



**Brontë Academy Trust**  
Great schools. Inspirational people. Strong foundations.

## **Bronte Academy Trust**

### **Disciplinary Policy & Procedure**

**Bronte Academy Trust has adopted the PACT HR recommended model procedure as agreed by Trade Unions**

<b>Reviewed By</b>	<b>Approved By</b>	<b>Date of Approval</b>	<b>Version Approved</b>	<b>Next Review Date</b>
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## Policy Details

Bronte Academy Trust has adopted the PACT HR recommended model procedure as consulted upon and agreed by the following Trade Unions:

- ASCL\*
- GMB
- NAHT
- NASUWT
- NEU
- UNISON

\*ASCL recognises and agrees the consultation process for this policy.

## **Summary of Key Changes**

1. Policy statement regarding the introduction of the Fair Work Agency April 2026 (ERA 2025)
2. Section 2.6.4 further explanation provided regarding the determination of allegations
3. Section 2.7.7 expanded for child protection and safeguarding concerns
4. Review and reformat with 2026 copyright

# Contents

## Disciplinary Policy and Procedure

1. Policy Statement
  - 1.1 Introduction
  - 1.2 Equality Impact Assessment
  - 1.3 Fair Work Agency
  
2. Disciplinary Policy
  - 2.1 Application of the Policy
  - 2.2 Informal Discussion
  - 2.3 Criminal Offence or Child at Risk
  - 2.4 Offences committed outside working hours
  - 2.5 Suspension
  - 2.6 The Investigation Process
  - 2.7 Disciplinary Hearings
  - 2.8 Right of appeal
  - 2.9 Disclosure & Barring Service referrals
  - 2.10 Teacher Regulation Agency referrals

# 1 Policy Statement

## 1.1 Introduction

The main purpose is to encourage an employee whose conduct is unsatisfactory to improve. The procedure serves to ensure that this is done in a fair and consistent manner. Clear guidelines are set out for teachers in the Teachers Standards (England).

This policy applies to both members of teaching and support staff employed at Bronte Academy Trust.

When not the employer of an individual, as is the case for example with supply staff, the Trust still have a responsibility to ensure that allegations are dealt with appropriately and they liaise with the relevant parties. In accordance with Keeping Children Safe in Education (KCSIE), the Academies retain the lead responsibility for supply staff as they were 'working under supervision, control and direction' of the Board of Trustees.

Where there are allegations of abuse made against teachers and other staff, including supply teachers and volunteers, these policies should be read in conjunction with the Trust Child Protection Policy and statutory guidance, including Working Together to Safeguard Children and Keeping Children Safe in Education (KCSIE). The statutory guidance must be followed. Further advice is also available from your HR Business Partner.

The disciplinary procedure is strictly confidential and all aspects including all documentation and records shall be treated as such and comply with the Data Protection Act 2018 and the relevant Data Protection Policy within the Trust.

## 1.2 Equality Impact Assessment

All Schools, Academies and Trusts must ensure that all strategies, policies, services and functions, both current and proposed, have considered equality, diversity and inclusion. It is recommended that an Equality Impact Assessment (EIA) form is used in conjunction with PACT HR Policies. PACT HR's recommended Equality Impact Assessment template can be found on the PACT HR website in the SLA Information Hub for completion and attachment to this policy.

## 1.3 Fair Work Agency

Bronte Academy Trust is committed to complying with UK employment law and supporting principles of fairness, transparency and accountability at work. The role of the Fair Work Agency is recognised in enforcing employment rights and promoting lawful workplace practices coming into effect on 7 April 2026.

This disciplinary policy complies with the above and other current legislation, the ACAS Code of Practice and educational employment related best practice. Any disciplinary action will be fair, based on a reasonable investigation and include the rights to be accompanied to an appeal.

The Trust will co-operate fully with any lawful request or investigation by the Fair Work Agency and take appropriate corrective action where required.

Further information about the Fair Work Agency can be found [here](#)

## **2 Disciplinary Policy**

### **2.1 Application of the Policy**

In minor cases of alleged misconduct, the line manager should initially seek to resolve the matter informally by discussion with the employee, as outlined in Section 2.2 below.

The Disciplinary Procedure is to be used where an employee's conduct is alleged to be unsatisfactory. Prior to commencing any disciplinary investigation against an employee, please check with your PACT HR Business Partner to ascertain whether investigation should take place under the disciplinary or capability policy.

Each step and action under the procedure must be taken without unreasonable delay. The timing and location of meetings must be reasonable.

### **2.2 Informal Discussion**

The need for formal disciplinary action will be reduced if managers demonstrate high standards of conduct themselves and make it clear that the same high standards are expected from their staff. Managers are responsible for ensuring that their staff are aware of the requirements of their roles and of the expectations of the Trust.

