



ST TERESA
of **CALCUTTA**
Catholic Academy Trust

DISCIPLINARY POLICY AND PROCEDURE

Policy Control Sheet

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Summary of Changes

Date	Version	Action	Summary of Changes
October 2024	1.2	Minor amendments	Changes to the composition of hearing panels. Inclusion of Second Written Warning.
January 2026	1.3	Reformatted	No changes to the content of the policy. The document has been reformatted to align with the new policy template.

Contents Page

1.0	Introduction	4
2.0	Scope.....	4
3.0	Key Principles	4
4.0	Informal Advice and Guidance.....	5
5.0	Suspension	5
6.0	Investigating, Disciplinary and Appeal Managers	5
7.0	Formal process.....	5
7.0	Formal sanctions	7
8.0	Companion.....	7
9.0	Referrals	7
10.0	Notes from Meetings.....	7
11.0	Trade Union Officials.....	8
12.0	Sickness During Proceedings.....	8
	Appendix 1: List of Gross Misconduct Offences	9

1.0 Definitions

- 1.1 We all share a responsibility to create a positive, safe, and respectful working environment. Most of the time, we meet those expectations through mutual support and open communication. Sometimes, however, conduct or behaviour may fall short of what's expected.
- 1.2 This policy explains how we deal with such situations fairly, consistently, and in line with our values of hope, courage, and innovation. Our aim is to learn, restore trust, and prevent problems from repeating, not simply to punish.
- 2.3 The purpose of this policy is to provide a structure to address any issues or concerns that the Trust may have relating to an employee's conduct.

2.0 Scope

- 2.1 This Disciplinary Policy and Procedure applies to you if you are an employee at the Trust.
- 2.2 Where concerns may affect a child's safety or welfare they must be treated as a safeguarding matter, the Safeguarding Policy must be followed. The Designated Safeguarding Lead must notify the Local Authority Designated Officer (LADO) and the Trust Head of Safeguarding. Safeguarding investigations take priority but may run alongside or inform employment processes. While the Trust may work in conjunction with a safeguarding or police investigation, it must still conduct its own independent investigation before progressing to a disciplinary hearing.
- 2.3 Issues relating to sickness absence or performance will be managed under the Sickness Absence or Capability Policy, as appropriate. If your employment is subject to a probationary period, any sickness, conduct or performance concerns may instead be managed under the Probation Policy.
- 2.4 If you raise a grievance about something connected to this disciplinary process, this will not automatically pause the disciplinary procedure. We will meet with you to discuss whether the disciplinary process should be put on hold while the grievance is considered, we will then make the final decision on this.

3.0 Key Principles

- 3.1 Through the application of this policy we will ensure that:
 - Everyone will be treated with dignity, fairness, and respect.
 - Concerns should be addressed as soon as possible, at the lowest appropriate level.
 - You will always have the chance to respond to any concerns raised about you.
 - Information will be managed sensitively and kept confidential, being stored in line with our retention schedule.
 - We will make reasonable adjustments where needed to support accessibility and wellbeing.
- 3.2 This policy offers opportunities to ensure justice for everyone within the trust alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness.
- 3.3 We are committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Disciplinary Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout trust.

4.0 Informal Advice and Guidance

- 4.1 Sometimes potential disciplinary issues can be resolved informally in the workplace. Your line manager may give you informal advice and guidance at any time about any conduct falling short of the standard expected and in many cases the right word at the right time and in the right way may be all that is needed. Where appropriate, support will be provided by your line manager.

5.0 Suspension

- 5.1 Where it is considered appropriate, you may be suspended from duty. Authorisation for suspension is set out in the HR Panels Framework. Where circumstances allow, you will be offered a suspension meeting to respond to the recommendation before a decision is made. Your comments should focus on whether suspension is appropriate rather than the underlying allegations. You may be accompanied by a colleague or trade union representative, where practicable.
- 5.2 Suspension will only be considered where necessary and proportionate. Situations where suspension may be appropriate include (but are not limited to): serious or gross misconduct; a safeguarding or welfare concern; a risk to pupils, staff or property; a significant breakdown in working relationships; or where there is a risk of interference with witnesses, evidence or the investigation.
- 5.3 The decision to suspend will be based on a risk assessment, and alternatives, such as redeployment, amended duties or increased supervision, will be considered before suspension is used. Suspension will be on full pay. It will be kept under review on a fortnightly basis and may be lifted or extended as appropriate. During suspension, you may be asked not to attend work or contact colleagues, pupils, parents or governors, and access to Trust systems may be restricted where necessary to protect the integrity of the investigation.
- 5.4 An appropriate member of staff will be appointed as your point of contact. They will provide wellbeing support and keep you informed of relevant workplace developments but cannot discuss the investigation or potential disciplinary outcomes.

