



THE CRYPT SCHOOL

DISCIPLINARY AND APPEALS POLICY & PROCEDURE

1. **This procedure does not form part of The Employee's contract of employment, except to the extent required by law. This procedure is based on the principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures.**

2.1 Introduction

2.1.1 **Status:** The School is not obliged to follow this procedure in every instance. However, the School will follow a fair and effective procedure in the event that disciplinary action is necessary. There may be occasions when the School considers it appropriate to change or omit parts of the procedure. If the School amends the procedure, The Employee will be given advance notice of the amendments.

2.1.2 The Head, Senior Deputy Head, the Deputy Heads Academic and Pastoral are all authorised by the Governing Body to invoke any part of this procedure up to and including dismissal. Curriculum leaders (Heads of Department) are also authorised to issue up to and including a first written warning.

2.1.3 **Capability:** This procedure does not apply to incompetence, incapability or other poor performance unless this is attributable to misconduct.

2.1.4 Conduct issues

Minor conduct issues (that do not fall within the safeguarding policy) can often be resolved informally between the employee and management. These discussions should be held without undue delay whenever there is cause for concern and should be held by the relevant line manager, with either the PLM, Senior Deputy Head, Deputy Heads Academic and Pastoral or the Finance Director in attendance. A note of any such informal discussions may be placed on your personnel file. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

Allegations that relate to safeguarding or child protection will be managed in accordance with the School's Safeguarding Policy and statutory guidance including Keeping Children Safe in Education.

2.1.5 Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any

individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You, and anyone accompanying you (including witnesses), will not make electronic recordings of any meetings or hearings conducted under this procedure.

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

Any personal data collected during the disciplinary process will be processed in accordance with the School's Data Protection Policy and applicable data protection legislation.

2.1.6 With the consent of The Employee, The Head, Senior Deputy Head, Deputy Heads Academic and Safeguarding, Inclusion & Wellbeing are all authorised by the Governing Body to issue up to and including a first written warning outside of the procedure set out below.

The School will ensure that disciplinary matters are dealt with fairly, consistently and without unreasonable delay, while ensuring that all relevant facts are established.

2.2 The investigation stage

2.2.1 **Investigation:** As a first step any disciplinary issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, The Employee will be informed and, if relevant, allowed to return to work as normal.

2.2.2 **Suspension:** If the matter to be investigated is thought at any stage of the investigation to involve gross misconduct, or it is in the interests of the School, a pupil, an employee or The Employee, the Head may immediately suspend the employee from work on full pay and benefits whilst the investigation proceeds. Suspension is not considered as a disciplinary action at this point and will be regularly reviewed to ensure that it is not unnecessarily protracted.

2.2.3 **Separation of roles:** The School may appoint a senior member of staff to carry out the investigation ("*the Investigating Officer*").

2.2.4 **Preliminary interview:** As part of the investigation, the Investigating Officer may (if considered appropriate) undertake a preliminary interview with the employee. In the first instance the employee will be advised of the nature of the complaint. The employee will be given the opportunity to state their case and submit any relevant documents. The employee will be given access to any relevant information and papers held by the School.

2.3 The Disciplinary Stage

2.3.1 **Completion of investigation:** On completion of the investigation, the Investigating Officer will present the facts of the case to an appropriate officer (either the Head, Senior Deputy Head, Deputy Heads Academic and Safeguarding, Inclusion & Wellbeing) to decide on whether there is sufficient evidence for a case to be answered. If it is concluded that it is necessary to take formal action in respect of the complaint, a disciplinary hearing will be arranged. The Employee will be invited to attend and will normally be given at least 3 working days advance notice of the hearing.

We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are proven. We will also include the following where appropriate:

- all relevant evidence gathered during the investigation should be supplied to the individual
- a copy of any relevant documents which will be used at the disciplinary hearing; and

- a copy of any relevant witness statements will be supplied as a part of the evidence; where, in very exceptional circumstances, a witness statement needs to be anonymous this will be provided in a redacted format to maintain confidentiality but continue to adhere to the disciplinary principles.
- who will be in attendance at the hearing

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable.

2.3.2 Right to be accompanied: In accordance with the ACAS guidance, the Employee has a statutory right to be accompanied by a work colleague, a trade union representative or an official employed by a trade union at the Disciplinary Hearing.

2.3.3 Witness statements: If statements have been obtained from witnesses during the course of the investigation The Employee will be given a copy of them. In certain circumstances it may be necessary to preserve the anonymity of a witness.

2.3.4 Disciplinary Panel: The School may appoint a Disciplinary Panel to hear the matter. In appropriate circumstances, the Head, Senior Deputy Head, the Deputy Heads Academic and Pastoral may hear the matter on his/her own. The Investigating Officer shall not be a member of the Disciplinary Panel. If you or your colleague or Union representative cannot attend the hearing the school should be informed immediately and we will arrange an alternative date/time which should be not more than 5 working days. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the school may take a decision based on the available evidence in your absence.

The Head, Senior Deputy Head, Deputy Heads Academic and Safeguarding, Inclusion & Wellbeing all have delegated authority to invoke any sanction up to and including dismissal. Where the issue may be considered gross misconduct and therefore dismissal is an option, a panel of at least two would hear the case. Where the individual is very senior the Head should consider the involvement of Governors on a panel. Curriculum leaders (Heads of Departments) and senior leaders have delegated authority to issue a formal oral or written warning.

