



Creating Safe Connections & Environments that Promote Development

Policy 10

Disciplinary Policy 2025/2026

The purpose of this disciplinary policy is to help the Company deal fairly and consistently with disciplinary issues and to ensure that employees are aware of the process for handling such matters.

10.1 Status of this Policy

10.1.1 This policy applies to all employees, once they have completed their probationary period.

10.1.2 This policy does not apply to dismissals due to redundancy, the non-renewal of a fixed-term contract on its expiry, poor attendance due to ill health, or performance issues which are not due to misconduct (please refer to the Company's separate Capability Procedure for this – copy available in the Policy File).

10.1.3 This policy does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time, although employees will be notified in writing of any changes.

10.2 General Principles

10.2.1 Informal action will be considered, where appropriate, to resolve problems.

10.2.2 No disciplinary action will be taken against an employee until the case has been fully investigated.

10.2.3 For formal action, the employee will be advised of the nature of the complaint against him or her in writing and will be given the opportunity to state his or her case before any decision is made at a disciplinary hearing.

10.2.4 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.

10.2.5 The employee will have the right to be accompanied by a work colleague or a trade union official in the disciplinary hearing only.

10.2.6 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

10.2.7 An employee will have the right to appeal against any disciplinary action. See Section 1.6 below.

10.2.8 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

10.2.9 Depending on the circumstances, it may be appropriate for the employee to be suspended from work on full pay in order that an investigation can take place. Suspension on full pay does not amount to a disciplinary sanction and does not imply that any decision has already been made about the allegations.

10.2.10 This disciplinary procedure should be understood as incorporating provisions relating to discipline in any other Company policies.

10.2.11 Each stage of this procedure will be carried out without unreasonable delay.

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

10.2.13 Records will be kept of any action taken under these disciplinary procedures for as long as necessary, including warnings that are no longer in effect and disregarded in determining a future penalty. Wherever possible, these records will be treated as confidential.

10.3 Procedure

Any issues concerning the health and safety of a child will be dealt with in accordance with the Allegations Management Procedure, outlined in Section 1.7 below.

10.3.1 Step 1: *Issue raised with the employee*

The Director or designated Deputy will raise the issue of concern with the employee.

Informal action shall be considered where appropriate to resolve problems by way of guidance, counselling, instruction or informal cautioning.

10.3.2 Step 2: *Risk assessment undertaken and suspension implemented if required*

Where further investigation is required, a risk assessment will be undertaken to determine whether or not a period of suspension on full pay is appropriate/necessary whilst investigations are being carried out.

10.3.3 Step 3: *Investigation undertaken*

No disciplinary action will be taken until a full investigation has taken place. This could include interviews of students, their families, the Local Authority Designated Officer (LADO) team, other employees, and/or the police, CSC and the local Schools within which we work or support.

The employee may also be required to attend an investigatory interview. The employee will have the right to be accompanied by a work colleague or a trade union official at this meeting. An independent witness may also be present, whose role will be to take notes of the meeting and act as a witness to what is said. A copy of any notes made during the investigation meeting with the employee shall be made available to him/her.

10.3.4 Step 4: *Hearing undertaken*

If, following investigation, it is established that there is a disciplinary case to answer by the employee, he/she will be invited in writing to attend a formal disciplinary hearing. The letter will outline the nature of the case against him or her.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.

At the disciplinary hearing, evidence relating to the alleged breach of discipline shall be examined. The employee will be given the opportunity to state his or her case and draw attention to mitigating circumstances. The employee shall also be given a reasonable opportunity to ask questions, present evidence, raise points about any information provided by witnesses and call relevant witnesses or submit witness statements. If an employee intends to call any witnesses or submit witness statements, he/she shall be required to give advance written notice of this at least 1 week prior to the meeting.

The employee will have the right to be accompanied by a work colleague or a trade union official at this hearing.

Employees must take all reasonable steps to attend a disciplinary hearing. If, without good cause, an employee is persistently unable or unwilling to attend, the Company will hear the matter in the absence of the employee and make a decision based on the evidence available.

If any matters come to light during a disciplinary hearing which requires further investigation, the hearing may be adjourned to enable further investigations to take place.

An independent witness may be present in the hearing, whose role will be to take notes of the meeting and act as a witness to what is said. A copy of any notes made during the hearing shall be made available to those involved in the hearing.

Right to be accompanied in formal hearings

In any formal disciplinary hearing under this policy, including appeals, the employee has a statutory right to make a reasonable request to be accompanied by a work colleague or trade union official of their choice.

