

Policy Title:	Staff Discipline Policy and Procedure
Version:	1.2
Member of Staff Responsible:	Chief Executive Officer
Status:	Statutory
Date adopted by Trust Board:	6 th July 2026
Date for Review:	May 2027
Reviewed:	Annually
Reviewed:	3 rd November 2021 16 th October 2023

Change Record		
Version	Date	Description
1.1	18/05/26	Changes to Section 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 14, 16, 17, Appendix 1. Additional section on Data Protection
1.2	06/07/2026	Amendment to Appendix 1
1.3		
1.4		

Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind

Staff Discipline Policy and Procedure

1. Introduction and Interpretation

1.1 The purpose of this policy and procedure is to set out the standards of conduct expected of our colleagues and to ensure that all disciplinary matters are dealt with fairly and consistently. This procedure does not deal with performance or sickness absence issues as these are dealt with under separate policies.

1.2 Primitas Learning Partnership is committed to supporting and retaining individuals who have the right motivation, skill and experience to make a positive contribution to the Trusts' success and the delivery of high quality education.

Primitas Learning Partnership is committed to achieving this through:

- Setting high standards of expectation consistent with the Trust and academy and relevant professional standards
- The application of consistent and fair procedures in accordance with legislative requirements

1.3 The policy and procedure applies to all employees of Primitas Learning Partnership, regardless of length of service.

1.4 Any reference to 'the employer' refers to Primitas Learning Partnership (PLP). Employees who are being managed in accordance with this Policy are referred to as colleagues. The 'Appropriate Leader who has responsibility for overseeing and managing the process is outlined in the delegated decision-making structure, in Appendix 1.

1.5 This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the employer will monitor the impact on equality and fairness and consult appropriately on any proposed changes.

2.0 General Principles

2.1 A disciplinary issue will arise when a colleague has not behaved at a standard expected of them.

2.2 The Appropriate Leader (Appendix 1) has a duty to ensure that they and all the colleagues they are responsible for are aware of, and comply with Trust and school policies and procedures. The Appropriate Leader is also responsible for making sure that colleagues know when they are not achieving or maintaining the expected standards of conduct or behaviour.

2.3 The aim of the procedure is to set out and maintain the required standards of conduct and to encourage improvement.

2.4 We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure in line with our equal opportunities commitment.

2.5 The procedure will be applied in accordance with PLP scheme of delegation.

3.0 Acceptable Behaviour and Conduct

- 3.1 The employer expects all colleagues to meet high standards of behaviour and conduct, including the Academy Staff Code of Conduct. Examples of the types of expected standards of behaviour are detailed in this policy (see 15.1.) Failure to meet these standards of behaviour and conduct will result in an informal or formal approach to deal with and resolve the issues in question.

4.0 Minor Conduct Issues and an Informal Approach

- 4.1 For minor conduct issues, the Appropriate Leader may decide that an informal approach will be adopted to help a colleague improve their conduct, appointing an Appropriate Manager, who is a sufficiently senior and experienced member of staff to manage the informal procedure in accordance with the Policy.
- 4.2 Cases of minor misconduct are usually best dealt with informally through confidential conversations and/or meetings about the concerns and actions required to improve conduct.
- 4.3 The purpose of any informal meeting is to improve a colleague's conduct, to identify and examine any areas of concern and to provide a reasonable opportunity for a colleague to respond and to identify the factual accuracy of any concern that has been raised. The purpose of the meeting is also to ensure both parties understand any future expectations of the colleague's conduct. In some cases, the Senior Manager may decide that additional training, coaching or advice is required. Sometimes, it may be appropriate to develop an action plan and where this is the case a colleague will be asked to agree that it is achievable and realistic.

Following an informal meeting, the colleague will receive a letter confirming the information discussed and this along with any notes of the meeting and action plans will be retained on their personnel file. However, there will be no note made on the colleague's disciplinary record.

