KALEIDOSCOPE
Multi Academy Trust

Staff Disciplinary Policy

October 2025

(Based upon the North Somerset Model Policy)

Approved by:	Kaleidoscope Trust Board	**Date:**	November 2025
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Appendices

Note: for Appendices, see separate documents;

- Disciplinary Policy – Guidance for Managers
- Disciplinary Policy Procedures Standards and Conduct
- Disciplinary Policy Protocol for Hearing
- Disciplinary Policy Model Letters

Disciplinary Policy and Procedure

1. Policy overview and note

1.1 This policy is designed to help and encourage all employees (teaching and support staff) to achieve and maintain high standards of conduct and to ensure that all employees are treated fairly and consistently in all disciplinary matters.

1.2 Please note that where 'trade union representatives' or 'trade unions' are referred to in the text of this Policy, what is meant is the designated North Somerset Council Representative or Regional Official of each Recognised Trade Union (not the school-level representatives of those Trade Unions). The exception to this is where reference is made to employees having the right to be accompanied by a trade union representative, official employed by a trade union or work colleague. In this instance, the choice of representative would be made by the individual employee in consultation with the trade union as necessary.

2. Scope and links to other policies

2.1 This policy applies to 'employees' only. It does not apply to individuals engaged to undertake work where no employment relationship exists, for example agency workers, casual workers, volunteers, work experience placements.

2.2 Minor infringements of expected standards of conduct/performance should be dealt with through effective management practice by way of advice, discussion, counselling, coaching, mediation or training and management instructions. This policy will only normally be used when such normal management practice has failed to achieve the required standard or expected level of improvement, or where the nature of the misconduct issue is sufficiently serious to justify formal disciplinary action. An indicative list of conduct which may lead to formal disciplinary action being taken is attached as **Appendix 1.**

2.3 In respect of 'performance' related concerns this policy should only be used where the performance issue relates to negligence or an attitudinal problem on the part of the employee. For other performance related issues the following procedures should be followed:-

- where the poor performance is related to the employee's aptitude, skills or ability the *Capability Policy* will apply;
- where the reason for the poor performance is related to the employee's health, the *Attendance Management Policy* will apply;
- where the reason for the poor performance is related to an underlying drug or alcohol dependency, the *Alcohol and Drug Misuse Policy* will apply (where the school has one in place); and
- where the poor performance issue is identified during the employee's probationary period, the *Probationary Policy* will apply.

2.4 In relation to allegations are made against adults working with children, there are specific procedures laid down within relevant Government (DfE) guidance (the *Procedure for Managing Allegations Against People Who Work with Children*). Where the Local

Authority's Designated Officer for Allegations and, where relevant, the Police have advised that the allegations may be dealt with internally by the School as a conduct issue, the Managing Allegations Procedure will need to be read in conjunction with this model Disciplinary Policy. This Procedure is available on our website. (See **Paragraph 17** for further details).

3. General principles

3.1 All disciplinary proceedings and decisions will be confidential and information will only be disclosed where an individual has a legitimate right to information under the provisions of the Disciplinary Procedure.

3.2 No disciplinary sanction will be imposed against an employee until the alleged misconduct issue(s) have been fully investigated. (N.B Suspension is not a disciplinary sanction - see Section 6).

3.3 With the exception of allegations relating to the safeguarding of children and vulnerable adults, no allegations that are made anonymously will be investigated.

3.4 In the event that an anonymous allegation is received that relates to the safeguarding of children and vulnerable adults, Human Resources will be contacted immediately for advice.

3.5 For further information regarding the question of the anonymity of witnesses, please contact Human Resources.

3.5 Employees will be informed of the matters to be considered under the disciplinary procedure and, where possible, given the opportunity to respond to all relevant evidence before any Disciplinary Hearing.

3.6 Any disciplinary sanction will be reasonable and proportionate to the individual case.

3.7 All employees will have the right of appeal against any formal recorded disciplinary warning or dismissal.

3.8 Employees have the right to be accompanied at any formal meetings by a trade union representative, official employed by a trade union or work colleague.

