



Disciplinary Procedure

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Approved By	FARR Committee	Status	Statutory
Last Review	May 2026	Next Review	May 2028

Details of Policy Updates

Date	Details
May 2022	Insert 'The job title of Headteacher is interchangeable with Head of School and Principal in all North Star Academy Trust policies.'
May 2023	Section 1 Principles, paragraph 1 inserted 3 sentences: The policy is designed to help and encourage Examples of misconduct Minor disciplinary issues
	Section 6 Disciplinary Hearing inserted last sentence: Once all the evidence has been heard
May 2024	Review frequency changed to biennial
	Section 1 Principles 'Support staff in their probationary period' changed to 'Staff in their probationary period'
	Section 6 Disciplinary Hearing 'must be present to support the disciplinary panel' changed to 'may be present to support the disciplinary panel'

	<p>Section 9 Appeals 'an HR adviser who has not been previously involved in the case will be present' changed to 'an HR adviser who has not been previously involved in the case may be present'</p>
May 2026	<p>Section 2 Procedure Addition of paragraph 2, 3 and 4. More detail around process.</p>
	<p>Section 3 Suspension Adapted to reflect changes in Trust structure – CEO/ELT</p>
	<p>Section 4 Investigation Addition of paragraph 3, 4 and 5. More detail around process.</p>
	<p>Addition of Section 5 Right to be accompanied Paragraph 1 moved from Section 2 Paragraphs 2, 3 & 4 added in line with updates to the Employment Rights Act 2025</p>
	<p>Section 7 Disciplinary Hearing Sentence added: 'The hearing could be sooner if it is agreed by both parties'. Addition of paragraph 2, 3 and 4. More detail around process.</p>
	<p>Section 8 Result of Hearing Updates referencing appropriate action considerations in line with the Employment Rights Act 2025</p>
	<p>Addition of Section 10 Criminal Allegations, Section 12 Record Keeping and Section 13 Confidentiality</p>
	<p>Appendix A – Addition of first two bullet points referencing industrial action in line with updates to the Employment Rights Act 2025. Addition of TRA referral information</p>

1. PRINCIPLES

The disciplinary procedure supports the Trust's standards and rules (including the Code of Conduct) and aims to ensure consistent and fair treatment for all. The policy is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct. It is not there to deal with problems associated with unsatisfactory work performance arising from an employee's lack of capability. Examples of misconduct could include behaving inappropriately, disregarding rules or not following reasonable management instructions. This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

The procedure applies to all employees except:

- Staff in their probationary period and
- Newly qualified teachers

Disciplinary issues relating to such employees must be handled in a fair and equitable manner. The person operating this policy should be independent (i.e not involved in the case or complaint). An independent external investigator can be commissioned in cases where there is not an appropriate individual available within the Trust or school.

At a trust level a member of the ELT or HR team are responsible for operating this procedure. At school level the Headteacher (or trustee/governor when appropriate) are responsible for operating this procedure and are able to issue disciplinary warnings. In any case where an outcome may be dismissal, a panel of trustees/governors or the CEO have the authority to dismiss.

The local governing body is responsible for specifying the standards of behaviour required, enforcing the rules and ensuring that breaches are tackled promptly. They should give the implementation of the disciplinary procedure a high priority when they need to use it.

When this procedure applies to the Headteacher the CEO, a member of ELT or a nominated trustee/governor will be required to investigate any allegations, or the local governing body can commission an independent investigation. In the case of the CEO or a member of the Executive Leadership Team, it will be a nominated trustee. Where there is a case to answer, a panel of trustees/governors will be convened to consider the allegations and take disciplinary action.

Any case of potential misconduct should be treated on its merits.

Employees who abuse this, or any other procedure, by making malicious or frivolous allegations may face disciplinary action.

All parties involved in a disciplinary matter should treat the information, which is the subject of the disciplinary investigation, in strict confidence.