Early intervention, offering guidance or a written instruction, can often prove very effective in improving minor conduct issues and avoiding the need for more formal procedures being invoked. The employee should fully understand a manager's concerns, what improvements are required of them and the possible consequences if these improvements are not achieved. Written instruction will be timebound, in accordance with the severity of the concern.

No disciplinary action will be taken against an employee until the case has been fully investigated, and it is determined there is a case to answer.

### **2.3 Criminal Offence or Child at Risk**

Where the allegation is that a criminal offence may have been committed or a child is at risk of significant harm, immediate suspension is more likely to be appropriate following an appropriate assessment of risk. Where the allegation is of a child protection / safeguarding nature, the LADO procedure should be followed. Please also refer to the Trust Child Protection Policy, Safeguarding Policies and Procedures and follow the procedures set out in the statutory guidance KCSIE and Working Together to Safeguard Children. Advice should be sought from your PACT HR Business Partner.

### **2.4 Offences committed outside working hours**

Criminal acts resulting in cautions or convictions for offences committed outside working hours may still result in disciplinary proceedings being taken against the employee, up to and including summary dismissal. The Trust will consider whether or not the employee's caution or convictions merit action because of employment implications. For example, where management considers the act or conviction in question affects the suitability of the employee for the position in which they are employed, the reputation of the Trust, or undermines the trust and confidence that the Trust has in the employee.

## **2.5 Suspension**

### **2.5.1 Considering Suspension**

Staff against whom an allegation is made should not automatically be suspended. Initial information should be gathered to find out what's happened, who's involved and how serious the alleged misconduct may be

In exceptional circumstances and in accordance with ACAS guidelines consideration may be given to removing a member of staff from their place of work (i.e. suspension) at the outset of the investigation or at any stage during the course of the investigation. Please contact your HP Business Partner if you are considering suspension to ensure that suspension is an appropriate course of action.

Suspension is not an assumption of guilt, nor is it a disciplinary sanction and the employee will receive normal pay and benefits. Where possible an alternative should be found to suspension. This could include alternative duties / locations or removal from contact with pupils.

Suspension should not be undertaken without good reason, as an over-hasty or ill-judged decision immediately to suspend a member of staff can have a substantial detrimental effect on the member of staff's career. Suspension is not only a traumatic experience for the individual involved, but also for their family, for other children at the Trust, their parents and for other staff. All concerned will wish to be reassured that the responsible agencies will act in a careful, measured way when allegations are brought to their attention.

Following an appropriate assessment of risk, the below provides circumstances in which a decision to suspend an employee could occur:

- There is a genuine risk to a child, or children is / are at risk
- There is a risk to customers, property or business interests
- There is a reasonable belief it would protect the person under investigation
- It would protect other staff
- Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded

In all cases where suspension is being considered, the Trust must consider the wellbeing and mental health of the employees and advise the individual to seek assistance from their trade union and refer to Employee Health and Wellbeing Service (Occupational Health) if appropriate. Referrals to Employee Health and Wellbeing Service will only be made with the consent of the employee. Further details regarding Employee Health and Wellbeing can be found on the PACT HR website.

When considering suspension, advice must always be obtained from the Trust PACT HR Business Partner.

### **2.5.2 Who can suspend**

#### **All Staff**

The decision to suspend rests with the Headteacher or CEO of the Trust. Any decision to suspend must be notified to the Board of Trustees as appropriate.

## **Headteacher / Executive Headteacher / Chief Financial Officer / Chief Executive Officer**

The decision to suspend rests with the Chair of Trustees / Chief Executive Officer in line with the Trust Scheme of Delegation for Staffing / Personnel Matters.

In a community or Voluntary Controlled Maintained school (whose staff are employed by Bradford Council or other Local Authority), the decision to suspend a Headteacher, must be notified to the Local Authority's Director of Children's Services.

In a Voluntary Aided, Trust or Foundation school or in an Academy (whose staff are employed by the Governing Body / Board of Trustees), any decision to suspend lays with the Governing Body / Board of Trustees in line with Schools / Academy's / Trust's Scheme of Delegation for staffing / Personnel Matters.

For the suspension of a Chief Financial Officer or equivalent, any suspension should be reported to the DfE or other regulatory body in line with the Academies Trust Handbook.

Any suspension of an Academy Trust CEO must be notified to the Trust Board in line with the Academy's Trust Scheme of Delegation and to the DfE or other appropriate regulatory body.

## **Trade Union Representatives**

Trade Union Officials – as with other employees – have the statutory right not to be subjected to any detriment where the principal reason for an employer's action is to prevent or deter participation in trade union activities, or to penalise them for doing so.