3.9 Employees, or their representatives, are not permitted to record electronically any meeting held under this disciplinary procedure including investigation meetings. This is to encourage openness and full participation by all parties during meetings, at which an independent note taker will usually be present to minute the meeting. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

3.10 Where exceptional circumstances apply (such as the recent pandemic) and following consultation and agreement from all the parties, meetings may be conducted remotely using information technology and consideration should be given to doing so. Face-to-face meetings should be conducted in line with any safe working practices

guidance in place at the time the meeting is held. The stage 1 grievance meeting and the grievance appeal hearing may be recorded electronically by the note-taker to provide a back-up for minute taking provided all parties present at the hearing give their agreement to this at the start of the meeting. The electronic recording must be deleted by the note-taker promptly following the meeting once the minutes have been finalised. Until it is deleted it will be held in accordance with the GDPR, the Data Protection Act 2018 and the School's data protection policy. Confirmation that the deletion of the electronic recording of the minutes has taken place must be provided in writing by the note-taker to the Chair of the Panel.

3.11 In the event that an employee raises a Grievance in connection with the conduct or handling of this Disciplinary Procedure, the School could choose to resolve the Grievance using the separate Grievance Procedure before further action is taken under the Disciplinary Procedure. Alternatively, it might be appropriate to deal with both at the same time. Please note that the Grievance Procedure will not apply if the employee wishes to complain about actions short of dismissal to which the school's Disciplinary or Capability Procedures apply unless the grievance is that these actions involve unlawful discrimination or are not genuinely on the grounds of conduct. Please see the Kaleidoscope Grievance Procedure.

3.12 **If the allegation is safeguarding related, the School must act in accordance with the guidance set out in paragraphs 17 of this Policy.**

3.13 When government guidance relating to the coronavirus pandemic requires it, the procedure in this policy should be conducted in line with the required safe working practices in the school including social distancing measures where meetings are necessary and consideration should be given to holding meetings remotely.

4. Disciplinary procedure

4.1 Initial meeting

4.1.1 If following informal management action / instruction, there is no satisfactory sustained improvement in conduct or there is an alleged infringement in discipline which is considered to be of a sufficiently serious nature the Headteacher/Executive Headteacher/Head of School or his/her senior leader representative should arrange to meet with the employee under the terms of the Disciplinary Procedure. If the issue involves the Headteacher/Executive Headteacher/Head of School, then the CEO will arrange the meeting. The employee should be informed that the meeting is being arranged under the Disciplinary Policy. This meeting should be convened as soon as possible after any incident/ infringement.

4.1.2 The purpose of this Initial Meeting under the Policy will be to establish the employee's initial response and on the basis of this to decide what appropriate action, if any, (including conducting an investigation) should be taken.

4.1.3 When the allegations is being treated as a safeguarding matter and the DFE's *Procedure for Managing Allegations Against People Who Work with Children* is being followed, and

where the LADO has advised it is appropriate, the employee should be advised that this is the case and that if an investigation was to find that there was sufficient evidence to substantiate the allegation, this will be recorded as a substantiated safeguarding allegation on the employee's personal file in accordance with *Keeping Children Safe in Education*.

4.1.4 The employee should be advised to seek the support of their trade union.

4.1.5 Outcomes of this meeting could be:

- to drop the matter with no further action required;
- to hold a further 'Management Meeting' to determine whether changes to management practices or procedures and /or further management support for employee or the issuing of a verbal warning are appropriate
- to fully investigate employee's alleged misconduct (including 'gross misconduct' and criminal conduct) under the provisions of the Disciplinary Procedure;
- if the decision is to fully investigate, to suspend the employee pending the outcome of the disciplinary investigation process; or
- to refer the matter for consideration under the Appraisal and Capability Policy.

4.1.6 Written notes of this meeting will be made, the notes will be shared and agreed, where possible, with the employee and the outcome must be communicated to the employee, in writing, within 5 working days of the meeting. A copy of this letter, and the meeting notes, should be retained on the employee's personal file held by the Headteacher/Executive Headteacher/Head of School.

