



Fairlight Glen Independent Special School

Disciplinary Procedures for Staff

Policy, Procedure and Guidance

This is a core policy that forms part of the induction for all Staff. It is a requirement that all members of Staff have access to this policy both on-line and in the staff handbook of policies.

Date written: July 2025

Date of next review: August
2026

This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedures.

Fairlight Glen Independent Special School Disciplinary Procedure

This model procedure is based on the Kent County Council (KCC) Discipline and Conduct Policy for community and voluntary controlled schools, plus meeting the needs of an independent setting. It provides a structured, fair and consistent framework for addressing staff misconduct.

1. Policy Statement and Scope

All employees are expected to maintain high standards of conduct and behaviour and to comply with relevant school rules, working practices and conditions of service. Formal action will only follow a full investigation and consideration of informal management options. Dismissal is reserved for gross misconduct or repeated serious breaches of conduct. This procedure applies to all employees in KCC community and voluntary controlled schools.

2. Roles & Responsibilities

- **Headteacher / Governing Body**
 - Ensure clear expectations on conduct and behaviour (see Staff Code of Conduct).
 - Apply this procedure fairly, consistently and without undue delay.
 - Decide on suspension, hearing panels and appeals arrangements.
- **Employees**
 - Maintain appropriate standards at all times.
 - Cooperate fully with investigations and hearings.
 - Keep disciplinary information confidential.
- **Delegated Authority**
 - Informal management action will be led by the Headteacher.
 - Formal hearings (short of dismissal) can be delegated to the HR manager (non-teaching staff) or to the Headteacher (teaching staff).
 - Appeals will be heard by a panel of governors.
 - Dismissal hearings normally sit with the Headteacher and Proprietor (or a governor panel where the Headteacher is involved)
 - Appeals will be heard by a panel of governors with no prior involvement.

3. Informal Management Action

Before formal action, the Headteacher (or HR manager in the case of non-teaching staff) may:

- Hold an informal discussion to:
 1. Set out concerns, clarify expected standards.
 2. Agree support measures or training.
 3. Agree a review period and monitoring arrangements.
- Record the discussion in writing (not part of the formal record) and review

progress.

If issues persist or the alleged misconduct is serious, proceed to the formal procedure.

4. Formal Disciplinary Procedure

4.1 Allegation Notification

Employees will be informed in writing of the allegation(s) against them, the possible outcomes, and their right to representation.

4.2 Suspension

- A member of staff may be suspended where gross misconduct is suspected, or to protect all parties.
- This is a neutral act; and does not imply guilt.
- The suspension will be authorised by the Headteacher (or governors if the Headteacher is subject).
- This will be confirmed in writing within 5 working days
- Whilst a member of staff is suspended, their full pay continues.

4.3 Investigation

- An independent Investigating Officer will then gather facts and evidence promptly.
- The independent Investigating Officer may interview witnesses and hold investigatory meetings (employees may be accompanied by a work-based colleague or a union representative).
- Once the investigation is concluded, the Officer will decide if there is a case to answer or if no further action is required.

4.4 Hearing Notification

If there is a case to answer, the employee receives at least 10 working days' written notice of the hearing, including:

- Allegations and supporting evidence.
- Possible sanctions.
- Date, time and venue.
- The right to be accompanied by a colleague or trade union representative.

4.5 Disciplinary Hearing

- The hearing will be conducted by the designated manager or panel.
- The management case will be presented (often by the Investigating Officer).
- The employee and work-based colleague/union representative can then present evidence and call witnesses.
- The employee has the right to take a break at any time to consult with their

work-based colleague/union representative

- The hearing may be adjourned to gather further information.
- At the end of the hearing, the employee will be informed of the time scale for the panel to come to consider the evidence and reach a conclusion

4.6 Sanctions and Outcomes

| Level | Typical Circumstances | Retention Period |
|-------------------------|--|-----------------------------|
| Informal/Verbal Warning | The allegation is considered to be a minor or first-time conduct lapse | Until improvement confirmed |
| First Written Warning | First formal breach; risk of repeat misconduct | 6 months |
| Final Written Warning | Further misconduct or a single serious breach | 12–24 months |
| Dismissal | Gross misconduct or failure to improve after warnings | Permanently on file |

Employees receive the decision in writing within 5 working days, explaining the sanction, its duration, review period, and right of appeal.

4.7 Appeals

- The employee must lodge an appeal in writing within 5 working days of the decision.
- This will be heard by the proprietor and a new panel within 20 working days.
- The employee's right to be accompanied still applies.
- The outcome confirmed in writing within 5 working days.

5. Key Timescales

| Action | Timescale |
|--|--------------------------------------|
| Notify employee of investigation outcome | Within 5 working days of decision |
| Issue hearing notice | At least 10 working days before date |
| Communicate hearing outcome | Within 5 working days of hearing |
| Submit appeal | Within 5 working days of outcome |
| Hear appeal | Within 20 working days of appeal |
| Communicate appeal outcome | Within 5 working days of appeal |

Working days normally refer to school term days for teaching staff and contracted days for support staff.

6. Further Considerations

- **Non-attendance:** Unreasonably refusing to attend may lead to a hearing being held in the employee's absence.
- **Record Keeping:** Minutes, evidence and outcome letters must be retained confidentially and in line with data protection policy of the school.
- **Confidentiality:** All parties must maintain confidentiality to protect individuals and the integrity of the process.
- **Concurrent Processes:** Child protection referrals, criminal investigations or grievances may run alongside disciplinary action; clear separation must be maintained.
- **Malicious Allegations:** Vexatious claims may lead to separate disciplinary action.

This framework aligns with ACAS guidance and Pilgrim's Corner's commitment to fair, transparent employment practices.