In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the meeting should not be arranged without prior discussion with the relevant branch secretary or trade union representative, where the concerns relate to Trade Union duties. Consent must be gained from the employee prior to any discussion with the Union official. From the outset it should be established that the action being taken is not an attempt to undermine the function of a trade union. Normal disciplinary standards will apply to their conduct and performance as employees.

## **Workplace Representatives and Officers**

Workplace representatives and Officers should not be suspended without consultation with the Trade Union's office providing it is reasonably practical to do so. Consent must be gained from the employee prior to any discussion with the Trade Union.

### **2.5.3 Suspension Consideration Meeting**

Where suspension is being considered, a meeting should be arranged to discuss management concerns. Normally, the meeting should be undertaken outside pupil contact time and advice should be taken from the PACT HR Business Partner before suspension. There are three possible outcomes outlined below:

- Not to suspend
- Action short of suspension
- Suspend

Consideration needs to be given to disclosure of any criminal proceedings.

When called to a meeting where suspension is a possible outcome, the employee should be advised to seek the guidance of their trade union. The employee may be accompanied by a Trade Union representative or a work colleague, who will not or has not been involved in any part of the proposed disciplinary process. The employee should be offered the opportunity of a brief meeting with their trade union representative or work colleague prior to the meeting.

Attempts will be made to identify if the individual concerned is a member of a trade union and contact them on their behalf, if possible and with the employee's consent. The meeting can go ahead without trade union representation in exceptional circumstances. Appropriate follow-up communication will be undertaken with the trade union to ensure they are fully apprised of the matter.

The employee should be informed at the outset of the meeting that an allegation or series of allegations have been made. The allegation(s) should be outlined during this meeting. At the conclusion of the meeting, suspension might occur. It should be made clear, however, that the meeting is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.

Relevant information, including reasons for any proposed suspension should be relayed. The Trust should ensure any information relayed does not interfere with an investigation into the allegation. This meeting is not concerned with the examination of the evidence but is an opportunity for member of staff to make representations concerning any possible suspension. The employee should be given an opportunity to make such representations after the information has been given. A brief adjournment should be offered to the member of staff prior to a response being provided.

If, as a result of the meeting, it is considered that suspension is necessary along with a full investigation of the allegation(s), the member of staff should be advised that they are suspended from duty. Enquiries to ascertain whether the employee requires any immediate support should be made.

The terms of suspension will be relayed to the employee during the consideration of suspension meeting with an opportunity for further clarification regarding the terms of suspension provided. Written confirmation of the suspension should be issued with **5 working days** of the meeting clearly outlining the reasons for the decision, and any alternative measures that were considered and the rationale for deeming them unsuitable in the circumstances. The employee should also be directed to PACT HR's guidance on suspension in the interim period between advising of suspension from duty and the production of the suspension letter.

#### **2.5.4 Where no action is taken to suspend**

The member of staff may be accompanied by a trade union representative or work colleague at the meeting. The circumstances which led to consideration of suspension and any required follow up action which is proposed to take should be explained to the employee. Appropriate assistance or advice should be offered during the meeting, including a type of support the employee may require. Appropriate health and well-being / counselling services should be considered.

If an employee has not been suspended but there are child protection or serious concerns about aspects of their conduct, a full investigation should be undertaken before deciding about further action under disciplinary procedures. Please contact your HR Business Partner for further advice on undertaking an investigation.

#### **2.5.5 Action short of suspension**

The employee, whom the allegation is against, should not automatically be suspended and alternatives to suspension can be considered, these may include:

- Alternative duties / locations
- Removal from contact with child(ren) that may be involved in the investigation

### **2.5.6 After a Decision to Suspend Pending Investigation**

Where a suspension has occurred, the appropriate notifications need to progress in accordance with section 2.5.3 of this policy.

It is advisable to provide no more than the minimum information necessary to the Governing Body / Board of Trustees, as more than this would prejudice the Member's impartiality in any subsequent disciplinary hearing or appeal in disciplinary proceedings.

Where a CEO, Executive Leader or Headteacher has been suspended, the implications for the management of the Trust will need to be considered including the acting arrangements.

In certain circumstances, it may be prudent to request that certain work-related equipment be returned to the Trust.

Senior members of staff who need to know the reason for the suspension should be informed as far as is necessary. Any appropriate communication to explain the employee's absence must be discussed with your PACT HR Business Partner and agreed with the employee where possible to ensure that confidentiality of the suspended employee is maintained.

In rare circumstances, e.g. child protection investigations, it may be necessary for the Senior Leader (in consultation with the CEO) to provide immediate reassurance to parents and children and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues. If this situation occurs, then advice and guidance should be sought from your PACTHR Business Partner.