- 4.4 Where the behaviour causing concern may be related to an underlying relationship issue, it may be appropriate to consider an independent third party, such as a mediator, to help resolve the situation rather than disciplinary action.
- 4.5 In the event that the matter cannot be resolved informally or the matter is too serious, it may be decided that the formal disciplinary process will apply. Although the stages of the disciplinary process will normally be followed sequentially, it can be decided that the formal process should commence at any point taking account of the seriousness of the alleged misconduct, regardless whether informal approaches have been implemented or mediation offered. The colleague will be notified of this at the meeting and this will be followed up in writing.
- 4.6 The informal approach may be escalated where:
- There has been no resolution
 - The issue is more serious
 - There are repeated or multiple incidents of misconduct
 - The misconduct is more serious

No formal disciplinary action will be taken unless or until allegations have been fully investigated.

5.0 Formal Disciplinary Process

5.1 Prior to any formal disciplinary decision being made, the following steps will be taken as overseen and managed by the Appropriate Leader (as per Appendix 1):

- The Appropriate Leader will formally take on the role of Deciding Manager in order to decide that a formal process must be instigated.
- An investigation will be carried out in accordance with the Investigation Procedure. If allegations have been made against a colleague, they will be notified of the nature of the allegations that are to be investigated prior to the investigation meeting. The extent of investigation involved will vary depending on the allegations in question and the circumstances of the case. Investigations will be dealt with as confidentially as is reasonably practicable and sensitively, in line with the Investigations Procedure.
- If following investigation, it is reasonably believed that there are grounds for disciplinary action, the colleague will be required to attend a Disciplinary Hearing.
- The colleague will be invited to the hearing in writing in accordance with the Formal Meeting Procedure.
- The colleague will be provided with written details of the allegations against them that will be presented at the hearing in writing at least 10 Academy working days before the meeting/hearing.
- The colleague provides copies of any relevant evidence they intend to refer to, at least 3 Academy working days before the hearing.
- At the hearing the case against the colleague will be explained and the colleague will have the opportunity to respond to the allegations.

6. Right to be Accompanied

6.1 The colleague has the right to be accompanied by a companion at any meeting as part of the investigatory or formal disciplinary procedure. The companion may be an employee of the Trust (who is not a family member), a trade union representative or an official employed by a trade union.

6.2 The colleague must inform the Deciding Manager in advance of the meeting if they intend to be accompanied at the meeting and who they will be accompanied by, where possible by giving at least 24 hours notice.

6.3 The companion is allowed to address the hearing, to put and sum up the case, respond on the colleague's behalf to any views expressed at the meeting and confer with the colleague during the hearing. They may also request an adjournment and ask questions of anyone present. The companion does not, however, have the right to answer questions on the colleague's behalf, address the hearing if the colleague does not wish it or prevent the employer from explaining their case. Other than confirming that all parties have the same documentation it would not normally be necessary to read out the content of the documentation.

6.4 Under this procedure, the colleague does not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative).

6.5 However, it would not normally be reasonable for the colleague to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it

be reasonable for the colleague to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

- 6.6 If the colleague needs reasonable adjustments, eg for a disability, please contact the Appropriate Leader. Where appropriate, eligible colleagues, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

7. Suspension

- 7.1 Depending on the circumstances, a colleague may be suspended from work on full pay during the investigation. Suspension on full pay is not a disciplinary penalty or a presumption of guilt. Suspensions will be carried out in accordance with the Suspension Procedure.

- 7.2 Where suspension is necessary:

- The Deciding Manager must authorise the suspension.
 - For colleagues within an Academy, this must be the Headteacher but if it is the Headteacher who is the subject of the disciplinary procedure, the Governing Body must authorise the suspension.
 - For colleagues within the central team, the Chief Executive Officer must authorise the suspension, but if it is the Chief Executive Officer who is subject to the disciplinary procedure, the Trust Board must authorise the suspension.
 - The colleague will be informed of the suspension in a meeting and will be permitted to be accompanied to the meeting by either a colleague (who is not a family member) or trade union representative.
 - The colleague will receive notification in writing of the suspension within 2 working days of the meeting and will be suspended on full pay.

- 7.3 The Trust understands being suspended might be stressful for the colleague. Suspension will only occur following an assessment of the situation and careful consideration and only if there is no other option. The Trust will support the colleague throughout the suspension period, always considering the colleague's mental health and wellbeing.