4.1.7 The Trust's HR service provider (North Somerset HR) and the relevant trade union regional officer should be notified before any formal disciplinary action is taken in respect of a Trade Union Representative.

4.2 Management meeting

4.2.1 Where the outcome of the Initial Meeting is that a 'Management Meeting' be held, the Headteacher/Executive Headteacher/Head of School or his/her senior leader representative should arrange to meet again with the employee under the terms of the Disciplinary Procedure. The employee should be informed that the meeting is being arranged under the Disciplinary Policy and informed of their right to be accompanied for support at the meeting by a trade union representative, official employed by a trade union or a work colleague.

4.2.2 The purpose of this 'Management Meeting' will be to determine whether it is appropriate:

- to drop the matter with no further action required;
- to take no further action against the employee but to change management practices or procedures and /or to provide further management support identified for employee;
- to deal with the matter in consultation with the employee (which could involve issuing a recorded verbal warning).

4.2.3 Written notes of this meeting will be made, agreed, shared and retained as in the case of the Initial Meeting.

5. Verbal warning

5.1 Where it is considered that no further investigation is needed and that there is sufficient evidence to substantiate the alleged misconduct issue a verbal warning may be issued where the issue is of a relatively minor nature. A verbal warning should be confirmed in writing to the employee setting out:-

- that it is the first stage of the Disciplinary Procedure;
- the standards of conduct required;
- that any failure to improve or modify their conduct could lead to further formal disciplinary action and ultimately dismissal and
- that the recorded verbal warning will stay on their file for 6 months.

6. Suspension

6.1 Suspension is a response available to remove an employee from the workplace in order to investigate the circumstances relating to any alleged misconduct.
The authority to suspend rests with the Headteacher/Executive Headteacher in consultation with the Trust CEO. The School agrees to consult with the Trust's HR service provider in these circumstances. Whilst suspension is not a disciplinary sanction it should not be imposed on an employee without reasonable and proper cause. Any decision regarding suspension should weigh up the interests of the employer in carrying out a fair and reasonable investigation alongside the interests and welfare of the employee who is the subject of the investigation and any witnesses. Suspension should be regarded as a last resort, where all other options have been considered and ruled out.

6.2 Suspension may be considered appropriate for the following reasons:-

- the integrity of the investigation may be undermined by the accused employee continuing to work with witnesses;
- in cases of alleged or suspected gross misconduct;
- It is thought that the continued presence of the employee within the workplace could create risks to the employer's property or the employer's responsibilities to other parties.

6.3 The period of suspension should be kept as brief as possible. An employee will continue to receive their normal salary during any period of suspension except when they notify the employer that they are on sick leave. In these circumstances the Statutory Sick Pay and Occupational Sick Pay Scheme will operate as normal.

6.4 The following advice with regard to suspensions in connection with safeguarding allegations is given in Part 4 of the Department for Education's (DfE's) statutory guidance *Keeping Children Safe in Education: '*Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. The case manager **must** consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved. Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is/are at risk of harm or the case

is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their HR adviser and the LADO, as well as the police and children's social care where they have been involved.

6.5 In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school, based on consultation with the LADO who will provide relevant information they have received from the police or local authority children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case.

6.6 'Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or where available, or the Trust.

6.7 These alternatives allow time for an informed decision regarding the suspension. This will however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious or false.

6.8 If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

6.9 Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within **one working day**, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.'

6.10 For further information please see paragraphs 387 and 393 of the DfE's Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors (part four of Keeping Children Safe in Education).

7. The Disciplinary Investigation

7.1 Where following the Initial Meeting with the employee it is considered that further investigation is required to establish the facts, the advice of the HR Advisory Service should be sought

7.2 Any investigation of a case should be carried out promptly by a competent, impartial person and without unnecessary delay.

