**

- 3.2 If the Headteacher decides, after an investigation, that disciplinary action should be considered against an employee, a meeting will be convened to consider the matter. If the alleged offence is of such a serious nature that it could lead to dismissal or the employee is already subject to a live final written warning then the matter should be considered in accordance with the Second Stage procedure (section 5). In all other cases the First Stage procedure should apply and the employee will be given written notice of the meeting, at least five working days in advance, together with a written statement of the disciplinary allegation and a copy of the evidence that is to be considered by management at the meeting. In determining the timing of the meeting, reasonable account will be taken of when the employee is able to obtain appropriate representation. At the meeting the employee and her/his work colleague/union representative shall have the opportunity to ask questions and give a response to the allegation. Witnesses may be called by either the person convening the meeting or the employee. Any documentation and notification of witnesses the employee wishes to call must be sent to the Headteacher to be received at least three working days before the meeting.
- 3.3 In accordance with the Staffing Regulations and the Statutory Guidance it is recognised that the regulation of staff conduct and discipline is under the control of the Governing Body but normally determinations made under the disciplinary procedure will be delegated to the Headteacher (with any such determination being subject to the employee's right of appeal to the Appeals Committee). In cases where the disciplinary determination is not delegated to the Headteacher the determination will be made by the Chair of Governors or Disciplinary Committee with any such determination being subject to the employee's right of appeal to the Appeals Committee. In accordance with previous authority practice, a first stage disciplinary hearing should normally be dealt with by the Headteacher. In certain circumstances, e.g. where previous events might affect the Headteacher's ability to *appear* impartial, it might also be appropriate for a Stage One disciplinary meeting to be conducted by the Chair of Governors or Disciplinary Committee.
- 3.4 If, at the meeting, it is found that the allegation is justified, a warning will normally be given, as described below.

#### **(i) Written Warning**

A warning may be given by the Headteacher, Chair of Governors or Disciplinary Committee. Provided that no further disciplinary action is required the warning shall remain live for one year or two years depending on the seriousness of the misconduct. Within 5 working days of the outcome of the meeting the employee shall be notified in writing that a warning has been given. The notification will include a statement of the nature of the offence, an indication of whether the warning will remain on record for one year or two years, and, in appropriate cases, an indication of any support remedial measures which will be offered to the employee. The letter shall also advise the employee of her/his right of appeal in accordance with section 6.

#### **(ii) Final Written Warning**

In the event of a warning or warnings failing to produce a satisfactory improvement and also in cases where the offence is so serious that any repetition would give grounds for consideration for dismissal, the Headteacher, Chair of Governors or Disciplinary Committee shall issue a final written warning. The Director of CS&LL shall have the right to be represented at any meeting at which a final warning may be issued. The final written warning shall be issued within 5 working days of the meeting and shall include a statement of the nature of the offence and advise the employee that any further misconduct is likely to result in dismissal.

The letter shall also advise the employee of the period that the final warning shall remain live and notify her/him of the right of appeal in accordance with section 6. A final written warning shall normally remain live for a period of two years. In exceptional circumstances the nature of the misconduct may be considered so serious that it is determined to remain live for a longer period.

NB- It is important that notes are taken at the proceedings. These should not be a verbatim record, but reflect the general detail of the meeting.

## **4. SUSPENSION**

- 4.1 The Headteacher or the Chair of Governors may direct the suspension on full pay of any employee pending appropriate consideration of a particular complaint or allegation.
- 4.2 Suspension shall not imply pre-judgement of guilt and serves only to reserve the position while investigations are made. Suspension shall only be regarded as justified if the circumstances are such that it is appropriate that the employee should not carry out her/his normal duties pending investigation. Such investigation must be undertaken as quickly as possible to enable the employee to be advised without undue delay of the proposed course of action to be taken.
- 4.3 Within five working days following a suspension, the employee shall be given written notification of the suspension and of the grounds for it. The Chair of Governors and the Headteacher shall each be notified of any suspension of an employee which has been directed by the other and the Director of CS&LL shall also be notified.
- 4.4 The suspension will be reviewed by the Headteacher at regular intervals, and at least every four weeks.

## **5. SECOND STAGE DISCIPLINARY ACTION**

- 5.1 Second stage disciplinary action is when the outcome of the hearing may result in dismissal, for example in cases where there is a live final written warning or where the nature of the alleged misconduct is so serious that it may warrant dismissal for a first offence (i.e. "gross misconduct"). In accordance with the Staffing Regulations and Statutory Guidance, second stage hearings may be conducted by the Headteacher. However there may be circumstances when it is considered appropriate for the matter to be heard by the Disciplinary Committee (e.g. when the Headteacher has investigated the matter). The employee shall have the right to appear at the hearing, however if the employee fails to attend the hearing without good reason then the hearing may take place in her/his absence. The following procedure outlines what will happen in circumstances when the hearing is conducted by the Disciplinary Committee. If the hearing is conducted by the Headteacher an equivalent process will be followed but with the Headteacher fulfilling the role as outlined below for the Disciplinary Committee and an appropriate manager, who has been responsible for the initial investigation of the matter, fulfilling the role as outlined below for the Headteacher.
- 5.2 The Director for CS&LL shall have the right to attend or be represented at any Second Stage disciplinary hearing, in an advisory capacity.
- 5.3 At least 10 working days notice of a Second Stage hearing shall be given to the employee concerned together with a statement of the complaint(s) made against her/him in sufficient detail for her/him to

prepare a response and a copy of the evidence that is to be submitted by management at the hearing. Witnesses to be called by the Headteacher should be listed in the notification.

