



Disciplinary Policy and Procedure

Contents

Policy

1.	Purpose	3
2.	Definitions and scope	3
3.	Principles	4
4.	Support	5
5.	Standards expected of employees	6
6.	Behaviour outside work	6
7.	Allegations	7

Procedure

1.	Incident occurs / allegation(s) made	8
2.	Remain away from work / sending home	9
3.	Suspension	9
4.	Formal investigation	10
5.	Disciplinary hearing	11
6.	Appeal	14

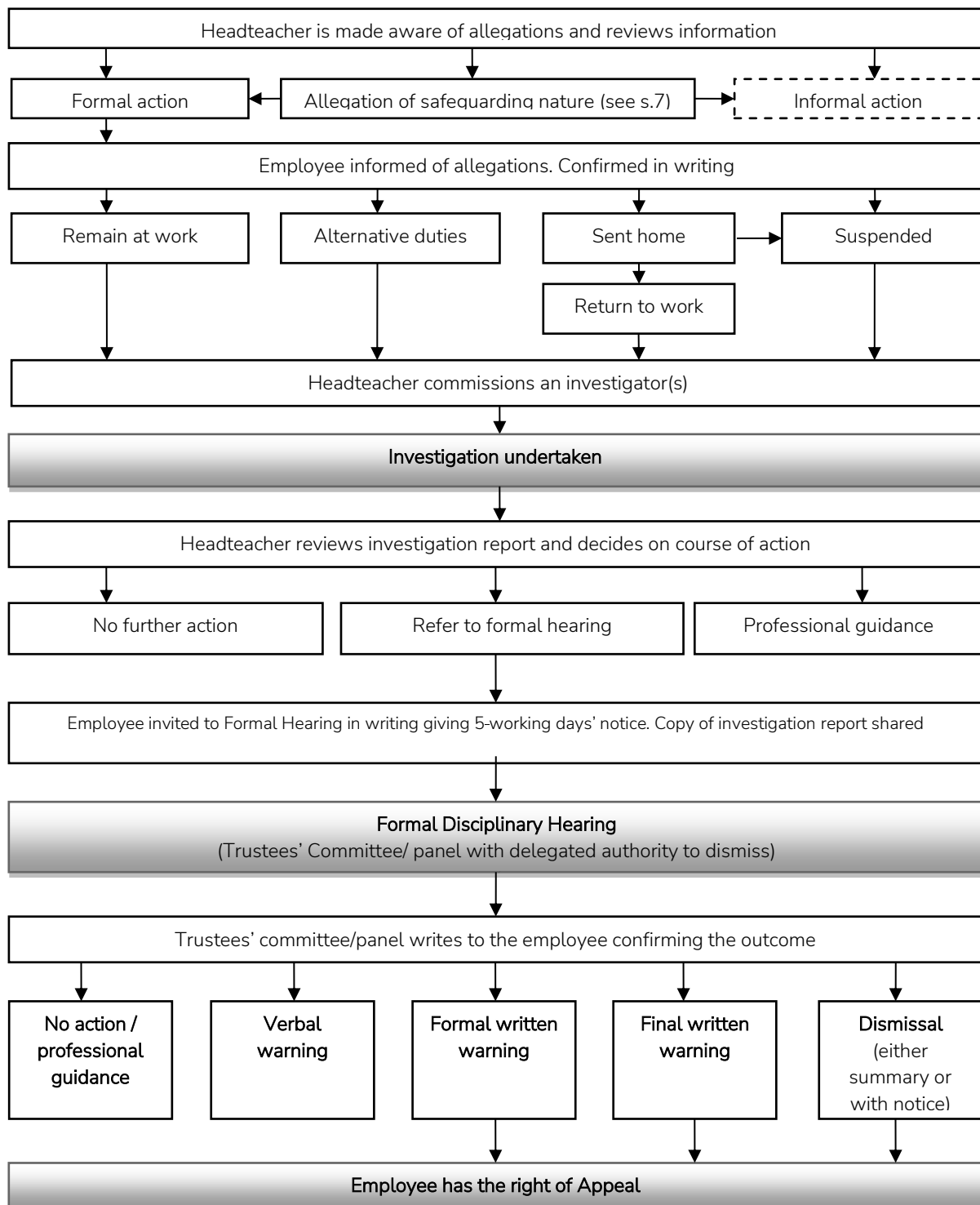
Appendix 1-	Allegations relating to children or vulnerable adults	17
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Appendix 2 -	Examples of what might constitute misconduct or gross misconduct	18
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Appendix 3 -	Whistleblowing	20
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Policy History and Amendment Record	
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Procedure – Flow chart



Policy

1.0 Purpose

This policy / procedure sets out the disciplinary procedure relating to employees. It is the Trust's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before any formal action is taken.

This policy should be read in conjunction with other policies, in particular:

- Child Protection and Safeguarding (including Keeping Children Safe in Education)
- Ivy Education Trust Staff Code

The disciplinary procedure is used to deal with misconduct. Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern.

Consideration should always be given to using informal action such as professional guidance and/or additional training as this may be sufficient to address the concerns. Any such action should be confirmed in writing and monitored to ensure the required improvements are made and sustained. This does not form part of the formal disciplinary, however they may be referred to as part of any future disciplinary proceedings when there is a repeated pattern.