7.3 The employee must be informed in writing of the outcome of the disciplinary investigation, either through notification of a Disciplinary Hearing or by separate letter confirming the conclusions reached.

7.4 If the allegation is safeguarding related, the LADO should be informed of the outcome of the investigation before a decision is taken on any action to be taken.

8. The Disciplinary Hearing

8.1 If following an investigation, it is considered that there is a case to answer arrangements should be made to convene a Disciplinary Hearing which the employee will be required to attend. Any Disciplinary Hearing should be held within 20 days subject to the availability of all relevant parties and documentation and should also allow the employee reasonable time to prepare their case. If the employee and/or his/her representative is unable to attend on the date which has been arranged one other alternative date should be provided within 5 days of the original date (consultation with the employee and representative should ensure that the alternative date is suitable).

8.2 At least 10 days prior to the date of the Disciplinary Hearing the Headteacher/Executive Headteacher/Head of School or representative will write to the employee confirming the decision to convene a Disciplinary Hearing. This letter will:

- state the time, date and venue for the hearing;
- outline the composition of the Disciplinary Panel;
- outline the nature of the allegations to be considered at the hearing;
- inform the employee of their right to be accompanied by a trade union representative, official employed by a trade union or a colleague;
- inform the employee of the possible outcomes of the meeting;
- *in cases of potential gross misconduct* inform the employee that the outcome of the hearing may be dismissal;
- *in cases where the allegation is considered to be safeguarding related* that a possible outcome of the hearing is the recording of a substantiated safeguarding allegation on their file until they reach normal pension age or for a period of 10 years from the allegation if this is longer.

8.3 At least 10 working days prior to the date of the Disciplinary Hearing, the management representative presenting the case at hearing must provide the employee and the Governor Panel with hard copies of any supporting written documentation to be presented at the Disciplinary Hearing and confirmation of the names of any witnesses to be called. At least 5 working days prior to the date of the Disciplinary Hearing, the

employee must provide the Management Presenting Officer and the Governor Panel with hard copies of any written documentation they intend to present in support of their case and confirmation of the names of any witnesses they intend to call . These timescales may be varied with the mutual agreement of all relevant parties, including the Chair of the Governor Panel.

8.4 A Disciplinary Panel will be comprised of Governors of the School and / or Academy Trust members (normally between 3 and 5 panel members). If an Academy Trust board member is not on the Panel, a representative of the Academy Trust has the right to attend in cases which may result in a decision to dismiss the employee.

8.5 A Protocol for Disciplinary Hearings is attached as **Appendix 2.** The allegations and evidence should be explained to the employee and the employee given a chance to ask any questions and the ability to present their own evidence.

9. Possible outcome of disciplinary hearing - disciplinary sanctions

9.1 The employee should be informed of the outcome of any Disciplinary Hearing in writing as soon as possible and within 5 days.

9.2 It may be that the outcome is that there is no case to answer. It may also be that the outcome is to take no action against the employee but to change management practices or procedures and /or to provide further management support identified for employee and / or to issue a letter of expectation to the employee with regard to their future conduct.

9.3 The disciplinary sanction will depend on the seriousness of the misconduct, current warnings, previous employment record and/or relevant mitigating circumstances. Any sanction will also be appropriate to the circumstances of the case having due regard to the need for reasonableness and fairness.

9.4 Disciplinary sanctions will remain on file for a length of time that is considered appropriate in the circumstances. As a general guideline recorded verbal warnings will remain active on the employee's file for 6 months, first written warnings will remain active on the employee's file for 12 months and final written warnings for 2 years after which they will be removed and confidentially destroyed. The details of any substantiated safeguarding allegations must be kept on the employee's confidential personal file until the employee has reached their normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

9.5 <u>Disciplinary sanctions</u>

9.5.1 Please note that, in conjunction with any of the disciplinary sanctions listed below (apart from dismissal) the school can consider, where this is felt to be appropriate / useful, requiring the employee to attend a training/development course.