The Senior Leader in consultation with the CEO should consider, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained according to the circumstances of a particular case. In cases in maintained schools, advice should be taken from the PACT HR Business Partner.

Every effort should be made to avoid lengthy periods of suspension.

The decision to suspend and the conditions of suspension will be reviewed on a regular basis as a maximum of a monthly basis (excluding school holidays). The suspended employee will be informed in writing of the outcome of each review. Any representations received from the employee or the employee's trade union representative will be considered at each review. Alternative methods of communicating the outcome of the review may be considered, where appropriate, to support the wellbeing of the employee.

### **2.5.7 Support for Staff during the Period of Suspension**

The suspended employee will be given the name of a contact within the PACTHR HRBP Team. The main role of the contact person is to provide procedural information. No details will be provided about the actual case / investigation, other than to advise on the progress of the investigation.

Social contact with colleagues and friends at the Trust, should not be precluded except where it is likely to be prejudicial to child protection enquires, criminal or disciplinary investigations or processes.

Although it is the aim that all investigations should be conducted as quickly as possible, consistent with establishing the full facts, arrangements should be made (by negotiation) for the individual, or his or her representative, to be contacted regularly with information on progress and developments in the case. These arrangements should not preclude them, or their representative, from contacting those conducting the investigation at any time

According to the needs and wishes of the employee to be kept informed, a colleague contact should also be in a position to provide information about developments within the Trust in general. Usually this will be a Senior Leader who is not been involved in any disciplinary investigation.

In some cases, it may be appropriate to ask whether welfare counselling or support through the Employee Health and Wellbeing Service would be helpful, or to respond to a request for such further support.

### **2.5.8 Support for staff following suspension**

Bronte Academy Trust is committed to supporting staff in their successful reintegration following a period of suspension.

Discussions will take place prior to return to identify any support required, clarify expectations and ensure a smooth transition, which may include access to employee health and wellbeing services or adjustment of duties where appropriate.

Communications to colleagues and, where relevant, pupils and parents will be managed sensitively in a manner that respects the confidentiality, dignity and wellbeing of all parties involved. Communications will be drafted in liaison with the employee returning from a period of suspension.

### **2.5.9 Support for others concerned**

If a child or children have made allegations/s, they and their parents will need support. Consideration should be given to the form such support should take. Consideration should also be given to what support may be needed for others at the Trust, both staff and pupils, according to the circumstances of the allegations. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained via the ACPC / Social Services.

### **2.5.10 Pay during suspension**

The employee is entitled to normal pay during any period of suspension.

Normal pay means the pay which the member of staff would have received during their normal working week. Normal pay is any entitlement which falls under the contract of employment including contractual benefits and allowances.

If the employee takes annual leave or is sick at any time during the suspension, then pay for such leave or sickness will be calculated in accordance with the normal provision of the annual leave or sickness scheme. Any other payments, e.g. the allowances detailed above, will be paid in accordance with that scheme's rules for any leave or sickness absence.

Where the employee is on a period of sickness absence but would have been considered for suspension were they not, then once this has been communicated, they would be advised they are bound by the terms of suspension. When any period of sickness as described above comes to an end, then the employee, remains suspended and again becomes entitled to normal pay.

## **2.6 The Investigation Process**

### **2.6.1 Appointment of an Investigation Officer**

An Investigating Officer will be appointed by the Senior Leader upon initiation of an investigation process. The investigating Officer must have a reasonable level of training and / or experience of conducting investigations and not be subordinate or equal seniority to the employee who is the subject of the investigation. Where the school, academy or Trust is unable to identify an appropriate employee who meets these requirements support can be sought from PACT HR Consultancy Services to commission an independent investigation.

### **2.6.2 Notification of an investigation**

Employees will be advised of the allegations against them at a meeting. The allegations will be confirmed in writing outlining the level of conduct the allegations could constitute and whom is the appointed Commissioning Manager / Case Manager.

During the meeting, the employee should also be offered support via a named HR Business Partner (who is impartial) and a referral to Employee Health and Wellbeing (Occupational Health)

### **2.6.3 Right to be accompanied and role of the companion**

employees have the right to be accompanied at meetings or interviews connected with the Disciplinary Procedure by a companion. Employees should be notified of the right to be accompanied. The companion may be either a trade union representative or a work colleague. To exercise this right, workers need to make a reasonable request. The representative (work colleague or trade union) is allowed to address the meeting to put and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with the employee. Information regarding allegations and accompanying evidence to be reviewed at interview can be provided to the representative directly by the Investigating Officer with the permission of the employee being investigated.

The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent management from explaining the management case.

It is the responsibility of employee concerned to arrange their own accompaniment and to inform the relevant person conducting the meeting who this will be.