2.0 Definitions and scope

This policy applies to all employees, regardless of their length of service excluding those in their probationary period during which separate arrangements apply. It does not apply to those employed by other organisations, employed under other organisations' terms and conditions of employment which include a contractual disciplinary policy, casual workers or volunteers or to self-employed contractors. In the case of a safeguarding matter, it may apply to agency staff.

The behaviour and conduct of staff of the Trust outside of work can have an impact on their employment. Therefore, conduct outside of work may be treated as a disciplinary matter if it is considered to be relevant to the employee's employment (see Appendix 2 examples of misconduct, and the Teachers' Standards).

Professional standards - In this policy where there is reference to "relevant professional standards" this refers to any standards applicable to the post(s) and the career stage of the post holder (e.g. the Teachers Standards 2025 are applicable to all teachers including the Headteacher).

Designated senior leader – a senior leader on the Trust or School leadership team.

Trust leaders – Executive Headteachers, Headteachers, Heads of School, Executive Leadership Team.

ELT – Executive Leadership Team.

3.0 Principles

Good professional relationships / practices – whilst working for the Trust employees should at all times maintain professional and responsible standards of conduct. In particular staff should observe the terms and conditions of their contract, ensure they follow our staff code of conduct, observe all Trust and school policies and procedures which are available on the Trust website/ intranets, comply with all reasonable instructions from managers, and at all times, act in good faith and in the best interests of our students and staff.

Confidentiality – All parties involved in these procedures must ensure that they maintain the confidentiality of the process. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy. Failure to maintain confidentiality may result in action being taken under this policy.

Disclosure of information may also be a breach under the General Data Protection Regulation (GDPR) (from the 25 May 2018) and may lead to action being taken under the provisions of that Act, in addition to action being taken under this policy.

Recordings - audio / visual recordings of meetings at any stage of the process, informal or formal are not permitted.

Right to be accompanied – All employees who are the subject of this policy/procedure will have the right to be accompanied at any formal disciplinary hearing by an official employed by a trade union, a workplace trade union representative certified by their union to act as a companion or work colleague.

Friends/family members are not permitted unless they fall under the above criteria and it is agreed as appropriate. It would not normally be reasonable for an employee to be accompanied by a work colleague or trade union/professional association representative whose presence would prejudice the hearing and/or was from a remote geographical location if someone suitable and willing was available on site.

Whilst employees do not normally have the right to be accompanied at an investigation meeting, the Trust will support this. The Trust will make reasonable adjustments for disabled employees, this might mean allowing someone else to be their companion, for example a support worker or someone with knowledge of the disability and its effects.

Time limits - the time limits included in this policy may be varied by mutual agreement.

Working days – the policy refers to ‘working days’ within which certain actions/events are to occur. ‘Days’ are Monday to Friday excluding bank/public holidays. School holiday periods are not counted as working days.

Working in an education setting – if a concern is raised during a period of school closure, the timeframes indicated in the policy will commence from the first day of the school being open. Where a concern is raised immediately prior to a period of school closure, the availability of any person(s) who may need to be interviewed as part of any investigation will be taken into consideration by both parties when mutually agreeing any required extension to the timeframes.

Record keeping – a record of meetings held under this process will be made including notes taken at investigation meetings, any formal grievance meeting, and any appeal.

Allegations in the public interest (whistleblowing) - There may be occasions when the allegations are made by an employee about something that is in the public interest and could be constituted as a ‘protected disclosure’ under the Trust’s Whistleblowing policy. In these circumstances it may be appropriate to invoke the Trust’s Whistle blowing policy prior to or at the same time as the Disciplinary Policy. Where it appears that allegations may constitute a protected disclosure, those allegations will be referred for consideration under the Whistleblowing Policy.

Referrals to external bodies – In cases which employees are dismissed or resign during a disciplinary process, a referral to the appropriate regulatory body, for example the Disclosure and Barring Service (all staff), and the Secretary of State (Teachers), will be made when thresholds for referral are met.

Formal disciplinary action against Trade Union/Professional Association representatives - Although the usual standards of conduct expected must apply to trade union/professional association representatives, no formal action within this policy will be taken against an employee who is an accredited representative, nor will suspension normally be applied, until the circumstances of the case have been discussed with a paid official nominated for such purposes by the trade union/professional association concerned.

4.0 Support

Trade unions: Employees are encouraged to seek support from their trade union/professional association in the first instance. Procedural guidance relating to this policy is available from the Trust People team people@ivyeducationtrust.co.uk or by telephoning 01626 870317.

Other: Support may be available for employees during the application of this policy. The Headteacher/Executive Headteacher will be able to advise you of the support available. Where a referral to Occupational Health is necessary, this should be made by the employee’s line manager/school or the People Team.

Employee assistance programme: As a Trust we have an Employee Assistance programme all staff can access. This service includes financial guidance, legal enquiries and access to general help. Confidential help can be accessed 24/7, 365 days a year on 08000 856 148. Counselling sessions can also be provided through this service <https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling> further guidance is available from the People team by emailing people@ivyeducationtrust.co.uk or calling 01626 870317.

5.0 Standards expected of employees

All employees working with children and vulnerable adults must understand that the nature of their work and the responsibilities related to it, place them in a position of trust. Any abuse of this trust will be managed under this policy.