9.5.2 Disciplinary sanctions can include any of the following:

9.5.3 **Recorded verbal warning** – whilst such warnings are normally issued outside of a formal Disciplinary Hearing, it is still possible that a Panel may determine that the

misconduct is not sufficiently serious to warrant a higher level of disciplinary sanction or the circumstances of the case may be such that the Panel accepts mitigation submitted by the employee and considers that this justified a lower level of disciplinary sanction.

9.5.4 Written warning – may be issued in cases where the employee's misconduct is not sufficiently serious to warrant a higher level of disciplinary sanction or where mitigations are sufficient to reduce the sanction from a final written warning or where informal discussions have failed to achieve a satisfactory improvement in standard of conduct / there has been a further misconduct following informal discussions.

9.5.5 **Final written warning** – may be issued for instances where the employee's misconduct is serious but does not justify dismissal, or in cases of misconduct if the employee has a current disciplinary warning and further misconduct has occurred

9.5.6 **Dismissal** – Dismissal is appropriate where an act of gross misconduct has been committed or, in normal circumstances, where a final written warning is current. It is not usual for dismissal to be the outcome for a first offence other than in cases of gross misconduct *(dismissal on the grounds of gross misconduct will be without notice or payment in lieu of notice).*

9.6 In cases where the allegation is safeguarding related and the DfE's *Managing Allegations* guidance is applicable, one of the following outcomes will need to be determined and confirmed with the employee:

Substantiated: there is sufficient evidence to prove the allegation
Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
False: there is sufficient evidence to disprove the allegation
Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. (The Term does not imply guilt or innocence.)
Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

9.7 In cases where the allegation is safeguarding related and the DfE's *Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors* guidance is applicable, is applicable, one of the following outcomes will need to be determined and confirmed with the employee:

Substantiated: there is sufficient evidence to prove the allegation
Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
False: there is sufficient evidence to disprove the allegation
Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. (The Term does not imply guilt or innocence.)
Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made**.**

9.8 When an allegation is a safeguarding related and the DfE's Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors guidance is applicable, if the person leaves / resigns before the disciplinary process has been completed, the school will continue with any on-going investigation and will convene a hearing to consider an outcome and reach a conclusion about whether the allegation can be substantiated or otherwise on the basis of all the information available. This will apply if the subject of the allegation does not cooperate. The person concerned will be notified of the outcome wherever possible in these circumstances.

9.9 In cases where the allegation is safeguarding related and the DfE's Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors guidance is applicable if the school considers that an individual has engaged in conduct that harmed or is likely to harm a child or that they otherwise pose a risk of harm to a child / if an allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the school will, in accordance with its legal duty, make a referral to the DBS for consideration of whether inclusion on the barred lists is required; 1 and in the case of a member of teaching staff at a school or sixth form college the school will consider whether to refer the matter to the TRA for them to consider prohibiting the individual from teaching.

9.10 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. Where the allegation is safeguarding related and the DfE's Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors guidance was applicable the case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil or student at the school or college.

10. Appeals against disciplinary sanctions

10.1 All employees have the right of appeal against formal recorded disciplinary warnings or dismissal. The appeal must be submitted by the employee in writing to the Headteacher/Executive Headteacher/Head of School (or CEO if the appeal relates to the Headteacher/Executive Headteacher/Head of School) within 10 working days of the date of the letter confirming the decision of the Disciplinary Panel. An appeal will be considered by a Governor Appeals Panel (normally 3 panel members) comprising of individuals who have not had any involvement in previous stages of the disciplinary process.

10.2 The appeal must include specific details of the reasons why the employee considers that the disciplinary sanction should be reviewed.

10.3 Appeal hearings will not normally be a re-run of the first hearing. Instead the Appeal Panel will consider the properness of the procedure leading up to the original hearing

and/or the composition of the original panel and/or conduct of the original hearing and/or any new evidence provided and/or the appropriateness of the initial disciplinary sanction.

10.4 The appeal should be heard without unreasonable delay and within 20 days subject to availability of relevant parties and documentation and the employee should be informed of the outcome in writing. The model protocol for a Disciplinary Hearing may also be used for appeal hearings.