Information should not be shared with anyone who is not directly involved in these procedures. However, those involved can discuss these matters with their representatives or advisers i.e. trade union officers, HR Advisers etc.

The job title of Headteacher is interchangeable with Principal Designate in all North Star Academy Trust policies.

2. PROCEDURE

Minor disciplinary issues should be dealt with informally at first and will be escalated only when there has been no resolution, there are repeated or multiple instances of misconduct, or suspected gross misconduct.

When dealing with an issue informally, the employee's line manager will organise a meeting with the employee and set out the concerns. This meeting will be held without undue delay whenever there is cause for concern. The line manager will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. Notes will be taken and retained. Where appropriate, a note of an informal discussion may be placed on the employee's personnel file.

If the issue cannot be dealt with informally, for example due to the seriousness of the alleged misconduct, or if the matter is not resolved following an informal meeting, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with the investigating officer, to be held in person, or over video conferencing if necessary. This will be followed up in writing.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

An employee can be offered transfer to alternative employment in the school/Trust (including relegation to a post with less responsibility on a lower grade) as an alternative to dismissal, either as a result of a disciplinary hearing or on appeal, if this is considered appropriate.

If the employee concerned is a trade union steward or officer, the Headteacher should inform the full-time trade union officer prior to commencement of this procedure.

No employee will be dismissed for their first breach of discipline, unless it is a case of gross misconduct.

3. SUSPENSION

A member of staff should only be suspended if there is enough evidence if there is enough evidence to suggest that s/he may be guilty of gross misconduct or if the employee's presence at work could hinder the investigation. It must be made clear that suspension is not a disciplinary penalty and that it will not prejudice any future disciplinary hearing. The employee must be given the name of a person to contact while s/he is suspended.

Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the employer and the employee and to make any further working relationship and trust impossible (see Appendix A).

The headteacher must authorise the suspension. If it is the headteacher who is the subject of the disciplinary procedure, the CEO/Governors must authorise the suspension. If a member of ELT or the CEO is the subject of the disciplinary procedure, a Trustee must authorise the suspension. During the suspension, an employee will be paid the same as if s/he were on authorised absence.

Suspension will only be used if the school considers it reasonably necessary in the circumstances. Alternatives to suspension will be considered where appropriate. Any suspension will be kept under review. Any suspension which extends beyond four working weeks must be reported to the chair of governors/trustees with details of how the investigation is progressing and when it is likely to end. Where any suspension continues for three months, the employee must be notified of the reasons for the suspension continuing and when it is likely to come to an end.

4. INVESTIGATION

Disciplinary action must not be taken before there has been an investigation into the circumstances.

On receipt of the information or complaint against an employee, the school or the trust (governors/trustees or Headteacher) will investigate the allegations, or commission an independent investigation.

The investigation meeting will be held solely for the purposes of fact finding, and no decision on disciplinary action will be taken until after the investigation has been concluded or, if required, a formal disciplinary hearing has been held.

If relevant, the investigating officer will hold meetings with identified witnesses. Notes should be taken during these meetings and the witness asked to sign a copy to form a witness statement. Alternatively, the witness can write and submit a witness statement.

Where the investigating officer concludes that there is a case to answer a disciplinary hearing will be held with the CEO or governors/trustees.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing, a disciplinary officer will be appointed to lead the disciplinary panel. This will be a person independent from the investigating officer.

In cases of possible gross misconduct only those with delegated authority for dismissal will consider any allegations at a disciplinary hearing.

An employee must receive at least five working days' notice, in writing, of the requirement for him/her to attend any investigative meeting. The letter should also give him/her

information about the allegations and his/her right to be accompanied by a trade union representative or work colleague.

Any investigation should be completed within four working weeks (unless there are exceptional circumstances).

5. RIGHT TO BE ACCOMPANIED

An employee who is subject to this procedure has the right to be:

- accompanied by a trade union representative or work colleague at the investigation stage; and
- represented by a trade union representative or work colleague at a disciplinary / appeal hearing.