The standards expected of employees include but are not limited to:

- maintaining standards of behaviour in keeping with the interests and standing of the Trust.
This includes behaviour outside of working hours and in any form that is visible to the public, including social networking or any other electronic medium.
- devoting full attention while at work to the duties of their position and in doing so acting with responsibility, good judgement and in good faith.
- carrying out any reasonable instructions given by those with authority to do so.
- not divulging to any unauthorised person or making personal use of confidential information connected with the Trust, either intentionally or through negligent behaviour.
- observing the rules, regulations and instructions adopted by the Trust.
- following appropriate safeguarding procedures.
- participating fully in any investigation into alleged incidents and/or allegations including attending meetings as directed.
- using electronic communications appropriately.
- ensuring that information brought to light as a result of any investigation is treated with discretion.
- carrying out their role consistently with any standards set by their appropriate professional body.
- taking steps to address any unacceptable behaviour.
- treating colleagues and third parties with dignity and respect.

In addition to the above, the expectations of those employed in management/senior leadership roles are to:

- ensure the standards expected from employees are role-modelled, monitored and managed effectively.
- effectively manage all applicable statutory and non-statutory obligations.
- appropriately manage all alleged incidents and/or allegations.

6.0 Behaviour outside work

Unacceptable behaviour and/or criminal offences that have occurred outside of work may be dealt with under this policy if the employee's behaviour or activities:

- may make them unsuitable for the job they are employed to do, e.g., failure to protect their own children;

- has the potential to cause damage to the reputation of the Trust. This includes written and verbal communications and covers all types of media including newspapers, internet, and social networking sites such as Facebook, Snapchat, Instagram, TikTok, LinkedIn and Twitter and messaging services;
- identifies them as a perpetrator of domestic violence;
- identifies them as behaving in a way that leads to a breakdown in working relationships;
- are inconsistent with the professional standards of public behaviour expected of the role e.g., lewd behaviour, being intoxicated in public, association with illegal drugs;
- identifies them as having engaged in inappropriate contact with a child, student or vulnerable adult.

The above list is not exhaustive and the Trust may view other behaviour as suitable for being considered under this policy.

7.0 Allegations

Allegations may be brought to the Trust's attention in a number of ways and from a variety of sources.

If any allegation involves safeguarding concerns, the Local Authority Designated Officer (LADO)/Safeguarding Team will be consulted before any further action can be taken and/or before the matter is discussed with the employee (see Appendix 1)

Allegations of financial irregularity - If financial irregularity is suspected, the matter will be dealt with in accordance with the Trust's Finance policy and the Trusts external auditor must be notified before any action is taken under this policy.

Allegations involving information security incidents - In the event that an allegation involves a breach or potential breach of data security, even if this is only suspected or is uncertain, the Trust's named 'Data Protection Officer' must be notified immediately. This will ensure that actions required in line with relevant Security incident management procedures are undertaken.

If there is reason to believe that evidence of inappropriate material and/or communications or financial impropriety may be found on the employee's work computer and/or mobile phone, the Trusts external auditor will be notified at the earliest opportunity. An employee's computer or phone will not be accessed until external auditor has been informed. Headteachers/Exec Headteachers/ELT/ Chairs of Governors/Trustees should be aware that a criminal act may have been committed, e.g., inappropriate communication with a student or vulnerable adult and therefore the evidence must be preserved.

Consideration should be given to restricting the employee's access to ICT accounts, e.g., webmail, and/or it may be appropriate for access to be blocked until appropriate action has been taken to secure data.

Criminal Offences / police involvement - A decision must be made whether to apply this policy as a result of any charge or conviction resulting from a criminal offence. This includes police cautions and/or warnings. This may apply in circumstances where the alleged offence may have an effect on employment or where this could bring the Trust into disrepute. In most cases, it is important that the internal investigation under this policy is not delayed. However, where the investigation may hamper a police investigation or has the potential to prejudice any future court proceedings, it is essential to liaise with the police to determine the most appropriate course of action.

Reporting obligations- Professional Bodies - where there are cases which could potentially call into question an employee's professional conduct, the Executive Headteacher / Headteacher/Governing Body should ensure that they follow the appropriate procedure for reporting concerns to the relevant registered body. This will ensure that the body can investigate the individual's ability to carry out their professional duties or take other appropriate action in the circumstances. Further information on making a referral can generally be found on the professional body's website. Where a referral is necessary, this should be made at the start of the formal process.

Cases of unacceptable professional conduct by a teacher should be reported to the Teaching Regulation Agency. 'Unacceptable professional conduct' is defined as 'conduct which falls short of the standard expected of a registered teacher...and is behaviour which involves a breach of the standards of propriety expected of the profession.'

Procedure

1. Incident occurs / allegation(s) made

When an incident occurs or an allegation is made, the details should be provided to the Headteacher / Executive Headteacher or for the Central Trust team a member of the Executive Leadership team (ELT).

Fact finding

Upon receiving any allegations against employees, it is likely that further information will be required to establish the next course of action. The Headteacher / Executive Headteacher/ ELT or designated senior leader, should seek to establish the basic facts of the situation. This may involve looking at records, speaking to witnesses, reviewing CCTV.

A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstances and to enable the Headteacher / Executive Headteacher or member of ELT to determine whether further investigation is required. A preliminary meeting will not be required in all cases and it is for the Headteacher / Executive Headteacher/ member of ELT to decide whether this is appropriate. Notes may be taken, but they will not be used in a formal hearing.

If the allegation(s) are of a safeguarding nature, the Executive Headteacher/ Headteacher should follow the flow chart in Appendix 1 of this policy.