10.5 The decision of the Appeal Panel is final and no further internal appeal will be allowed.

10.6 In cases where an appeal against a dismissal is upheld and a decision is made to re-instate/re-engage, the employee shall suffer no loss under their previous contract of employment from the date of the dismissal up to the date of re-employment. Any payment in lieu of notice is to be taken into account in calculating any loss.

Miscellaneous provisions

11. Records

11.1 Records of Disciplinary Hearings and Disciplinary Appeal Hearings will be kept detailing:

- the nature of any allegations
- the employee's defence or mitigation
- the action taken and the reasons for it
- whether an appeal was lodged, and its outcome
- any subsequent developments.

11.2 These records will be kept confidential, used and retained in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

11.3 Details of safeguarding allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other safeguarding allegations that meet the harm test (see paragraph 17.1), it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome;
- a copy of the outcome provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

11.4 Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records relating to allegations of abuse should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

11.5 In case further action, including disciplinary action, may need to be taken subsequently, all low-level safeguarding concerns (i.e. those that do not meet the harm test) should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

11.6 Disciplinary sanctions will remain active on an employee's personal file for the period outlined in the written confirmation of the sanction. If the school receives a reference request during the period when a disciplinary sanction is still active this will be disclosed. If the applicant has been subject to disciplinary procedures involving issues related to the safeguarding, including any in which the disciplinary sanction has expired, this will be disclosed together with the outcome of the procedure in cases where the allegations met the harm threshold (see paragraph 17.1) and were found to be substantiated Details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns e.g. whether the allegations or concerns were investigated, the conclusion reached, and how the matter was resolved will also be disclosed.

11.7 Confidentiality should be maintained during all stages and throughout the Disciplinary Procedure. This is to be done by ensuring that only those people who need to know through the course of their duties have access to the details of the case. Failure to comply with this requirement may lead to disciplinary action being taken through this Procedure.

12. Attendance At Meetings

12.1 Employees are required to make all reasonable attempts to attend meetings and interviews convened under the Disciplinary Procedure. If it is not reasonable or practicable for an employee or their companion (see right to be accompanied) to attend a disciplinary meeting or interview, including the Disciplinary Hearing for a reason which was not foreseeable when the meeting/hearing was arranged, one further meeting/hearing will be arranged. Should the employee not attend a re-arranged meeting/hearing the meeting/hearing will normally continue and the allegations will be heard in the absence of the employee. Employees will be offered the opportunity to be represented in their absence or make a written submission.

12.2 If an employee is absent from work due to sickness and the absence is expected to continue to the date of a Disciplinary Hearing, the Disciplinary Hearing may still take place. A decision will be made taking full account of any medical view provided by the employees GP and/ or the school's occupational health service provider.

13. Right to be Accompanied

13.1 Employees who wish to be accompanied at meetings/hearings convened under the provisions of the Disciplinary Procedure have a right to be accompanied by a single companion who is either:

- a work colleague;
- a trade union or workplace representative or
- an officer employed by a trade union.

13.2 Employees may alter their choice of companion should they wish.

13.3 The single companion must not be a legal representative. The employee should provide enough time for the school to deal with the companion's attendance at the meeting and should inform their Headteacher/Executive Headteacher/Head of School (or the Headteacher/Executive Headteacher/Head of School's representative) whether their companion is a fellow worker or trade union official or representative (and of their name where possible) prior to any meeting. In making their choice the employee should bear in mind the practicalities of the arrangements.

13.4 If the chosen companion is a work colleague, the work colleague may refuse the request to be a companion, however, should they accept they will be given paid time off to prepare for and to attend meetings.

13.5 It will be the responsibility of the employee to contact and liaise with their chosen companion. If the employee's chosen companion will not be available at the time proposed for the meeting / hearing by the school, the school will (within 5 working days, if possible) re-arrange the meeting / hearing to an alternative date provided that the alternative date is reasonable. If practicable, the date will be no more than 5 working days after the date originally proposed and will in any event be as soon as possible after the originally proposed date. Should the chosen companion not be available the meeting / hearing will be re-arranged once only.