The employee is responsible for arranging to be accompanied or represented.

If the employee's chosen companion is not available to meet at the time the hearing is scheduled and will not be available for more than 5 working days afterwards, the school may ask the employee to choose someone else.

A companion, if a colleague, is allowed reasonable time off from duties without loss of pay, but no one is obliged to act as a companion if they do not wish to do so.

The Trust will make reasonable adjustments for disabled employees. This may include allowing an employee to bring a companion who is not a colleague, trade union representative or trade union official.

6. CASES INVOLVING CHILD PROTECTION ISSUES, VULNERABLE ADULTS OR FINANCIAL IRREGULARITIES

Any complaint involving allegations relating to child protection issues must be referred to the Local Authority Designated Officer and then his/her advice must be considered before any investigation takes place under this procedure in line with KCSIE guidance.

Any complaint involving vulnerable adults must be referred to the designated officer in the Bristol City Council People Directorate before any investigation takes place under this procedure.

The board of trustees must notify ESFA, as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5,000 individually, or £5,000 cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

7. DISCIPLINARY HEARING

If the Headteacher/investigating officer concludes, following an investigation, that there is a case to answer at a disciplinary hearing, the employee will be notified in writing that a hearing will take place. The employee should be given at least five working days' notice of the hearing.

The hearing could be sooner if it is agreed by both parties. The following information should also be included in the letter;

- A copy of the disciplinary procedure
- The date and time of the hearing
- Details of the allegations
- The fact that the employee will have the opportunity to state his/her case and call/question any witnesses
- The right to invite a trade union representative or work colleague to represent them
- Any previous warnings that could be considered when deciding the level of any disciplinary action
- The fact that, depending on its findings, the hearing could result in disciplinary action and (adding where appropriate) that this could include dismissal.

If the employee intends to call witnesses, they should notify the disciplinary officer in advance of the disciplinary hearing, and it will be for the employee to arrange the attendance of their witnesses.

Where appropriate, the school will contact and invite witnesses, particularly where the employee is suspended or for those without workplace contact details. However, witness attendance is voluntary.

The employee should submit any additional evidence they intend to rely on in advance of the hearing.

- At a disciplinary hearing which may result in dismissal, an HR Adviser, who has not been involved in the case, may be present to support the disciplinary panel. Disciplinary action can be taken at any level from a recorded warning to dismissal, depending on the nature of the misconduct.

Where any issues to be considered fall under the Disciplinary Procedure and another policy (e.g. Improving Performance Policy), one hearing can be convened to hear all issues where appropriate. However, any sanction(s) should be in line with the appropriate policy(s).

Once all the evidence has been heard, the meeting will be adjourned and a decision on disciplinary action will be made after the meeting.

8. RESULT OF HEARING – DISCIPLINARY ACTION

If, following an investigation and disciplinary hearing, the CEO/governors/trustees conclude that disciplinary action is required, the following options are available:

8a. Level 1: Recorded warning

If the conduct concerned is unacceptable but not serious in nature, a recorded warning will normally be appropriate. (See paragraph 8d about written confirmation.)

8b. Level 2: Written warning

If the offence is too serious for a recorded warning, or if there is further misconduct while a recorded warning remains in force, the CEO/governors/trustees may determine to give the employee a written warning. (See paragraph 8d about written confirmation).

8c. Level 3: Final written warning

If the misconduct is too serious for a written warning but not serious enough to warrant dismissal, or if there is further misconduct while a previous written warning remains in force, the CEO/governors/trustees may determine to give the employee a final written warning. (See paragraph 8d about written confirmation).

8d. Written confirmation of warnings

The CEO/governors/trustees must give the employee written confirmation of any warning within five working days, together with an explanation of:

- the reason for the warning;
- whether it is a recorded, written or final warning;
- the employee's right of appeal (see section 11);
- the fact that a note will be kept on their personal file indicating that a warning has been given;
- the reasons for it and any required improvements in conduct which have been specified;
- the fact that further misconduct may lead to further disciplinary action which could, where appropriate, include dismissal;
- the fact that the warning will be disregarded for further disciplinary purposes after the expiry of the time period.