If the allegation(s) are not of a safeguarding nature, the Executive Headteacher / Headteacher / member of ELT should ensure that:

- where it is appropriate and will not have an impact on any further investigations, that the employee is notified of the allegation(s) verbally and in writing as soon as possible
- a decision is made whether the employee can remain at work, should be temporarily transferred to suitable alternative duties, is asked to remain away from work or be suspended (see sections 2 and 3).
- an investigator(s) is appointed, if required, and an investigation commissioned.

2. Remain away from work / sending home

An employee may be instructed by the Executive Headteacher / Headteacher / Head of School, a Deputy Headteacher, a member of ELT or a Trustee to remain away from the workplace or leave the workplace immediately and stay away on normal pay until further notice. This will only be done in circumstances when there appears to be an issue which may place the employee or others at risk or where there may be a detrimental impact if the employee remains in the workplace.

Action to remove an employee from the workplace pending the decision to suspend can be undertaken by a Trust Leader, a deputy Headteacher or Trustee.

The school/Trust will need to consider if it is necessary to ask for work equipment (keys, phones, premises access 'smartcards' etc.) to be returned or access to ICT systems etc. restricted. When sending home, the manager will ensure that the employee can get home safely.

The decision and reasons for sending home should be confirmed to the employee in writing as soon as possible.

Following a review of the information available, a decision about whether to formally suspend the employee should then be made by those with appropriate authority as soon as possible and confirmed to the employee in writing.

3. Suspension

Suspension of an employee is not a disciplinary sanction nor does it indicate that disciplinary action will necessarily follow. Action to suspend an employee can only be taken by those who have delegated authority to dismiss.

A decision to suspend should not be made unless there are reasonable grounds to do so. It is important that any decision to suspend an employee can be justified and that evidence of considerations of alternatives to suspension, and why they were thought not appropriate, can all be demonstrated.

If there are no suitable alternative duties that the employee can undertake, an employee may be suspended on normal pay when:

- a. this may facilitate a more objective investigation
- b. the allegation(s), if found, is sufficiently serious that the outcome may be dismissal
- c. the employee is the subject of investigation by the police/LADO (Local Authority Designated Officer) and the alleged offence is considered relevant to the duties of the employee
- d. it could be prejudicial to the Trust's interests if the employee remains at work
- e. there may be a detrimental impact on colleagues
- f. there is a need to prevent access to any records or systems
- g. there will be media interest / publicity that may negatively affect the Trust in some way.

The reasons for suspension must be stated clearly to the employee and confirmed in writing as soon as possible and the suspension must be kept under review. ELT must be consulted on decisions to lift suspensions.

4. Formal Investigation

After a preliminary investigation during which it is determined that there is need for investigation, or if the concerns are serious enough to warrant a full investigation immediately the Headteacher/Executive Headteacher or member of ELT or Chair of Trustees may ask an appropriate person, or two people, to carry out an investigation. The investigator(s) should not have had any previous involvement in the circumstances of the incident/allegation, nor close relationship with any party involved nor any vested interest.

The purpose of an investigation is to establish the facts of the matter relating to any disciplinary allegations before deciding whether to proceed with a formal disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses and / or reviewing relevant documents and other information.

Any investigation carried out under this policy will be thorough, unbiased and reasonable in the circumstances.

The nature and extent of the investigation will depend on the seriousness of the matter and should be proportionate to the allegation that has been made.

For allegations against the Headteacher/ Executive Headteacher, the Chair of Trustees will confirm this information.

It may be necessary to interview witnesses who may have information that is relevant to the allegations. A record of the meeting will be made, and the witness will have the opportunity to review the record, make amendments for clarification purposes.

Interviewing Children / students / vulnerable adults

If children are to be interviewed as part of an investigation, their parents/carers should be advised and consent obtained in advance. Interviews should not take place with children

unless they are accompanied by a suitable person or parental consent has been given to them being interviewed unaccompanied. Vulnerable adults should be accompanied by a suitable person.

The employee's trade union/professional association representative may be present during any interview if this does not jeopardise the integrity of the investigation. This will preclude the child/vulnerable adult being interviewed more than once and negate the requirement for them to attend a disciplinary hearing. If the matter does proceed to a hearing, the employee will be provided with notes of the meeting as part of the investigation report.

If evidence of further instances or further allegations arise during the investigation process, these will normally be added to the initial investigation and will be considered at the same time as the original allegations.

The findings of any investigation, together with any relevant evidence, including notes of meetings/witness statements etc., should be provided to the Executive Headteacher / Headteacher in a report together with written recommendation as to the next steps. In a school, where the Executive Headteacher / Headteacher has undertaken the investigation, or if the allegations are against the Executive Headteacher / Headteacher the findings should be provided to the Chair of Trustees. An investigation report template is available from the People Team.

The investigator(s) will recommend whether:

- no action is necessary
- the matter should be dealt with outside this policy
- the matter should be referred to a disciplinary hearing

5. Disciplinary hearing

Where it is determined that there is grounds for a disciplinary hearing, the Trust Governance Officer/ or member of the People Team will notify the employee in writing giving at least 5 working days' notice of the date of the hearing, stating the details of the disciplinary hearing, the possible outcomes of the hearing, the employee's right to request to be accompanied and that the hearing may take place in the employee's absence if they fail to attend without providing a satisfactory explanation.