14. Access To Information By Employees

14.1 Employees who are absent from the workplace and who are the subject of disciplinary proceedings may themselves want to access information to form their defence against the allegations against them. Such requests will need to be put in writing to the Headteacher/Executive Headteacher/Head of School or representative, who will then arrange a convenient time and place for the employee to access the information required, providing that the request is reasonable.

14.2 Files/computers/laptops/mobile phones cannot be removed from school/council buildings, however copies of documents and print outs of e-mails, for example, may be provided if appropriate.

15. Criminal Conduct

15.1 Employees are required to inform their Headteacher/Executive Headteacher/Head of School or representative in the event of being cautioned or arrested on suspicion of a criminal offence whether the offence is committed during the course of employment or outside employment. Failure to comply with this requirement may be regarded as gross misconduct and may lead to summary dismissal. Advice should be sought from the Human Resources Service where an employee is remanded in custody.

16. Financial Irregularities

16.1 The council's Internal Audit Service must be notified at the earliest opportunity where allegations of misconduct/criminal act concern financial irregularities. The Anti-Fraud and Corruption Policy may apply. Whether or not it does, the Disciplinary Procedure will be followed if the employee's conduct is found, upon investigation, to be unsatisfactory. In these circumstances, an internal audit may be carried out. The information gathered as part of an internal audit investigation may be used as evidence within the disciplinary proceedings.

17. Safeguarding Allegations That Meet the Harm Threshold

17.1 Where the alleged breach of discipline or management concern relates to safeguarding and meets any of the following criteria and therefore meets the harm threshold the School must act in accordance with the guidance set out in paragraph 17.2 or 17.3 immediately:

- behaved in a way that has harmed a child, or may have harmed a child or that has placed a vulnerable adult at risk of, or contributed to a vulnerable adult experiencing, abuse or neglect;

- possibly committed a criminal offence against or related to a child or a vulnerable adult; or

- behaved towards a child or children or a vulnerable adult or vulnerable adults in a way that indicates he or she would pose a risk of harm to children or vulnerable adults.

- behaved or may have behaved in a way that indicates they may not be suitable to work with children or vulnerable adults.

The last bullet point above includes behaviour that may have happened outside school that might make an individual unsuitable to work with children (this is known as transferable risk). Where appropriate an assessment of transferable risk to children wit whom the person works should be undertaken with advice being sought from the LADO where necessary.

17.2 If the allegation or concern relates to any of the circumstances described in paragraph 17.1 ***and involves a child (that is, someone under the age of 18)***, then:

- the allegation should be reported to the designated safeguarding lead or Headteacher/Executive Headteacher/Head of School;
- the Headteacher/Executive Headteacher/Head of School or designated safeguarding lead must in the first instance contact the LADO / Social Care's Single Point of Contact on 01934 888808 at the earliest opportunity;
- a 'case manager' should be appointed to oversee any investigation (this will normally be the Headteacher/Executive Headteacher/Head of School or where the Headteacher/Executive Headteacher/Head of School is the subject of the allegation, the Chair of Governors) and

- the Allegations of Abuse procedure outlined within the DfE's *Keeping Children Safe in Education* guidance must be followed (please see our Allegations of Abuse Guidance which includes the DfE's guidance).

Immediate action may be required to protect the child from further harm. Where the school identifies a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, the school should contact children's social care and as appropriate the police immediately as per the processes explained in Part one Keeping Children Safe in Education.

Beyond any immediate action required to protect the child from harm, and the basic enquiries required to establish the information the LADO will require when an allegation is made, no attempts should be made to investigate further before discussion with Social Care's Single Point of Access / the Local Authority Designated Officer (LADO) and the police should be consulted prior to any investigation if it is a potentially criminal matter.