8. Investigation

An independent Investigating Manager will be appointed by the Deciding Manager to investigate all alleged misdemeanours.

Before a disciplinary hearing takes place, the Investigating Manager will gather the facts of the case and evidence. The Investigating Manager will, if necessary, hold investigatory meetings (in person or over video conferencing). For the benefit of all concerned this will be conducted as quickly as reasonably practicable.

The Investigating Manager will submit their report to the Deciding Manager who will determine whether the matter should move forward to a formal disciplinary hearing. The colleague will be informed of the outcome of the investigation in writing.

9. Action Against Trade Union Representatives

- 9.1 Disciplinary action against a TU representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal disciplinary standards apply to a TU representative's conduct as a colleague, the relevant full-time official should be notified

of any action (including suspension) that the employer proposes to take. All reasonable efforts must be taken to ensure that disciplinary action is not taken against a TU representative until the relevant full-time official has had an opportunity to be present at any stage of the formal procedure.

10. Criminal Offences

- 10.1 Certain criminal offences may affect a colleague's suitability to continue in their role with PLP or may damage the reputation of the Trust and/or the Academy. If a colleague is charged with a relevant criminal offence they must inform their Appropriate Leader as soon as possible. The notification about criminal proceedings, or a conviction (including bind-over's and cautions), will not be treated as an automatic reason for dismissal or for any other form of disciplinary action being taken. The Appropriate Leader will decide what action to take, if any, after they have reviewed the matter. The main consideration should be whether the conviction is one that makes you unsuitable for the job or affects the school or the Trust's reputation.
- 10.2 If a colleague is subject to a criminal investigation, the Deciding Manager will determine whether or the extent to which an internal investigation should be conducted before deciding whether to proceed with formal disciplinary action. The Deciding Manager will seek advice from the Police before deciding what action to take. No decision to impose a disciplinary sanction or dismiss will be taken prior to giving the colleague the opportunity to make representations.
- 10.3 If there are reasonable grounds to suspect that the potential misconduct involves child protection/safeguarding, fraud, systems abuse, theft, or any financial irregularity, we will notify the relevant agencies including the Local Authority Designated Officer for safeguarding (LADO) and/or the police will be notified as soon as possible.

11. The Disciplinary Hearing

11.1 Notification of a disciplinary hearing

If it is decided that there is a disciplinary case to answer, the colleague will receive written notification 10 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences
- Copies of any written evidence, including witness statements
- The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant)
- A statement that the employee has the right to be accompanied by a colleague (who is not a family member) or a trade union representative
- Notification that the employer intends to call witnesses (if relevant)

Formal hearings will be conducted in line with the Formal Meeting Procedure. The colleague must make all reasonable efforts to attend a disciplinary hearing. If the colleague or their companion is unable to attend a hearing the colleague may propose a new date of no more than 5 Academy working days from the date of the original date.

- 11.2 The Deciding Manager will respond sensitively when a delay is required. For example, it may arise for a reason related to a disability or emergency involving dependants. Another hearing date will be arranged if a good reason for being unable to attend is provided.

- 11.3 If a colleague does not attend the hearing without good reason, it may be re-arranged but if the colleague does not attend the re-arranged meeting/hearing, a decision may be made in their absence. The colleague may submit a written statement to be taken into consideration.
- 11.4 Where a colleague is persistently unable or unwilling to attend the hearing without good cause the Deciding Manager should make a decision on the evidence available.
- 11.5 The disciplinary hearing will be conducted under the Formal Meetings Procedure by a Panel with the appropriate level of delegated authority under the Academy's decision making structure.

11.6 The Hearing

Before the hearing, the colleague will receive a copy of all evidence that will be relied upon during the procedure.

The Chair of the Disciplinary Panel will explain the allegations against the colleague and the evidence in support of those allegations. The colleague will have the opportunity to respond to the allegations, which will include the presentation of the colleague's own evidence if they wish. The colleague may request that a witness(s) attend the hearing. The colleague must provide the name, contact details and reason they are requesting the witness to attend five days before the date of the hearing. Where they require a character witness they should provide witness statements in writing instead of the witness attending in person. Where a witness is required to attend, the Disciplinary Panel will invite them in writing, if appropriate.