### **2.6.4 Allegation substantiation**

Allegations against employees will be considered and determined using the following defined outcomes:

- Substantiated: there is sufficient evidence to prove the allegation
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation on the balance of probabilities

- **Unfounded:** to reflect cases where there is no evidence or proper basis to support the allegations
- **False:** there is sufficient evidence to disprove the allegation(s)
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation(s)

## **2.6.5 Sickness absence during the investigation / disciplinary procedures**

It is not necessary to suspend the disciplinary or investigatory process simply because the member of staff is absent due to illness. The Trust may seek advice from the Employee Health and Wellbeing Service, in order to ascertain whether or not the employee is fit to engage in the process. If the member of staff is declared 'fit' to attend meetings from a physical and/or medical wellbeing perspective but not well enough to attend work, the Trust may, at its discretion, consider a number of measures, such as;

- Offering an alternative venue for the meetings / hearing including virtual meetings
- Allowing the employee to make written representation
- Allowing extra time during the procedure for the employee to participate effectively

Where the employee is not 'fit' to engage in the investigation process, the investigation can still continue. When the employee is required to attend an investigation interview, further advice will be sought from the Employee Health and Wellbeing Service.

## **2.6.6 Postponement of meetings/interviews**

In these circumstances, it is the responsibility of the employee to propose an alternative date for a meeting; this should wherever possible be within 5 working days of the original date proposed. Dates outside of this timeframe will be considered as long as they do not cause an unreasonable delay.

## **2.7 Disciplinary Hearings**

### **2.7.1 Notification of Referral to a Hearing**

If a disciplinary hearing is identified as a suitable course of action, the employee must be notified in writing with a minimum of **ten working days'** notice prior to the hearing commencing. The investigation report, appendices and any additional information must be included within this letter. If witnesses are called on behalf of the Trust, this must also be clearly indicated within the letter.

The employee will be able to produce written statements and call witnesses, with the written statements and details of witnesses to be submitted at least **three working days** prior to the hearing.

### **2.7.2 Hearing Panel**

The Disciplinary Hearing will be conducted by a Panel of the school's Governing Body, Board of Trustees or nominated persons in line with the Terms of Reference / Delegation of Powers Matrix for staffing matters.

### **2.7.3 Right to be accompanied / represented**

The employee has the right to be accompanied at a disciplinary hearing by either (up to) two trade union representatives or one work colleague. It is the responsibility of the member of staff to

arrange their own accompaniment and to inform the relevant person / chair of the panel conducting the meeting that they are to be accompanied and by whom.

#### **2.7.4 Postponement of the Hearing**

An employee may seek a postponement of a hearing and propose an alternative time if their chosen trade union representative or work colleague is not available to attend. The alternative time must wherever possible and taking account the availability of the panel members, be within **five working days** of the original date. In some circumstances it may not be possible to re-arrange the hearing within the requisite five working days.

Where a postponement of more than five working days is requested due to the availability of the trade union representative or work colleague, this may be permitted only where it does not cause unreasonable delay. Arrangements for re-arranged hearing dates, will wherever possible be arranged in conjunction with the member of staff's trade union representative, however this may not always be possible.

#### **2.7.5 Sickness and / or refusal to attend**

It may, on occasion be necessary to proceed with a disciplinary hearing without the presence of the employee, due to their sickness or refusal to attend, despite reasonable adjustments being made to both the procedure and venue. Any intention to proceed without the presence of the employee will be clearly communicated within the invite letter. In such circumstances, the employee and / or their representative will remain free to attend the hearing. The outcome will be communicated in writing to the employee including their right of appeal within five working days of the hearing.

#### **2.7.6 Procedure at the Hearing or Appeal**

At the beginning of the hearing/appeal, the Chair/HR Representative will introduce all parties present and shall explain the procedure to the parties, as follows;

- The hearing/panel may be digitally recorded to ensure a clear and accurate account of the meeting as agreed with the employee. The recordings will be deleted once the accuracy of the minutes have been confirmed by all parties. Alternatively, transcribing through transcription software can be used as an alternative to digital recordings or a note-taker
- A copy of the meeting minutes will be made available to all parties following the hearing or appeal
- The management representative will put the management case and may call witnesses
- The employee or their trade union representative will have the opportunity to ask questions of the management representative and any witnesses they have called
- The employee or their trade representative will put their case and may call witnesses
- The management representative will have the opportunity to ask questions of the employee and any witnesses they have called
- The Chair (and through them the other panel members) may ask questions of any party. If new evidence is brought to the hearing, both parties will be given an opportunity to comment and, if necessary to adjourn
- The management representative will have the opportunity to sum up their case
- The employee or their trade union representative will have the opportunity to sum up their case
- The Chair shall ask both parties to leave while the decision is made; only recalling the two parties to clear points of uncertainty on evidence already given. If this is necessary, both

parties will return even if only one of the parties is concerned with the point giving rise to the doubt