17.3 Where the allegation relates to any of the circumstances described in paragraph 17.1 ***but involves a vulnerable adult*****,** then:

- the Headteacher/Executive Headteacher or Safeguarding Lead must in the first instance contact Care Connect on 01275 888801 at the earliest opportunity;
- the North Somerset Multi-Agency Adult Safeguarding Procedures must be followed (this Policy is available on the North Somerset Council website: https://www.n-somerset.gov.uk/Social%20care/community_care/Documents/safeguarding%20adults%20procedures%20(pdf).pdf

Immediate action may be required to protect the vulnerable adult from further abuse or neglect. Otherwise no attempts should be made to investigate further before discussion with Care Connect and, if required, the Safeguarding Adults Manager and the police should be consulted prior to any investigation if it is a potentially criminal matter.

17.4 Where it is determined that the allegation should be treated as safeguarding related the and DfE's *Managing Allegations* guidance is being followed, when to inform the individual of the allegation should be considered carefully on a case by case basis and the advice of the Local Authority Designated Officer (LADO) and, if appropriate, children's social care and the police, should be sought regarding when it is appropriate to notify the employee.

17.5 Advice should also be sought from the HR Advisory Service at the earliest opportunity.

17.6 In these circumstances, in addition to any disciplinary action, consideration should be given to:-

- requesting an up to date check through the Disclosure and Barring Service (DBS)

17.7 The 'case manager' should monitor the progress of safeguarding cases to ensure they are dealt with as quickly as possible in a thorough and fair process. Wherever possible, the first review should take place no later than four weeks from the initiation of the case and dates for subsequent reviews – which should be conducted ideally at fortnightly and at no

longer than monthly intervals – should be set at the review meeting if the investigation continues.

17.8 For information on what needs to happen at the conclusion of a case where there has been an allegation of abuse, please see paragraphs 9.7 to 9.10 of this policy.

18. Safeguarding Concerns That Do Not Meet the Harm Threshold

18.1 Low-level concerns about safeguarding should be shared confidentially in accordance with the guidance in paragraph 440 of *Keeping Children Safe in Education*. The guidance leaves it up to the school whether low-level concerns are shared with the designated safeguarding lead, the headteacher or another nominated person such as a safeguarding champion. If low-level concerns are shared with the DSL or other nominated person then that person should inform the headteacher of each concern. The headteacher should be the ultimate decision maker in respect of all low-level concerns but the guidance allows for the headteacher to consult with the DSL in making the decision.

18.2 If the concern has been raised via a third party, the headteacher/principal (or a nominated deputy) should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses;

and then use the information collected to categorise the type of behaviour and determine what further action needs to be taken. That further action may include disciplinary action in cases where the concerns do not meet the harm test but are deemed significant enough to need to be addressed under the disciplinary procedure.

18.3 Records of low-level safeguarding concerns (i.e. those that do not meet the harm test) will be reviewed so that potential patterns of inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action. Action in such cases may be taken under this disciplinary procedure and where a pattern of behaviour moves from a concern to meeting the harms threshold, the school will act in accordance with the guidance set out in paragraph 17 above. It is recommended in Part 4 of Keeping Children Safe in Education that records of low-level concerns are retained at least until the individual leaves their employment.

19. Duty of Care

19.1 When an allegation is being investigated it is likely to be a very stressful experience for the subject of the investigation. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

20. Equal Opportunities

20.1 Managers must not discriminate on the grounds of race, age, gender, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity, or other grounds when dealing with any matters under the school's Disciplinary Policy. Managers will also need to ensure that the needs of employees are given careful consideration when applying this policy.

21. Other relevant policies/documents

- Disciplinary Policy - Guidance Notes
- Code of Conduct
- Health and Safety
- Managing Attendance Policy
- Bullying & Harassment
- Probationary Policy
- Reference Policy
- Disclosure Policy
- DBS Referral Policy
- Social Media Networking Policy
- Allegations of Abuse Guidance
- DfE Keeping Children Safe in Education

Approved by Kaleidoscope Trust Board
11/09/2024