- 11.7 Minutes of formal meetings will be given to the colleague for their information and copies of notes, letters and action plans should be retained by the Appropriate Leader.

12. Disciplinary Penalties

12.1 Stage 1 – First Written Warning

A first written warning may be issued by the Disciplinary Panel and will usually be appropriate for a first act of misconduct where there are no previous warnings and where agreed adjustments and other support has been made or provided. The warning will remain active for 6 months and it should be disregarded for disciplinary purposes after this period.

12.2 Stage 2 – Final Written Warning

A final written warning may be issued by the Disciplinary Panel in the following circumstances:

- where there has been a further act of misconduct while an existing warning is in effect, or
- the seriousness of the misconduct is sufficient to warrant such a warning, even though no previous warning may have been issued or
- there is failure to improve performance while you are still under a prior warning.

- 12.2.1 The warning will confirm the full details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will also refer to the right of appeal.

- 12.2.2 The warning will remain active for 12 months and it should be disregarded for disciplinary purposes after this period.

12.3 **Stage 3 – Dismissal**

Where there has been gross misconduct, a final written warning has already been given or there has been a failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion.

Only the Disciplinary Panel has the appropriate level of authority, in line with the Trust's scheme of delegation and academy's decision making structure, to take a decision to dismiss. A colleague may be dismissed in the following circumstances:

- where, within the duration of the final written warning, the necessary improvement in behaviour has not been achieved and any agreed adjustment and other support has been made or provided. This would be with notice or payment in lieu of notice; or
- where there has been a further act of misconduct while an existing warning is in effect
- where it is reasonably believed that a colleague has committed an act of gross misconduct. Gross misconduct will usually result in summary dismissal without notice and without pay in lieu of notice. Examples of gross misconduct are detailed in the policy.

- 12.3.1 The Disciplinary Panel may at their discretion consider alternatives to dismissal. Examples of such alternatives include demotion, loss of seniority, reduction in pay, compulsory training. If such an alternative is applied, it may also be accompanied by a final written warning.

- 12.3.2 The letter will confirm reasons for dismissal, date the colleague's employment will end, confirmation of all final payments the colleague is owed, and the right of appeal. If an action short of dismissal has been decided on, the colleague will receive confirmation of the full details of the complaint, be warned that dismissal could result if there is no satisfactory improvement, and advised of the right of appeal. The written warning will remain active for 12 months and it should be disregarded for disciplinary purposes after this period.

13. Warnings

- 13.1 Where a warning is issued, this will be confirmed to the colleague in writing within 10 working days of the hearing. The warning will state the misconduct that led to the warning, the action or improvement required by the colleague, the duration of the warning and the likely consequences of the action of improvement not being taken and/or any further misconduct. The colleague will also be advised of the right of appeal and the person to whom an appeal should be made.

14 . Appeals

- 14.1 Where disciplinary action has been taken, if the colleague is dissatisfied with that decision, they can appeal. The appeal must be in writing and set out the grounds of the appeal in line with the list below and include all the information the colleague wish to rely on at the appeal hearing. The colleague must send their appeal to the Chair of the Trust Board within 5 working Academy days from the date they received the letter notifying them of the disciplinary action. The Chair of the Trust Board will then ensure that an appropriate Appeals Panel is constituted. The action taken at the disciplinary hearing will remain in force pending the outcome of the appeal. The colleague must be appealing against either:

- the finding that the colleague was guilty of committing the alleged act (or acts) of misconduct where the evidence did not support this finding
 - the severity of the disciplinary sanction imposed taking into account the nature of the misconduct and the mitigating circumstances
 - the fact that the colleague does not feel the correct procedure was followed
 - the fact that new evidence that was not considered in the disciplinary hearing has come to light that would change the outcome
 - the sanction is inconsistent with how others have been treated
 - there was unlawful discrimination in the handling of the disciplinary.
- 14.2 The colleague will be invited to the Appeal Hearing in writing in accordance with the Formal Meeting/Hearing Procedure. The colleague will be given at least 10 Academy working day's notice of the appeal hearing. The colleague will have the right to be accompanied at the Appeal Hearing by their companion.
- 14.3 The colleague must provide copies of any relevant evidence they intend to refer to, at least 3 Academy working days before the hearing.
- 14.4 The outcome of the appeal may be to overturn or confirm the original decision or apply a different, but not more serious, sanction. The colleague will be advised of the appeal outcome, which will be confirmed in writing within 10 Academy working days of the appeal hearing. There is no further right of appeal.
- 14.5 The colleague is not entitled to raise a further complaint under the employer's Grievance Policy (or any of the employer's complaints procedures) in relation to the same grounds of appeal.
- 15. Examples of Expected Standards of Behaviour**
- 15.1 The following are examples of the behaviour expected the employer of all its colleagues, although the list is not exhaustive:
- Colleagues should attend work punctually and regularly, in line with operational requirements.
 - Colleagues should carry out reasonable requests/instructions from their Appropriate Leaders promptly and efficiently, and to the required standard.
 - Approval for time off must be sought in advance from the Appropriate Leader, and be in line with the colleague's contract of employment.
 - Procedures outlined in the Sickness Absence Policy must be followed whenever sickness absence is taken.
 - Colleagues must comply with all of the employer's policies, procedures and code of conduct.
 - Colleagues must adhere to professional body and statutory guidelines, as appropriate, and act professionally at all times.
 - In a colleague's own interests, and in the interests of the employer as a whole, colleagues should bring serious breaches of the employer's policies or procedures to the attention of management.
- 16. Examples of Disciplinary Sanctions**
- 16.1 The following are examples of gross misconduct but this list is not exhaustive:

- Action that has caused, or is likely to cause a child to suffer significant harm.
- Failure to take action to protect a child whom you believe is suffering, or is likely to suffer, significant harm.
- Actual or threatened violence or bullying behaviour
- Theft or unauthorised removal of property, fraud, falsification of the employer's records.
- Other forms of intentional deception or dishonesty.
- Deliberate or serious damage to the employer's property or that of a colleague, customer, contractor or authorised visitor
- Serious negligence which does or could result in loss, damage or injury
- Deliberately accessing, copying or distributing pornographic, offensive, obscene or inappropriate material on the internet or paper media
- Being under the influence of alcohol, drugs or other similar substances at work which may give reasonable grounds to suspect a colleague's ability to undertake their duties or being in possession of illegal or intoxicating drugs on site
- Refusal to obey reasonable instructions or any other act of serious or repeated insubordination
- Any action or behaviour which brings the school or the Trust into serious disrepute.
- Serious breach of health and safety rules
- Unauthorised disclosure of confidential information
- Acceptance of bribes or other secret payments
- Harassment or any act of discrimination towards anyone you come into contact with because of a colleague's work.
- Convictions relating to activities outside work but which have a significant and direct bearing on a colleague's employment and with the reputation of their school and the Trust.
- Misrepresenting at any time (including during the appointment process) any previous positions you have held, a colleague's qualifications, date of birth, declaration of health, or a failure to disclose a criminal offence or pending criminal action subject to the provisions of the Rehabilitation of Offenders Act 1974.
- Inappropriate postings on social media which relate to Trust matters or bring the reputation of Trust into disrepute
- Serious or multiple breaches of professional body and statutory guidelines eg Teacher Standards and Headteacher Standards.

17 Link with Other Policies and Procedures

- 17.1 Grievance Policy – Where a colleague submits a complaint during disciplinary proceedings, this will not normally stop the proceedings from progressing. Where a colleague raises a grievance during disciplinary proceedings:

The disciplinary proceedings may be temporarily suspended in order to deal with the grievance or

The grievance and disciplinary may be run concurrently where they are related.