- The Chair shall recall the two sides to give the decision and explain the reasons for the decision and confirm this will be put in writing to them as soon as possible. Where necessary, the hearing can be adjourned until a later date to relay the outcome to allow the panel more time for deliberation

### **2.7.7 Levels of Disciplinary Sanction**

The four levels of formal disciplinary sanctions are designed to reflect the varying levels of seriousness of the case. The levels give a proper sequence for persistent cases. A disciplinary sanction will be issued at whatever level appears appropriate to the circumstances; it is therefore not always necessary to commence any disciplinary sanction at the first warning stage.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice and without pay in lieu of notice. Except for gross misconduct, a member of staff dismissed by reason of disciplinary action shall be given notice based on their terms and conditions of employment. For guidance, examples of gross misconduct are (please note this list is not exhaustive);

- Stealing from the Trust, colleagues or visitors to the Trust
- Falsification of educational qualifications where such qualifications are a stated requirement of the post
- Fraudulently claiming sick pay or other payment from the Trust
- Breach of Child Protection or Safeguarding protocols, whereby actions, omissions, or negligence place a pupil at risk of significant harm or is likely to place a pupil at risk of significant harm
- Fighting with or physically assaulting a work colleague
- Failure to comply with the Trust's policies and procedures
- Inappropriate behaviour towards or relationships with students
- The taking of absence deemed to be unauthorised
- Inappropriate use of social media such as Facebook or X (formerly Twitter) or behaviour
- Failure to observe Health and Safety rules by act or omission, or negligence that threatens health and safety
- Misuse or unauthorised use of Trust facilities, equipment or resources
- Unauthorised use or disclosure of confidential information gained through employment with the Trust or failure to protect such information
- Inappropriate use of work's time, e.g. excessive use of time for personal conversations, correspondence, telephone calls, emails/internet use etc
- Knowingly being an accessory to, condoning or failing to report a serious disciplinary offence
- Damage to property
- Inappropriate behaviour / conduct towards management or colleagues
- Dishonesty, deliberate misinterpretation of information or falsification of records
- Failure to comply with sickness absence procedures
- General conduct in the workplace that has a negative impact on the work of the section, on colleagues, or on service delivery
- Failure to declare any other work undertaken while being employed by the Trust

The following decisions may be issued by a Board panel or Senior Leader at a disciplinary hearing.

- The decision to issue no formal sanction

- Level 1 (**first written warning**) may be given where the case is of sufficient importance or seriousness to bring to the attention of the employee formally. The time limit for this sanction shall be **6 months** from the date of the decision.
- Level 2 (**second written warning**) may be given where the case has already involved a first warning and insufficient improvement has been made, or where further misconduct has occurred, or where the case is of sufficient importance or seriousness to bring to the attention of the employee formally. The time limit shall be **9 months** from the date of the decision
- Level 3 (**final written warning**) may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness to bring to the attention of the employee formally. This level of sanction may also be issued where a determination of gross misconduct may not warrant dismissal for example due to mitigating circumstances. The time limit for this sanction shall be **12 months** from the date of the decision

For the purpose of future disciplinary action, breaches of discipline will be disregarded after the specified time period of satisfactory conduct. However, the fact that the employee has been subject of disciplinary action will form part of that person's employment record.

**The following disciplinary sanction can only be issued by a board of Trustees disciplinary panel, unless delegated authority (through the appropriate ratification) to the Senior Leader of the Trust has occurred.**

- **Level 4 Dismissal.**  
An employee is likely to be dismissed where the case has already involved a final warning and insufficient improvement has been made or where further misconduct has occurred which would warrant a Dismissal with notice

OR

Where the case is so serious as to constitute gross misconduct and warrants a summarily dismissal without notice

- **Alternatives to Dismissal**  
Except in cases of gross misconduct, alternative to dismissal – such as redeployment – may be considered where a suitable vacancy exists within the Trust, and where such redeployment would adequately address the concerns

### **2.7.8 The Decision Letter**

A letter detailing the decision will be given to the member of staff within **five working days** of the date of the disciplinary hearing taking place or sooner where possible and a copy placed on the member of staff's personnel file, if a warning is issued

Following the outcome of the hearing the decision letter will state: -

- The decision i.e. that there is no case to answer or the appropriate level of disciplinary sanction
- The reason for the decision
- The course of action to be followed by the employee
- Time scale in which improvement is required, if applicable

- Where assistance is required, the assistance which will be made available to the employee e.g. training and guidance
- The date on which the warning will elapse
- That further disciplinary action will be considered, subject to appropriate investigation, if there is further misconduct or insufficient improvement within the timescale of the warning
- If the warning is a final warning it will also state that if the employee's conduct continues to be unsatisfactory or if there is further misconduct it may lead to dismissal
- The right of appeal against the decision and how to exercise that right. (See Section 2.7.9)

In a community or Voluntary Controlled school (whose staff are employed by Bradford Council or other Local Authority Maintained Schools) the employee will also receive a letter from the Director of Children's Services who will confirm dismissal from the Local Authority.