2.3.5 The Disciplinary Hearing: The Investigating Officer will be asked to report on his/her investigation. Both The Employee and the Disciplinary Panel will be entitled to question the Investigating Officer and any witnesses. The Employee will be entitled to give their explanation and answer the allegations that have been made and may be questioned by the Investigating Officer as well as by the Disciplinary Panel. The Employee and the person accompanying The Employee and the Investigating Officer will be given the opportunity to address the Disciplinary Panel. The person accompanying The Employee does not have the right to respond directly to questions that are addressed to The Employee but may give The Employee advice on how The Employee should respond.

2.3.6 Adjournment: The Disciplinary Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained, the Disciplinary Panel will specify the nature of that information. The Employee may ask for an adjournment for the purpose of consulting the person accompanying the employee.

2.3.7 Decision making: On completion of the hearing, the disciplinary panel will retire to consider the decision. Neither the employee, the person accompanying the employee, nor the investigating officer will be allowed to take part in nor be present during the panel's deliberations.

2.3.8 Communication of decision: The decision will be communicated to the employee (where possible) on the day and confirmed in writing within 5 working days and the employee will be informed of the action to be taken, explanation of any penalty imposed and of the right to appeal against the decision.

Where the decision is to dismiss, the employee will be informed (where possible) on the day and the decision will be confirmed in writing within 5 working days of the hearing giving the reasons for the dismissal, the date on which the contract between the parties will terminate, the appropriate period of notice (or pay in lieu of notice), as well as information regarding the right to appeal. If the decision is to summarily dismiss then notice would not normally be paid.

2.4 Disciplinary action

2.4.1 Sanctions: Depending upon the nature of any misconduct found to have been committed, any explanation given by The Employee and any mitigating circumstances, the Disciplinary Panel may impose any of the following sanctions:

A formal oral warning;

A first written warning;

A final written warning;

Suspension without pay for a defined period of up to one term;

Demotion without pay protection; or

Dismissal with or without notice.

2.4.2 Currency of warnings: An **oral warning** will normally be recorded on the employee file for a period of 6 months from the date the warning was given. A written warning will be recorded on the employee file normally for a period of 12 months from the date the warning was given. In exceptional cases a final warning may be permanently retained on the employee's file.

2.4.3 Gross misconduct: Where there has been a proven case of gross misconduct dismissal may take place without notice. The employee will be notified in writing of the reasons for dismissal and informed of their right to appeal. Some examples of what the School considers to be gross misconduct are set out below:

Indecent, violent or offensive behaviour whether committed at or outside work

Misuse of or deliberate damage to School property

Fraud, theft or dishonesty

Being on duty whilst unfit due to the influence of drugs and/or alcohol

Bullying

Conduct (whether committed at or outside work) which is likely to damage the School's reputation

Unlawful harassment or discrimination related to any protected characteristic under the Equality Act 2010 (including sex, race, disability, religion or belief, age, sexual orientation, gender

reassignment, marriage or civil partnership, or pregnancy and marriage or civil partnership or pregnancy and maternity.

Disregarding health and safety rules/requirements and endangering themselves or others

Willful neglect or refusal of duty

Misuse of confidential information

Offences related to drug abuse, sexual misconduct and the abuse of children

Deliberate attempts to undermine school management, governance, school policy or agreed school strategy

Failure to carry out reasonable instructions.

2.5 Appeal

2.5.1 Right of appeal: The Employee has the right of appeal to an Appeal against any penalty imposed by a manager/panel or against any dismissal. The Appeal Panel shall consist of the Head (if the sanction was imposed by another manager) and at least one Governor. If the sanction was imposed by the Head the Chair will nominate at least two Governors to hear the appeal. An appeal panel shall not include any member of the Disciplinary Panel nor the Investigatory Officer. A governor appeal panel must have access to professional HR and academic advice where appropriate.

2.5.2 Appeal procedure: An appeal should be submitted in writing within 10 working days after the disciplinary decision and must clearly set out the grounds for the appeal. An employee will receive an invitation to an appeal meeting confirming the date, time and location of the meeting and informing the employee of their right to be accompanied at the meeting. The Appeal Manager will invite the employee to a meeting as soon as is reasonably practical and normally within 20 working days. If the employee, or their companion, is unable to attend the meeting the employee must notify the appeal manager as soon as possible. The meeting will be rearranged for as soon as reasonably practical.

The appeal meeting is intended to provide an opportunity for the employee to present any new evidence or explain why they believe the original disciplinary decision was incorrect. The appeal may be conducted as either a review or the original decision or a rehearing of the case depending on the grounds of appeal. Appeal meetings can be adjourned to enable the manager to investigate any matters further, to seek further advice or to consider their decision.

The appeal hearing will reach one of the following decisions:

- to uphold the original disciplinary action taken
- to reduce the level of sanction that was issued
- to overturn the original decision.

The decision of any appeal hearing is final and binding.

2.5.3 Communication of Appeal Decision: When the Appeal Panel has made a decision, it will be communicated to The Employee (where possible) on the day and confirmed in writing within 5 working

days.

2.5.4 Employment status: If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the dismissal decision. If summary dismissal without notice has been imposed, The Employee will not be entitled to be paid for the period between that decision and the decision of The Employee appeal unless The Employee has been reinstated on appeal. If having been dismissed The Employee is reinstated on appeal, The Employee's continuity of employment will be unaffected.

Approved by Resources, Staff & Pay Committee: April 2026

Review cycle: 1 year

Date of Next Review: April 2027