- 17.2 Where a colleague asserts that disciplinary proceedings being undertaken are unlawfully discriminatory or are motivated by reasons other than misconduct, the colleague can raise a grievance.
- 17.3 Managing Attendance at Work Policy - Where the colleague is absent due to sickness whilst a disciplinary matter is pending, the managing attendance at work procedure will

apply as normal. However, those responsible for keeping in touch would not normally be the same people involved in the handling of your case. Under these arrangements due regard will be given to information provided by medical professionals including, Occupational Health and the colleague's own GP. As appropriate a referral to Occupational Health will be made for them to assess the colleague's health generally and whether or not they are fit to participate in these procedures. Being absent from work due to sickness will not automatically stop the disciplinary procedure progressing.

17.4 Managing allegations against adults in contact with children – Where an allegation has the potential to meet the harm threshold the Managing Allegations Against Adults in Contact with Children Policy should be used alongside the Disciplinary Policy. This is to ensure that the Disciplinary Policy is applied in a way that takes full account of the additional specific requirements which arise when there is an allegation of harming a child.

17.5 Dignity at Work Policy and Sexual Harassment Policy - Where there is an allegation of bullying or harassment, or sexual harassment the appropriate policy should be referenced in conjunction with the application of the Disciplinary Policy.

18. **Data Protection**

PLP will comply with the provisions of the Data Protection Act 2018. Employee data will be processed by PLP in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of PLP's business. PLP will ensure that personal information about an employee, including information in personnel files, is securely retained.

Delegated Decision-Making Structure for Staff Disciplinary Procedures

In line with Primitas Learning Partnership's scheme of delegation, responsibility for the management of disciplinary matters has been delegated to the Appropriate Leader, who is as follows:

- ***The Headteacher*** for colleagues within their Academy
 - ***The Governing Body*** if the concern is about the Headteacher
 - ***The Chief Executive Officer*** for colleagues within the Central Team or colleagues within academies whose conduct has serious Trust-level implications (as determined by the CEO in consultation with other Appropriate Leaders)
 - ***The Trust Board*** if the concern is about the Chief Executive Officer
1. Concerns about staff conduct must be raised directly with the Appropriate Leader as outlined above who will decide if the matter can be dealt with informally or if it must be addressed through the formal disciplinary process.
 2. For minor conduct issues, the Appropriate Leader will delegate to an Appropriate Manager with sufficient experience and seniority.
 3. If the matter cannot be resolved informally, or if the matter is too serious, it will and must be the Appropriate Leader who takes on the role of Deciding Manager, makes the decision to instigate formal disciplinary procedures and directs them once instigated.
 4. Whenever Disciplinary Panels are convened in an Academy, they will be constituted from Local Governing Bodies, although they have the right to seek advice and support from the Trust Board. Only Local Governing Bodies have the appropriate level of delegated authority to dismiss staff.

Whenever Disciplinary Panels are convened for the Central Team, they will be constituted from the Trust Board, (but they have the right to include Members or Governors if required). Only the Trust Board have the appropriate level of delegated authority to dismiss staff.
 5. If any misconduct concerns the Headteacher, the matter must be referred directly to the Chair of the Local Governing Body. If any misconduct concerns the Chief Executive Officer, the matter must be referred directly to the Chair of the Trust Board.
 6. Responsibility for the appeals process (14.1 to 14.5) sits with the Trust Board.

Scheme of Delegation

Disciplinary Panel

- The decision to suspend is delegated to the Headteacher within the Academy, the decision to suspend Headteachers is delegated to the Chair of Governors. The decision to suspend is delegated to the Chief Executive Officer within the Central Team, the decision to suspend the Chief Executive Officer is delegated to the Chair of the Trust Board.
- All Dismissal Panels and Appeal Panels must be made up of 3 members.
- Appeal Panel members will not have previously been involved in the case either at Investigation or Disciplinary Panel stage.
- In all cases advice must be sought from Human Resources
- Minute takers are to be in attendance at disciplinary and appeal hearings

Post	Panel Members	Appeal Panel Members
CEO	3 x Trustees	3 x Trustees
Central Team members	3 x Trustees	3 x Trustees
Headteacher	CEO + 2 Trustees	3 x Trustees
Other academy employees	3 x Governors/Trustees	3 x Trustees