In a Voluntary Aided, Trust or foundation school or in an Academy (whose staff are employed by the Governing Body / Board of Trustees), the letter to the employee from the Chair of the Hearing Panel / Hearing Panel / Hearing Officer formally confirms dismissal.

In respect of a dismissal of a CEO or similar position in an Academy / Trust, the dismissal will be notified to Academy / Trust's Board Members (who hold the Board of Trustees to account) in line with Academy's / Trust's Scheme of Delegation and notification to the DfE the DfE or appropriate regulatory body.

## 2.8 Right of appeal

Employees have a right of appeal and any appeal arising as a result of a warning or dismissal must be made in writing to the Governance Professional or Board of Trustees, as appropriate, within **10 working days** of receiving written notice of the outcome of the hearing.

If the employee submits an appeal, they will be invited to an Appeal Hearing where their case will be heard by a further Committee of the Governing Body / Board of Trustees in line with the Trust governance arrangements.

The outcome of the Appeal Hearing will be confirmed in writing to the employee within **10 working days**. There is no further right to appeal.

The employee may request an adjournment of up to **5 working days** if their representative is not able to attend on that particular date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attendance. The employee will be notified of any decisions made in relation to the management of their absence. If the employee fails to offer an alternative date for a hearing within the required timeframes, then a date will be set by the Trust. This is the case for hearings of any nature, whether Headteacher or Governors / Trustees. Unnecessary delays to any hearing are not acceptable and not in the interest of either the school or the employee. When lodging an appeal, the employee should state:

- a) If the employee is appealing against the findings that they have committed the alleged act/s of misconduct, then any appeal hearing would be a full re-hearing of all the evidence in relation to the allegations against the individual concerned as heard at the original hearing. The panel at this appeal re-hearing will have the discretion to uphold the original decision, overturn the original decision or impose a lesser sanction. The appeal will not result in the sanction being increased

It should also be noted that, if the member of staff fails to offer an alternative date for a hearing within the required timeframes, then a date will be set by school management (either the headteacher or Chair of the panel). This is the case for hearings of any nature, whether Headteacher of Governors/Board of trustees. Unnecessary delays to any hearing are not acceptable and not in the interest of either the Trust or the member of staff.

When lodging an appeal, the employee should state;

- a) If the member of staff is appealing against the findings that they have committed the alleged act/s of misconduct, then any appeal hearing would be a full re-hearing of all the evidence in relation to the allegations against the individual concerned as heard at the original hearing. The panel at this appeal re-hearing will have the full range of disciplinary sanctions open to them.
- b) If the member of staff is appealing against the level of disciplinary sanction imposed on them as a consequence of the original disciplinary hearing. In this case, an appeal panel would be asked to review the original decision made. This would not constitute a full re-hearing and any outcome from this review would either see the original sanction reduced or remain the same.

There is no further right of appeal against the decision of the appeals committee.

## **2.9 Disclosure & Barring Service referrals**

Where termination of employment, or a resignation tendered in circumstances which would otherwise have resulted in dismissal, arises in connection with conduct that constitutes, or may constitute, a safeguarding concern, the Trust will comply with its statutory obligation to refer the matter to the Disclosure and Barring Service (DBS) without delay. A legal duty is placed on employers within regulated activity to refer matters to the DBS where any of the following conditions are met:

- The employer withdraws permission for the individual to engage in regulated activity with children or redeploys the individual to another area of work outside of regulated activity
- On the balance of probabilities, the individual has been found to engage in relevant conduct in relation to children. An action or inaction has harmed a child or put them at risk of harm
- The harm test has been satisfied in relation to children
- The individual has received a caution or conviction of a relevant offence (automatic barring with or without the right to make representations)

Where the Hearing Panel are satisfied that the relevant criteria for a referral are met, or conduct has otherwise rendered the individual unsuitable to work with children a relevant member of the Leadership Team will be informed and instructed to submit a referral via the DfE website. The Trust will ensure that any such referral is made in accordance with the requirements of safeguarding legislation and statutory guidance.