The following will also be shared with the employee at least 5 working days before the hearing:

- A copy of the investigation report and a copy of this policy.

If the employee and / or their companion cannot attend the hearing, they should inform the Headteacher / Executive Headteacher / member of ELT immediately. Consideration will be given to arranging an alternative date/time. If an employee's chosen representative is not available on the day proposed for the hearing, the employee can propose an alternative date within the following five working days of the original date

proposed. If the employee's chosen companion will not be available for more than five working days afterwards, the employee may be asked to choose someone else.

If the employee chooses not to attend the hearing, they may choose to submit a written statement for consideration at the hearing, or a trade union representative may attend on the employee's behalf.

Where an employee is persistently unable or unwilling to attend the meeting/hearing it will proceed in their absence and a decision based on the evidence available will be made.

Role of a companion

A companion may set out the employee's case, respond for the employee to any comments or points made at the meeting, talk with the employee during the hearing, take notes, sum up the employee's case at the end of the hearing. They must not answer questions on behalf of the employee.

Procedure at disciplinary hearings

Formal disciplinary hearings will be heard by a panel comprised of Headteacher(s)/Executive Headteacher(s)/ members of ELT. Governors and / or Trustees may also be part of the panel. A leader/ Trustee on this panel will have delegation to dismiss. There will be a minimum of 3 panel members, one of whom will chair the hearing. Where concerns relate to the Chief Executive Officer, the Chair of Trustees will manage the matter.

The investigating officer will normally attend to present the findings of the Investigation. A member of the People Team may also be present. A note taker will be present.

The investigating officer will go through the allegations made against the employee and the evidence gathered.

At the hearing, the employee will be given the opportunity to respond to the allegation(s), ask questions including questioning any witnesses and present their case to the panel

The Chair may adjourn the disciplinary hearing if there is a need to carry out any further investigations, such as re-interviewing witnesses in the light of new evidence raised at the hearing. The employee will be given a reasonable opportunity to consider any new information before the hearing is reconvened.

Following consideration of all the evidence, the panel will adjourn the hearing to make their decision. They will come to a view regarding the validity or otherwise of the allegation(s) and decide what action should be taken.

The disciplinary panel should act in good faith. In disciplinary cases the standard of proof required is the balance of probability, i.e., a judgment of whether it is more probable than not that misconduct (or gross misconduct) took place. The disciplinary panel should take into account any mitigating circumstances given by the employee.

The courses of action available to the panel are as follows:

The disciplinary panel may find that there is no case to answer and refer the case back to an informal process, alternatively they may give the employee an instruction or a disciplinary warning or make the decision to dismiss.

Where a case is referred back to an informal process, outcomes could include:

- take no action
- offer professional guidance as to the required standard of behaviour and inform the employee of the consequences of not achieving the required standard. Professional Guidance is not a formal disciplinary sanction

Formal action

- issue a **verbal warning** (a verbal warning will usually remain active for 6 months)
- issue a **formal written warning** if there has been either a repeated minor breach of conduct, or a first but more serious breach of conduct (a written warning will usually be active for 12 months)
- issue a **final written warning** if there has been an insufficient response to previous warnings and conduct is still unsatisfactory or in the case of a first but sufficiently serious breach of conduct (a final written warning will usually remain active for 12 months)
- issue the employee with **notice of dismissal** if, following a final written warning, conduct remains unsatisfactory and the employee still fails to reach or maintain the prescribed standard; or in the case of a first but sufficiently serious breach of conduct or if the circumstances of the matter justify dismissal for some other substantial reason.
- dismiss the employee because a statutory bar results in the employment being unable to continue.
- **dismiss the employee summarily without notice** and without there having been any previous disciplinary warnings when there has been gross misconduct.

Some other substantial reason)

- There may be occasions, following a fair procedure, where a dismissal for some other substantial reason (SOSR) is considered. In these circumstances the disciplinary panel will ensure that they act reasonably in dismissing the employee taking into account all of the circumstances.

There is no set definition of what is an SOSR reason however common examples can include (but are not limited to):

- A breakdown in trust and confidence
- Personality clashes
- Conflict(s) of interest/ protection from competition
- Reputational risk

- Where there are concerns relating to the safeguarding of children or vulnerable adults, but where the employer does not have grounds for a misconduct dismissal.

Communicating the decision

The panel will reconvene the hearing and confirm their decision verbally, unless valid reasons exist not to do so, and will write to the employee usually within five working days to confirm their decision.

It should be made clear to the employee that further unsatisfactory conduct may result in further disciplinary action which could lead to dismissal.

After the specified period the warning will be considered spent for disciplinary purposes. However, if the warning relates to safeguarding children or vulnerable adults this sanction may be referred to in employment or other references that the Trust are required to provide - if the role involves responsibility or contact with children or vulnerable adults. This may be the case even where the warning is spent, as the Trust's safeguarding responsibilities would take precedence, although discretion will be applied to determine if this is appropriate.

Where a warning/final written warning or dismissal is the outcome, the employee must be informed of their right of appeal and where to send the appeal.

6. Appeal

An employee has the right to appeal against the decision made at the disciplinary hearing. If an employee wishes to appeal against the decision, they must do so in writing, stating the grounds for their appeal, within five working days of the date they were informed of the decision.

An employee may appeal on the following grounds:

- the sanction given was too harsh given the circumstances
- the procedure was not fairly or correctly applied
- new information has come to light that would directly affect the decision made at the hearing.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, the employee will be reinstated with no loss of continuity or pay.