8e. Level 4: Dismissal, and dismissal with offer of re-engagement

If, following an investigation and disciplinary hearing, the disciplining officer/ panel is satisfied that an employee is guilty of gross misconduct, the determination can be made to dismiss the employee. The CEO/chair of the disciplinary panel will confirm the determination to dismiss in writing, within five working days explaining the reasons for the dismissal and the employee's right of appeal. (See section 11 and Appendix A)

OR

If, while a final written warning is still in force, the employee's conduct is still unsatisfactory, as determined by a subsequent investigation and disciplinary hearing, /the CEO/disciplinary panel will determine to dismiss with contractual notice.

The CEO/chair of the disciplinary panel will confirm the dismissal recommendation in writing within five working days, explaining the reasons for the dismissal and the employee's right of appeal. (See section 11). The employee will receive full pay during the notice period.

OR

If appropriate, the disciplinary panel may dismiss an employee on either of the above grounds and offer to re-employ them in a different job in the trust. The alternative post

should be identified when the employee is told the outcome of the disciplinary hearing and this may require the proceedings to be adjourned. The alternative post may mean relegation to a lower grade. No pay protection will apply. A final written warning will form part of such a disciplinary decision. If the employee refuses the offer of transfer / relegation, his/her dismissal will take place.

These options will only be offered if the school considers it reasonable and appropriate in the circumstances. Employees are not entitled to be offered such alternatives.

Any proposed alternative will be confirmed in writing. While changes to contractual terms will usually require the employee's express agreement, this will not be necessary if the employment contract explicitly permits sanctions other than dismissal or a warning.

If agreed, the alternative role or arrangement does not need to be on equivalent terms and conditions, and protection of salary will not apply.

There may be cases where it is not appropriate to offer such an alternative, including but not limited to:

- Cases involving safeguarding concerns
- Abuse of trust
- Serious bullying
- Harassment
- Dishonesty

Any other conduct considered incompatible with continued employment

We will refer a case of gross misconduct by a teacher, trainee teacher or someone holding a teacher reference number to the Teaching Regulation Agency (TRA) if we believe the TRA should consider whether the teacher should be prevented from teaching (see appendix A for instances of when this may apply). We will also refer cases to other relevant authorities, including but not limited to the Disclosure and Barring Service, where appropriate.

9. TIME LIMITS FOR WARNINGS

Unless there are exceptional circumstances, disciplinary warnings will be disregarded for disciplinary purposes once the following periods of time have elapsed since the warning was given:

- recorded warnings - 6 months
- written warnings - 1 year
- final written warnings - normally 1 year or such other time as is considered appropriate - see paragraph below

Depending upon the nature of the misconduct, the CEO or governors'/trustees' disciplinary panel may impose a final written warning that will remain in force for a period of greater than one year. In this event, the employee must be told at the outset and in writing how long the warning will remain in force and the reason for the longer time period.

In exceptional circumstances (e.g. abuse against children and vulnerable adults), the written warning may be extended for as long as the employee concerned is employed in his/her current job or a similar job. If an employee considers that the extended time period is

unreasonable, he or she may appeal to the clerk to the governors who will convene an appeal hearing.

Where disciplinary action relates to abuse against children, vulnerable adults, breaches of financial regulations or issues which relate to racial, sexual or disability discrimination, the relevant documentation should be retained on the employee's personal file until the employee reaches 65 years or for a period of 10 years, whichever is the longer, but will not form part of any subsequent disciplinary action if it is time-expired.

In all other disciplinary actions, the relevant documentation will be removed from the file and will be destroyed, with the exception of the letter to the employee which confirms the outcome of the disciplinary hearing. This letter will not, however, form part of any subsequent disciplinary action if it is time expired.