6.0 Investigating, Disciplinary and Appeal Managers

- 6.1 Responsibilities for each stage of this procedure, including who can act as investigator, panel member, or appeal panel member, are set out in the HR Panel Framework.
- 6.2 The HR team will be consulted before any formal disciplinary action is taken and will seek to attend all suspension, disciplinary, and appeal meetings to ensure consistency, fairness, and compliance with policy and employment law.
- 6.3 HR will be kept informed throughout the process and provided with copies of all formal disciplinary correspondence, including outcome letters, under confidential cover.

7.0 Formal Process

7.1 Step 1 - Investigation

- 7.1.1 The Investigator will conduct an investigation into the alleged misconduct in a timely manner. The investigator should not have any previous involvement in the matter.
- 7.1.2 The investigator may be assisted in conducting the investigation by another suitable manager or an external third party.

- 7.1.3 The investigator will notify you in writing of the fact of the investigation, the allegations made, the terms of reference for the investigation and they will provide you with a copy of this policy. The investigation will include an interview to allow you to put across your perspective. You will be given at least 5 Working Days notice of the meeting. You may, if you wish, provide a written statement or response to the Investigating Manager.
- 7.1.4 You are required to co-operate fully with the Investigation to ensure that it can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.
- 7.1.5 At the conclusion of the investigation, the investigator will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:
- a) there is enough evidence to proceed to a disciplinary hearing.
 - b) the evidence is inconclusive, and no further action will be taken;
 - c) there is evidence of misconduct, but it is better dealt with informally.
 - d) there is no case to answer.
- 7.1.6 You will be provided with a copy of the Investigation Report as soon as reasonably practicable after the investigation concludes. As a guide, the report will normally be produced within 15 Working Days for straightforward cases, and within 20 Working Days for allegations of Gross Misconduct or more complex matters. In very complex or exceptional circumstances, the Investigating Manager will determine a reasonable timescale and notify you in writing.

7.2 Step 2 - Disciplinary Meeting

- 7.2.1 If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting, we will write to you inviting you to the Disciplinary Meeting. Such letter will be sent with at least 5 Working Days notice of the Disciplinary Meeting. If dismissal is a possible outcome this will be stated in the invite letter. Any documentation you wish to rely on must be submitted at least 2 Working Days in advance of the Disciplinary Meeting.
- 7.2.2 Written and oral evidence may be presented at a Disciplinary Meeting. You will be given prior access to written evidence and a reasonable opportunity to comment during the meeting. The Disciplinary Panel Chair may adjourn the meeting to allow for further investigations.
- 7.2.3 Once all the evidence has been considered, the Disciplinary Panel Chair will adjourn the meeting to consider the outcome. Where possible a decision will be reached on the day. The Disciplinary Panel Chair will confirm the outcome of the Meeting in writing to you within 5 Working Days . The potential outcomes of a Disciplinary Meeting are as follows:
- a) the imposition of a formal disciplinary sanction;
 - b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and no further action will be taken.
 - c) a formal disciplinary sanction is not required, instead informal advice and guidance will be issued to you.
 - d) there is no case to answer.

7.3 Step 3 - Appeal

- 7.3.1 You have the right to appeal against any disciplinary sanction, including dismissal. Details and timeframes on how to do so are outlined within the Appeals Procedure. The decision of the appeal panel is final.

8.0 Formal Sanctions

- 8.1 The Disciplinary Panel Chair (and Appeal Panel Chair, where appropriate) may impose the following sanctions.
- 8.2 A **First Written Warning** may be issued for minor misconduct where informal action has failed or formal action is appropriate. It remains live for **6 months**.
- 8.3 A **Second Written Warning** may be issued if conduct does not improve during a First Written Warning, or for more serious misconduct. It remains live for **12 months**.
- 8.4 A **Final Written Warning** may be issued if conduct does not improve during a Second Written Warning, or for serious misconduct. It remains live for **12 months**.
- 8.4.1 **Dismissal on Notice** may occur during a live Final Written Warning, even if for different misconduct, or where there is a breakdown in trust and confidence. The notice period begins immediately and is not delayed by an appeal.
- 8.4.2 If your contract includes a garden leave clause, the Trust may exercise it so that you are not required to attend work during the notice period but remain employed until its expiry.
- 8.4.3 If your contract includes a payment in lieu of notice clause, the Trust may exercise it to end your contract immediately.
- 8.5 **Dismissal Without Notice or Termination Payment (Summary Dismissal)** may occur for gross misconduct, regardless of disciplinary history. Dismissal takes effect immediately and is not delayed by an appeal.
- 8.6 If you receive a disciplinary warning relating to a safeguarding concern, it must be kept on file until you reach retirement age or for ten years, whichever is later.