The written appeal should be sent to the Trust Governance Officer who will then arrange for the appeal to take place.

A Trustees' Appeal Committee will be convened to hear the appeal. This must consist of at least one Trustee of the Trust Board and at least two further Trustees or local governors from any Trust school, none of whom were involved in the original decision. In Ivy Education Trust, the right of appeal against a formal written warning and final written warning will be to the Chair of Trustees.

The appeal should be heard without unreasonable delay. A minimum of five working days' notice will be given to allow for preparation.

The outcome of an appeal hearing may be to:

- adjourn and refer the matter back to the disciplinary panel if significant new information/evidence is provided, which was not available previously, and may change the original decision
- conclude a procedural irregularity occurred and determine whether this had an impact on the decision-making process and outcome. If so, determine an appropriate sanction and make a recommendation to rectify the situation
- uphold the appeal and determine an alternative sanction/appropriate course of action
- reject the appeal and confirm that the original decision stands.

The decision will be given verbally to all parties at the end of the appeal hearing unless valid reasons exist not to do so. The decision will usually be confirmed in writing to the employee within five working days of the appeal hearing. An appeal is not a re-hearing of all of the facts but to determine if the original decision was reasonable given the circumstances. There is no further right to appeal.

Referral to the Disclosure and Barring Service (DBS)

The Safeguarding Vulnerable Groups Act (SVGA) 2006 places a duty on employers of people working with children or vulnerable adults to make a referral to the DBS where an employer has dismissed or removed a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned etc.) because the person has:

- been cautioned or convicted for a relevant offence; or
- engaged in relevant conduct in relation to children and/or vulnerable adults, i.e., an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm; or
- satisfied the Harm Test in relation to children and/or vulnerable adults i.e., there has been no relevant conduct (i.e., no action or inaction) but a risk of harm to a child or vulnerable adult still exists.

The referral will enable the DBS to consider whether or not the individual should be barred from working with children and/or vulnerable adults and should be made as soon as possible after an employee has been dismissed or removed from working with children or vulnerable adults (or would have been if they had not resigned).

Raising a Grievance during the Application of this Policy

If an employee is currently being managed under this policy and has a complaint related to either the person applying it and/or its application, the employee will raise a complaint under this policy which will be investigated. It may be necessary to suspend the application of the policy while the complaint is being looked into. Any delay to the

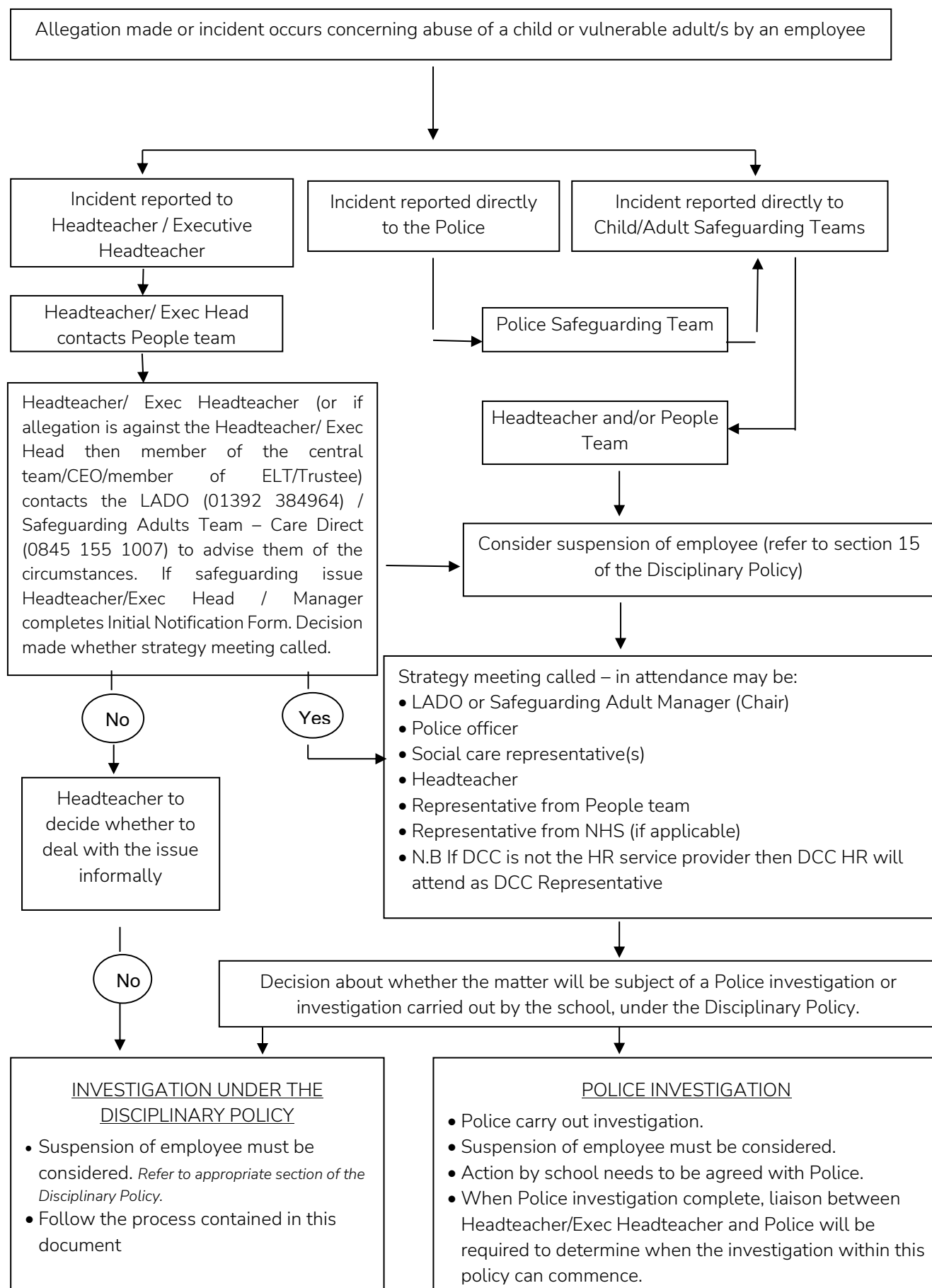
application of this policy to deal with an employee's complaint should not exceed 10 school days.