- 5.4 In the notification to the employee, she/he will be advised that she/he can submit documentary evidence and call witnesses. Any documentation and notification of witnesses must be sent to be received by the Headteacher by 3 working days in advance of the hearing. Arrangements will be made for the release of staff called as witnesses, as far as this is in the power of the school to arrange (i.e. it is expected that staff of the school will be released, however it is accepted that witnesses who are not employees of the school will not fall within the direction of school management).
- 5.5 The Disciplinary Committee shall consider the disciplinary allegations along with any representations made by or on behalf of the employee.
- 5.6 At the hearing the Headteacher shall formally present the case against the employee and call witnesses as appropriate. The Headteacher may be questioned by the employee or her/his representative and the Committee, as may any witnesses.
- 5.7 The employee or her/his representative shall then be given the opportunity to present her/his case with evidence in documentary form, or through witnesses. The employee may be questioned by the Headteacher and the Committee, as may any witnesses supporting the employee's case.
- 5.8 Having considered all the evidence, the Disciplinary Committee shall decide from the following:
  - (a) to take no further action;
  - (b) to issue a formal warning against the employee, confirmed in writing (see 'written warning' and 'final written warning' in paragraph 3.4);
  - (c) to inform the Director of CS&LL that the employee be dismissed with due notice;
  - (d) to inform the Director of CS&LL to dismiss the employee without notice (in the case of gross misconduct only);
  - (e) to inform the Director of CS&LL to implement the demotion of an employee (e.g. removal of TLR payment). It should be noted that this decision involves the dismissal and immediate re-engagement of the employee (i.e. there is no loss of continuity of service) and would be instigated alongside a warning as per 'b' above.
- 5.9 A letter shall be issued to the employee within 5 working days of the outcome of the hearing being determined. The letter shall summarise the key findings of the hearing, confirm the outcome and advise the employee of her/his right of appeal (see section 6).
- 5.10 A report in respect of all Stage Two hearings shall be submitted to the Director of CS&LL.

## **6. APPEALS**

- 6.1 Where an employee is dissatisfied with a disciplinary decision made at Stage One or Stage Two of this procedure she/he shall have the right to appeal to the Governing Body Appeals Committee. Any such appeal will state the grounds of the appeal and shall be submitted in writing to the Clerk to the Governors and simultaneously copied to the Headteacher to be received by no later than 10 working days after the employee received written notification of the disciplinary decision.

- 6.2 The reason for the appeal must be clearly stated, whether it is to do with procedure or the case content. New material evidence which relates to questions of fact, and which has become available since the first hearing, may be presented.
- 6.3 At least seven working days notice of the time, day and place of an Appeal Hearing shall be given to the employee concerned who shall be entitled to be accompanied by a union representative or fellow employee. With this notification the employee shall be sent any documentation that is to be considered by the Appeals Committee. This will include all the documentation that was considered at the first meeting/hearing.
- 6.4 In the notification to the employee, she/he will be advised that she/he can submit additional documentary evidence and call witnesses. Any documentation and notification of witnesses must be sent to be received by the Headteacher by 3 working days in advance of the Hearing (the Headteacher shall arrange for the documentation to be forwarded to the members of the Appeal Committee). Arrangements will be made for the release of staff called as witnesses, as far as this is in the power of the school to arrange (i.e. it is expected that staff of the school will be released, however it is accepted that witnesses who are not employees of the school will not fall within the direction of school management).
- 6.5 The Appeals Committee shall consider the grounds for the appeal along with any representations made by management. The management case in response to the appeal shall normally be presented by the Headteacher and/or the Chair of the Disciplinary Committee (the term 'management' is used in this section to refer to the person or people presenting the management case).
- 6.6 The Director of CS&LL shall have the right to be represented in order to be able to give advice to the Appeals Committee in cases where the appeal concerns a decision to dismiss.
- 6.7 At the hearing the employee or her/his representative shall formally present the grounds for the appeal and call witnesses as appropriate. The employee or her/his representative may be questioned by management and the Committee, as may any witnesses.
- 6.8 Management shall then be given the opportunity to present her/his case and call witnesses as appropriate. Management may be questioned by the employee or her/his representative and the Committee, as may any witnesses supporting the employee's case.
- 6.9 Having considered all the evidence, the Appeals Committee shall decide from the following:
- (a) endorse the original sanction
  - (b) impose a lesser sanction from those available (see paragraph 5.8)
  - (c) delete the sanction
- See paragraph 7.2 below in respect of cases where a decision to dismiss is reduced or deleted as a result of a successful appeal.
- 6.10 The decision of the Appeals Committee shall be final.
- 6.11 A letter shall be issued to the employee within 5 working days of the outcome of the hearing being determined. The letter shall summarise the key findings of the hearing and confirm the outcome
- 6.12 A note taker should attend all appeal hearings, and notes should be kept of the proceedings, which reflect the general detail of the meeting.

## **7. DISMISSALS**

- 7.1 A dismissal decision shall be communicated to the Director of CS&LL and shall be implemented immediately (e.g. if the dismissal is with notice then due notice will be issued immediately). If the employee appeals successfully against a dismissal decision then the notice of dismissal shall be withdrawn or, if the notice has already been exhausted or the employee had been dismissed without notice, the employee will be re-instated with effect from the date that their employment had ended.
- 7.2 Following a decision to dismiss, after due time allowed for an appeal to be lodged or in the event of an appeal being unsuccessful, the decision will be reported to the full Governing Body as a confidential item.