## **2.10 Teacher Regulation Agency referrals**

Where the termination of employment, or a resignation is tendered in circumstances which would have otherwise resulted in dismissal, arise in connection with conduct that constitutes gross misconduct or otherwise calls into question a teacher's suitability to carry out teaching work, the Trust will comply with its statutory obligation to consider a referral to the Teacher Regulation Agency. The obligation extends to any employee deemed to be engaging in 'teaching work'. Referral will be made where the alleged conduct meets the threshold of serious misconduct as defined by the Teachers' Disciplinary (England) Regulations, associated statutory guidance, and

Code of Conduct. Disciplinary (England) Regulations, associated statutory guidance, and Code of Conduct Policy. Consideration will extend to cases involving serious safeguarding concerns, criminal offences, and / or conduct that may bring the teaching profession into disrepute. The Trust will ensure that any such referral is made promptly and in accordance with the requirements set out by the Department for Education.

## **What is the difference between a Review and a Re-hearing at an Appeal?**

A review of the original disciplinary panel's decision involves a new panel not previously involved in the original disciplinary hearing and the evidence available at the original hearing. As part of this, they may wish to call one or more members of the original disciplinary panel to give evidence.

A full re-hearing also involves a new panel not involved in the case, re-hearing the management and staff case and potentially hearing further witness evidence in order to come to a fresh decision.

Where the employee appeals following a disciplinary hearing against the level of sanction, the appeal hearing would review the original decision made. This would not require a full re-hearing and any outcome from this review would either see the original sanction reduced or remain the same.

A review hearing panel would review the documentation presented at the original disciplinary hearing including the letter of appeal, the official notes of the hearing and the decision/outcome letter(s). Any additional submissions would not be accepted. Potential witnesses would be the employee; the management representative and a member of the original Hearing panel (preferably the Chair but in exceptional circumstances to avoid undue delay another member of the panel would be acceptable.) The appeal panel's decision is final.

Where the member of staff is disputing the facts of the case, the appeal hearing would be a full re-hearing of all the evidence in relation to the allegations against the individual concerned. The panel will have the ability to uphold the original decision, overturn the original decision or impose a lesser sanction. The appeal will not result in the sanction being increased. In addition to any new evidence, the documentation for a re-hearing should contain as a minimum, the documentation presented at the original disciplinary hearing; the letter of appeal and the decision/outcome letter(s). However, the minutes of the previous hearing will not be used as evidence for the rehearing. In addition to the witnesses at the original hearing additional witnesses may be called.

## Appendix 1: Equality Impact Assessment

### Introduction

All Schools, Academies and Trusts need to ensure that all strategies, policies, services and functions, both current and proposed have considered equality, diversity and inclusion. Below is a recommended Equality Impact Assessment (EIA) form for use in conjunction with PACTHR Policies. For further advice regarding the completion of this form for use in conjunction with PACTHR Policies. For further advice regarding the completion of this form, please contact your named PACTHR Business Partner.

### Assessment

<b>School Name:</b>	
<b>Policy Name:</b>	
<b>Name of staff member conducting assessment:</b>	
<b>Date of assessment:</b>	
<b>Reason for assessment:</b> (what are you aiming to do?)	

<b>Main Stakeholders/Beneficiaries:</b> (e.g. Staff, Pupils, Governors, Trustees)	
<b>Will the proposed policy/project/strategy etc impact on equality groups?</b>	
What information / data do you have? What further information do you need? What cross-strand issues do you need to consider? Please include any actual or potential impacts on stakeholders (e.g. Staff, Pupils, Governors, Trustees)	
<b>Race</b>	
<b>Sex</b>	
<b>Age</b>	
<b>Disability</b>	

<b>Pregnancy and Maternity</b>	
<b>Gender Reassignment</b>	
<b>Marriage and Civil Partnership</b>	
<b>Religion or Belief</b>	
<b>Sexual Orientation</b>	

**Improvement Plan**

The Improvement Plan needs to outline actions you propose to take to mitigate actual or potential negative impacts.

<b>Issues Identified</b>	<b>Action Required</b>	<b>Lead</b>	<b>Timescale</b>	<b>Comments</b>

**Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the assessment (add rows as required)		
<b>Name</b>	<b>Job Title</b>	<b>Date</b>

**Publishing**

This document will act as evidence that due regard to equality and diversity has been given. For record keeping purposes a copy will be kept on file with a copy of the policy and one with the Governing Body / Board of Trustees approval	
<b>Date screening completed</b>	
<b>Date agreed: Governors / Trustees</b>	

Declaration of Responsibility

This Disciplinary Policy & Procedure was reviewed and formally adopted by Bronte Academy Trust on:

.....12 May 2026..... Date



..... Signed Chair of Trustees



..... Signed Chief Executive Officer