9.0 Companion

- 9.1 You may be accompanied by a trade union representative or work colleague. You should tell the manager who your companion will be at least two working days before your meeting.
- 9.2 If you have a disability, reasonable adjustments can be made to the procedure or meetings.

9.0 Referrals

- 9.1 Where a teacher is dismissed for serious Misconduct (or may have been dismissed for serious Misconduct if the teacher had not resigned) the Trust must consider whether to refer the circumstances to the Department for Education and Teaching Regulation Agency.
- 9.2 Where a person working for the Trust is dismissed, or would have been dismissed had they not resigned, due to conduct that endangered a child, could endanger a child if repeated, involved sexual material relating to children, sexually explicit violent images, or sexual behaviour involving a child, the Trust must refer them to the Disclosure and Barring Service (DBS).

10.0 Notes from Meetings

- 10.1 We will take notes during meetings held under this policy; however, these notes will not be a verbatim record. You, or your union representative, are welcome to take your own notes.
- 10.2 If you attend a disciplinary meeting, we will share our notes with you. We will aim to send these alongside your outcome letter, however, this may not always be possible. If the notes are sent after your outcome letter, this will not affect the timescales for appeal or any future stages of the process.

- 10.3 When meeting notes are shared with you, you are encouraged to review them for accuracy. We will not ask you to return a signed copy. If you disagree with any aspect of the notes, it is your responsibility to provide comments or suggested amendments. These will then be retained on file alongside the original notes.

11.0 Trade Union Officials

- 11.1 Normal standards of conduct and performance apply equally to accredited trade union officials as employees of the Trust. However, no formal disciplinary action will be taken against a recognised trade union representative until the matter has been discussed with a senior trade union representative or full-time officer of the union concerned.
- 11.2 This ensures that any issues related to the individual's conduct as an employee are clearly distinguished from their legitimate trade union duties.

12.0 Sickness During Proceedings

- 12.1 If you become unwell during a period of suspension and provide a medical certificate, the suspension will normally be lifted, and your absence managed under the Sickness Absence Policy.
- 12.2 If you are unwell and unable to attend an investigatory interview, disciplinary hearing, or appeal meeting, you must provide medical certification as soon as possible. The Trust will consider reasonable adjustments or postponement where appropriate.
- 12.3 Where illness is ongoing and prolonged, the Trust may seek Occupational Health advice on your ability to engage with the process. It may also seek alternative ways to progress matters in a timely and fair manner, such as proceeding with your representative present or by accepting a written submission on your behalf.

Appendix 1: List of Gross Misconduct Offences

The following is a non-exhaustive list of matters which the Trust considers may amount to gross Misconduct:

- A. Conduct incompatible with, or prejudicial to, the religious character of the Trust and/or the School or the precepts or tenets of the Catholic Church.
- B. Conduct that is likely to bring the Trust and/or the School or the Church into disrepute
- C. Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment
- D. Failure to disclose your DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Trust
- E. A serious breach of any relevant code of conduct or professional standards
- F. Theft of any property
- G. Malicious or wilful damage to any property
- H. Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- I. Ordering any goods or services on behalf of the Trust and/or the School from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Trust
- J. Dishonesty
- K. Violence to any person
- L. Unlawfully restraining a pupil
- M. Abusive, threatening or offensive language or behaviour to any person
- N. Discrimination or harassment
- O. Bullying
- P. Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent
- Q. Concealing any actual or attempted cheating by any pupil or colleague, including participating in or concealing any actual or attempted exam misconduct
- R. Attending work or undertaking duties whilst under the influence of alcohol or unlawful substances
- S. Misuse of the Trust's and/or the School's ICT (including internet and email access and breaches of the Trust's social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- T. Supplying your personal contact details to a pupil without express authorisation from the Headteacher
- U. Interacting with a pupil online out of school hours other than through the Managed Learning Environment
- V. Making any sexual or romantic contact with any pupil whatever the age of the pupil
- W. Breaching the confidentiality or data protection obligations surrounding the Trust, the School, a parent, pupil, colleague, Director or Governor
- X. Covert recording of any meetings without the knowledge or consent of all persons present
- Y. Serious breach of health and safety procedures
- Z. Serious negligence (whether or not leading to any actual loss)
- AA. Criminal activity during the course of employment
- BB. Making a false, malicious or vexatious allegation against the Trust, the School, a parent, pupil, colleague, Director or Governor
- CC. Repeated acts of less serious Misconduct which collectively may amount to gross Misconduct.