If an employee raises an unrelated complaint, then the employee should use the Grievance Policy and Procedure. As the matter is unrelated, there will be no need to put any process currently being applied on hold as the complaint can be dealt with in parallel.

Adoption of the policy /procedure

This policy was adopted by the Board of Trustees of Ivy Education Trust on 22 July 2025.

Appendix 1 – Allegations relating to children or vulnerable adults



Appendix 2 – Examples of what might constitute misconduct or gross misconduct

Misconduct

The following list is not exhaustive but gives examples of behaviour that may be dealt with under this policy. It should be noted that depending on the seriousness of the circumstances, any of these actions may be treated as gross misconduct:

- refusal to follow reasonable and lawful instructions
- minor breaches of an employee's contract of employment
- damage to, or unauthorised use of the Trust's property
- timekeeping, including failure to remain at work during contracted hours and being absent without permission or timewasting
- unauthorised absence from work or the workplace
- negligent actions or behaviour
- failure to disclose relationships which may compromise the integrity of the Trust
- failure to disclose a personal relationship with a colleague/service user/ pupil which impacts on professional duties
- inappropriate use of work equipment/property
- use of inappropriate or offensive language
- accepting gifts or hospitality from suppliers or associates of the Trust (with the exception of 'one off' token gifts from parents).
- personal gifts from employees to students
- breach of confidentiality
- failure to comply with Health and Safety requirements
- actions that may bring the Trust into disrepute
- undertaking unnecessary personal activities during working hours
- failure to report any concerns regarding the health, safety and welfare of children / student / vulnerable adults
- misuse of social media.
- Minor breaches of the Trust's policies, including Information and Security and Health safety and wellbeing.

Gross misconduct

The following list is not exhaustive but gives examples of behaviour that could be regarded as gross misconduct:

- any of the listed items from the above 'misconduct' list
- abuse of position of trust
- bringing the school and/or Trust into serious disrepute
- actual or threatened physical, sexual, emotional, financial or verbal abuse of children, vulnerable adults, colleagues, parents, customers or volunteers
- inappropriate conduct and/or contact with a child and/or pupil, including failure to maintain professional boundaries.
- inappropriate physical intervention or restraint of a child or vulnerable adult.
- inappropriate contact with a child/vulnerable adult, either physical or non-physical e.g. via a social network

- making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements or becoming disqualified from providing childcare.
- serious failure to follow the Trust's Child protection policies and procedures.
- grooming - actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for abuse or exploitation, by a person who is in a position of trust in relation to a person under 18 who is receiving education in an education institution. Grooming is illegal.
- a criminal offence applicable to the work performed that in the opinion of the Trust, may affect our reputation or our relationships with our staff, students, parents or the public, or that otherwise affect your suitability to continue to work for us.
- criminal offences that involve violence or possession, supply or use of illegal drugs or sexual misconduct
- using school/Trust equipment to access, take, possess or distribute indecent, illegal or inappropriate images
- bring personal equipment containing indecent and/or illegal images or links to them, into the working environment where children or vulnerable adults are present
- using personal or schools' equipment to access, make, download or distribute indecent images of children or pseudo images of children on or off school/site premises.
- taking or distributing indecent photographs or publications, possession of such documents where children/vulnerable adults present
- breach of security, financial procedures or confidentiality
- inappropriate use of computer, laptop and/or communications systems, including but not limited to inappropriate communications using technology i.e. texts, messaging services, social networking websites
- discrimination, including harassment and victimisation on the grounds of gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.
- bullying and/or harassment, including cyber bullying
- sexual harassment
- dishonesty, bribery, fraud (including corruption), misuse of school/Trust property or resources, or deliberate falsification of records including expense claims, student's work, registers, examinations or assessments, applications for employment, qualifications etc.
- making a disclosure under our Whistleblowing policy maliciously, for personal gain or otherwise in bad faith.
- making of vexatious and/or malicious allegations
- victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing policy, Grievance procedure, Disciplinary policy/procedure or otherwise.
- theft or unauthorised removal of property or the property of a colleague, contractor, student or a member of the public
- deliberate damage to property or equipment of the Trust or the property of a colleague, contractor, student or member of the public.
- fighting with, or assault or any violent behaviour towards children, vulnerable adults, colleagues, parents, customers, volunteers, contractors or members of the public