10. CRIMINAL ALLEGATIONS

Where an employee's conduct is the subject of a criminal investigation, charge or conviction, we will investigate the facts when we are able to do so (there may be a delay in waiting for a police investigation to be conducted) before deciding whether a formal disciplinary hearing is required.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to an employee's employment.

11. APPEALS

An employee who wants to appeal against a disciplinary decision should inform the clerk to the governors within five working days of receiving the decision in writing. The employee must explain the grounds for the appeal, specifying whether it relates to:

- the facts of the matter;
- the level of sanction imposed; or
- the way the procedure was followed.
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The purpose of an appeal is

- to review the decision taken by the disciplining manager/governors'/trustees' disciplinary panel
- to consider whether the procedure has been followed correctly.
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An appeal is a review of the decision of the CEO/disciplinary panel. It is not a re-hearing. The outcomes open to the appeal panel are to:

- uphold the appeal;

- reject the appeal in full;
- reject the appeal in part and impose a lower level of warning;
- (exceptionally) reject the appeal and impose a higher level of warning up to and including a final written warning.

The CEO/ chair of disciplinary panel will present the case at any appeal against a disciplinary decision.

An appeal against any warning or dismissal will be heard by a panel of three governors/trustees who have not previously been involved in the case. The appeal will normally take place within six working weeks of the appeal request being received by the clerk to the governors.

At an appeal hearing against dismissal, an HR adviser who has not been previously involved in the case may be present to advise the governors/trustees who are hearing the appeal.

12. RECORD KEEPING

Minutes will be kept of all interviews and meetings and shared with the employee. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting. The investigating officer or disciplinary officer may record meetings for minuting purposes only.

Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Records Management Policy.

If disciplinary action is taken, a record of this will be added to the employee's personnel file. We will disclose any proven, unexpired disciplinary offences by an employee if a reference is requested by a future employer.

13. CONFIDENTIALITY

We aim to deal with disciplinary matters sensitively and with due respect for the privacy of any individual involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

The employee, and anyone who may accompany the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

The employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe that a witness's identity should remain confidential.

Nothing in this policy or any other agreement prevents an employee from making an allegation or disclosing information relating to harassment or discrimination or any form of suspected wrongdoing or dangers at work.

APPENDIX A

Handling Gross Misconduct

Please note:

- Employees will not be penalised for taking protected industrial action, and that it does **not** constitute an unauthorised absence from work
- When reviewing allegations of non-attendance or refusal to work, the Trust will consider whether the work instruction and the notice period provided were reasonable

Some of the offences which may be regarded as gross misconduct are:

- Theft or unauthorised use or removal of the trust's, a pupil's, a client's or a fellow employee's property
- Falsification of timesheets, expenses claims or other records
- Fighting or physical assault
- Harassment or discrimination on the grounds of race, gender, sexuality or disability
- Deliberate damage to trust or a fellow employee's property
- Inability to carry out normal work through being under the influence of alcohol or
- Other drugs (medically prescribed drugs may be an exception)
- Deliberate disregard for safety rules
- Serious negligence causing unacceptable loss, damage or injury
- A serious breach of the trust's code of conduct
- Misuse of an employee's official position for personal gain, or for the inappropriate benefit of a friend, colleague or member of the employee's family
- Failure to comply with a reasonable management instruction, despite being warned of the consequences
- Abuse of a pupil or colleague

This list is for example only and is not exhaustive.

Referrals to the Teaching Regulation Agency

Serious misconduct is any behaviour that could result in a teacher not being allowed to teach again. This includes:

- sexual misconduct, including assault, abuse or harassment
- violent behaviour
- serious failure to protect the safety and wellbeing of pupils
- alcohol or drug misuse
- fraud or serious dishonesty
- discrimination or harassment
- promoting extreme political or religious views

You can also report a teacher who has resigned or been dismissed.

[Report serious teacher misconduct - GOV.UK](#)