An employee's companion may address the hearing to put up or sum up the employee's case or respond on the employee's behalf to any view expressed at the hearing. He or she may confer with the employee during the hearing but does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not want him or her to do so, or prevent anyone from making his or her contribution to the hearing.

If an employee intends to be accompanied, he/she shall be requested to provide advance notice of this at least 1 week prior to the meeting.

10.3.5 Step 5: *Conclusions and recommendations presented*

Disciplinary decisions shall be made on the balance of probabilities i.e. the alleged offences are more likely to have occurred than not, following a reasonable investigation. The Company is not required to prove the allegations.

In determining the disciplinary sanction that shall apply, the employee's previous disciplinary record shall be reviewed.

Upon conclusion of the hearing, the employee will be informed of the outcome, which will be confirmed in writing.

10.4 Warnings and Dismissal

The usual penalties for misconduct are set out below. No penalty shall be imposed without a hearing.

Should the seriousness of the situation demand it, Stage 1 and/or Stage 2 actions under this procedure may be omitted.

10.4.1 Stage 1 - *First Written Warning*

This will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also inform the employee that a Final Written Warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes normally after 6 months, but a longer period may be stated in exceptional circumstances.

10.4.2 Stage 2 - *Final Written Warning*

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a Final Written Warning may be given to the employee. This will

give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A record of the warning will be kept, but it will be disregarded for disciplinary purposes normally after 12 months subject to achieving and sustaining satisfactory conduct or required improvements, but a longer period may be stated in exceptional circumstances.

10.4.3 Stage 3 - Dismissal

If there is still further misconduct or failure to achieve the required improvements, the final step in the procedure may be dismissal. Dismissal decisions will normally be taken by the Director and the employee will be provided in writing with the reasons for dismissal, the date on which the employment will terminate, and the right of appeal. Unless dismissal is for gross misconduct, the employee will be dismissed with notice.

10.5 Gross Misconduct

10.5.1 The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material using work phones/laptops
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules

- purchasing/giving any student something illegal
- a serious breach of confidence
- breaches of Safeguarding Policy
- driving offence with student present

The above list is not exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular facts.

10.5.2 Following investigation and a disciplinary hearing, if the Company is satisfied that the employee has committed gross misconduct the result will normally be summary dismissal without notice or payment in lieu of notice.

10.6 Appeals

10.6.1 An employee who wishes to appeal against any disciplinary decision must do so in writing to the Director within 5 working days of the disciplinary decision setting out the reasons for the appeal. Wherever possible, an external consultant will hear the appeal.

10.6.2 The appeal hearing may take place after the disciplinary decision has taken effect. If the employee is appealing dismissal and the appeal is subsequently upheld, the employee will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if the appeal is not successful, the original date of dismissal will stand.

10.6.3 Employees have the right to be accompanied to an appeal hearing by a work colleague or a trade union official.

10.6.4 Following the appeal hearing, the outcome will be confirmed in writing. This will either confirm the original decision, revoke the original decision, or substitute a different penalty. This decision will be final.

10.7 Allegations Management Procedure

10.7.1 Any allegations concerning the health and safety of a child should be reported to the Director immediately as per the Company's Safeguarding Policy (copy available in the Policy File).

10.7.2 The Allegations Management Procedure applies when it has been alleged that a member of staff has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

On being advised of such an allegation, the Director will contact the LADO on the same working day and an Allegations Reporting Form will be completed.

The LADO's role is to provide advice and guidance to organisations dealing with allegations of this nature, and to monitor the progress of cases to ensure that they are dealt with as quickly and fairly as possible. Where considered appropriate, the LADO will liaise with the police and other agencies regarding the allegation.

The Director will support the full investigation.

10.7.3 In situations where an allegation is made against the Director then must be passed directly to the LADO by any staff member.

10.7.4 The Somerset Council Policy (see policy file) will be adhered to for all allegation management. Where the LADO are comfortable for the Company to deal with the allegation, the Disciplinary Procedure outlined above will be followed lead by the HR Officer.

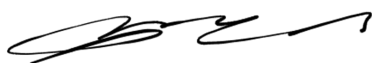
10.7.5 The outcome of all allegations will be recorded.

10.7.6 The needs of the student will be reviewed after any investigation, whether upheld or dismissed, and a referral to the Disclosure and Barring Service (DBS) may be made in line with the Staff Vetting Policy (copy available in the Policy File).

Any further questions regarding guidelines in this policy then please contact one of the leadership team.

To ensure the effectiveness of this document our 'Disciplinary' policy will be reviewed annually.

Signed:



Date: 02/09/2025

Dan Palmer

Founder / Director