- a criminal conviction inconsistent with the standards expected for the role
- failure to disclose any conviction, caution, reprimand, bind over, warning, pending criminal proceedings for which an arrest or a formal charge is made
- being under the influence of alcohol, illegal substances or drugs at work
- being in possession of illegal substances or drugs
- serious negligence which causes unacceptable loss, damage or injury
- refusal to follow a reasonable formal management instruction
- engaging in unauthorised employment during hours contracted to work for the Trust or during periods of specially designated leave e.g. sick leave, special leave etc.
- abuse of the sick pay scheme
- sleeping or carrying out inappropriate activity e.g., using Facebook, social media sites during working hours
- failure to uphold the professional standards of the role the employee is employed to perform
- misconduct and/or displays of lack of professionalism which leads to the employee deliberately absenting him/herself from work
- breach of the Data Protection Act (1998) (due to be replaced by the General Data Protection Regulation (GDPR) from the 25 May 2018) or Trusts' Data Protection Policy.
- perpetrator of domestic violence

Additionally, in the case of Headteachers or other managers in schools:

- deliberate failure to meet reporting responsibilities to the Governing Body
- failure to uphold the professional standards expected
- negligent conduct which leads to poor provision of education to children
- undermining the Headteacher/Governing Body
- failure to comply with Safeguarding of Children requirements
- failure to maintain appropriately checked records of employees e.g., DBS, Eligibility to Work in the UK etc.

Some examples of behaviour at work may also constitute a criminal matter, e.g., bribery may fall under the Bribery Act 2010.

The above lists are not exhaustive and there may be several other breaches of conduct that may be deemed to be misconduct or gross misconduct.

Employees must be aware that in line with the statutory duty of KCSIE, certain actions must be considered as potential safeguarding issues and reported to the LADO. This duty is the same for Agency workers.

Appendix 3: Whistleblowing

- a criminal offence (such as insurance fraud or illegal tax evasion or an employer has been trying to bribe people)
- a breach of any other legal obligation by an organisation (for example, a school has neglected their duty of care towards pupils or a member of the public for whom they

have a responsibility)¹

- a miscarriage of justice – for example a member of staff has been dismissed for something that turned out to be a computer error
- someone's health and safety being in danger (for example, an employer has forced staff to service contaminated food)
- seeking undue favour over a contractual matter or a job application; or against the Trust's Financial Regulations
- damage to the environment (for example, an employer has been regularly polluting local rivers);
- deliberately covering up concealment of any of the above.

You can make a qualifying disclosure about an issue that has happened at any time. This includes if it's likely to happen in the future.

POLICY HISTORY/AMENDMENT RECORD

This policy is provided following consultation with trade unions/professional associations and will apply to all employees. This policy is also for the Trust Board of Trustees to consider for adoption. Should the Board wish to make changes to this model Policy, the required consultation must be undertaken with the County Officers of the recognised trade unions/professional associations. This policy supersedes all previous disciplinary policies including any previous conduct policies for schools/ the Trust.

Date	Summary of change	Contact/Reviewed by	Implementation Date	Review Date
27 November 2013	New Policy Date of consultation with recognised Trade Unions – November 2012 and September 2013	HR ONE	27 November 2013	
	Removed reference to Counselling service and replaced with Employee Assistance Programme with contact details	HR ONE	25 April 2014	
	Paragraph added. 13. Allegations involving Information Security Incidents		12 November 2014	
	Remove reference to 'good cause' for delays to hearings. Clarity on Professional Guidance Addition about using warnings in employment references	HR ONE	17 December 2014	

¹ not a personal contractual breach unless such breach involves a matter of public interest

Date	Summary of change	Contact/Reviewed by	Implementation Date	Review Date
November 2014	New section 11 - to clarify links between Disciplinary and Whistleblowing policies	HR ONE	18 December 2014	
July 2015	Clarification in Responsibility for Taking Action in Schools, Section 3 Paragraph 2.	HR ONE	28 July 2015	
Feb 2016	Replace and Update of Occupational Health Information due to new provider.	HR Direct	01 April 2016	
Mar 2016	Minor amendments to sections 3 and 15 re. references to other sections.	HR Direct	01 April 2016	
November 2016	Paragraph added to section 19 re dismissals for Some Other Substantial Reason Addition added to section 12 Allegations Involving Employees with a professional registration	HR ONE	10 November 2016	
28.03.17	Updated details of EAP.	HR Direct	01.04.17	
27.06.17	Amended reference to senior officers to Chief Officers under section 2 Policy & Principles.	HR Direct	27.06.17	
	Reviewed the generic policy and separated out to form a school/ academy specific policy. Updated details of EAP/ reference to General Data Protection Regulations 2018. Updated list of gross misconduct examples, made more specific to schools.	HR ONE	08.08.17	April 2018
08.04.19	Section 18 Suspension. Amended to remove neutral act due to an update in caselaw that suspension is not a neutral act.	HR Direct	08.04.19	
May 2020	Osprey learning trust v1	JN	19.05.2020	
July 2022	Review following transfer of Estuaries MAT schools to Osprey Learning Trust and rename Ivy Education Trust.	SD	19.07.2022	July 2025
April 2025	Review of misconduct and gross mis conduct sections to ensure in line with other policies. Addition of sexual harassment	Director of People/P&V Committee	01.09.2025	July 2028

Date	Summary of change	Contact/Reviewed by	Implementation Date	Review Date
	in misconduct. Reference to duty to report under KCSiE			