


# Staff Discipline Policy

8 July 2026

## About This Document

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# 1. Introduction

1.1. This document should be read alongside the school's Staff Grievance Procedure, Code of Conduct and Anti-Harassment and Bullying Policy.

1.2. The Trustees and Governing Body of The Vine Christian School are committed to ensuring that all staff at the school should be treated in a consistent, fair, and sensitive manner. This approach requires that the Trustees and Governors should specify those aspects of misconduct which may warrant consideration under the terms of the school's disciplinary procedure.

1.3. It is expected that, wherever possible, problems of indiscipline will initially be dealt with through informal counselling. Where such counselling has not led to the desired improvement or the matter is sufficiently serious to warrant immediate formal action, the disciplinary procedure will be operated.

# 2. Disciplinary Issues

2.1. The lists below are those considered the focus of this policy. They are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorization and consideration as either 'misconduct' or 'gross misconduct'. 'Gross misconduct' occurs when the actions complained of are such that it is not feasible to tolerate the continued attendance of the employee at the place of work whilst the matter is being investigated.

2.2. For the purpose of the disciplinary procedure, the terms 'misconduct' and 'gross misconduct' are also taken to include 'negligence' and 'gross negligence' where the occurrence amounts to a breach of contract.

# 3. Definitions

3.1. Misconduct which may warrant action under the appropriate stage of the disciplinary procedure includes:

i. Poor timekeeping or persistent lateness.

ii. Unauthorised absence from work.

iii. Unauthorised use of the school facilities including the Internet.

iv. Wilful failure to comply with a reasonable instruction from a member of leadership.

v. Persistent minor breaches of health and safety requirements.

vi. Foul or abusive language.

vii. Sexual or racial harassment which is not sufficiently serious to fall into the category of 'gross misconduct'.

3.2. Gross misconduct which due to its nature may lead to suspension from post prior to consideration of dismissal includes:

i. Unauthorised removal of school property.

ii. Serious sexual or racial harassment.

iii. Offences of dishonesty.

iv. Serious breaches of health and safety requirements.

v. Sexual offences.

vi. Serious criminal offences which undermine the employee's ability to perform his/her job.

vii. Sexual misconduct at work.

viii. Persistent wilful failure to comply with a reasonable instruction from a member of leadership.

ix. Fighting.

x. Physical assault.

xi. Actions which bring the school into serious disrepute.

xii. Drunkenness.

xiii. Falsification of time sheets, subsistence and expenses claims etc.

xiv. Theft.

xv. Malicious damage to the school's property.

3.3. Issues relating to the use of the Staff Discipline Policy and the terms 'misconduct', 'gross misconduct', 'negligence' and 'gross negligence' may sometimes relate to complaints against staff and the separate Complaints Procedure document may need to be read in conjunction with this policy.

# 4. Informal Action

4.1. Informal warnings may be given at any time about any conduct or performance falling short of the standard expected.

4.2. Informal warnings may be recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach. Informal warnings will not normally be kept on record for longer than 12 months.

4.3. Failure to comply with informal action should not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

# 5. Suspension

5.1. In cases where it is considered appropriate the Headteacher, or the Chair may suspend a member of staff for a period of up to ten working days.

5.2. The Headteacher will inform the Chair of the suspension or, in the event of suspension by the Chair, the Chair will inform the Trustees and Governing Body (excluding staff Trustees and Governors).

5.3. This period of suspension may be extended subject to review by the Chair every 10 working days. The reason(s) for extending the suspension will be confirmed in writing.

5.4. Only the Trustees and Governing Body may end the suspension.

5.5. Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person, it will be confirmed in writing.

5.6. Suspension may be appropriate, whilst investigations are carried out, where:

i. Relationships have broken down.

ii. Gross misconduct is alleged.

iii. There are reasonable concerns that evidence or witnesses could be interfered with.

iv. There are responsibilities to other parties.

v. It is necessary for the protection of pupils, staff, or property.

vi. The presence at work of the employee under investigation may be an obstacle to a proper investigation.

5.7. Suspension is a neutral act and is not a disciplinary sanction. If the member of staff is paid, they will receive full pay during the period of suspension (unless they are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).

5.8. During a period of suspension, the school may require that the member of staff does not:

i. attend school at any time (except with the prior agreement of the Headteacher or Chair).

ii. communicate in any way with parents, pupils, trustees, and governors except:

a) with the prior agreement of the Headteacher or Chair; or

b) where following the investigation they are called to a formal disciplinary meeting, when they may then approach parents, pupils, trustees, and governors as potential witnesses but this must be done via the Investigating Manager to avoid any breach of the Data Protection Act or duties of confidentiality.

iii. discuss the fact of their suspension or the fact, or nature, of the allegations against them with any member of staff except:

a) with the prior agreement of the Headteacher or Chair.

b) where they are called to an interview with the Investigating Manager or a Disciplinary Meeting, when they approach a Companion who is a colleague; or

c) where they are called to a formal disciplinary meeting, they may approach work colleagues as potential witnesses in support of their case.

5.9. During a period of suspension, the school may take such steps as necessary to cover the member of staff's lessons or other commitments.

5.10. During any period of suspension, the member of staff's contractual duties to the school and to the Trustees and Governing Body (whether express or implied) remain in force and enforceable.

# 6. Investigating, Disciplinary and Appeal Managers

6.1. Where appropriate the school will appoint appointed persons throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings: such as an Investigating Manager, Disciplinary Manager, and an Appeals manager.

6.2. In cases relating to any alleged gross misconduct that would bring the school into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Trustees' and Governors' Disciplinary Panel.

6.3. In the case of disciplinary action involving other teaching staff and other support staff, the Headteacher will be appointed as Disciplinary Manager. However, if there is a real risk of dismissal of a member of other teaching staff and other support staff, the Chair of Trustees and Governors or a non-staff Trustee or Governor appointed by the Chair (other than the Vice-Chair) will act as the Disciplinary Manager UNLESS the Trustees and Governing Body has resolved that the Headteacher should act as Disciplinary Manager in such cases. Where the Trustees and Governing Body has resolved that the Headteacher should act as Disciplinary Manager in all cases (including where there is a real risk of dismissal), the Trustees and Governing Body shall minute that the Headteacher is the sole Disciplinary Manager.

# 7. The Formal Process

7.1. Investigation:

i. The Investigating Manager will investigate the alleged misconduct.

ii. The Investigating Manager may appoint any other person from within the school or an external third party to assist in the investigation.

iii. The Investigation Manager will notify the member of staff in writing of the fact of the investigation and the allegations made. The investigation may include a face-to-face interview with the member of staff, but this is not mandatory. The member of staff may, if they wish, provide a written statement or response to the Investigating Manager.

iv. The member of staff is required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.

v. At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of the staff member's conduct, the evidence considered and a recommendation that either:

a) A Disciplinary Manager be appointed, and a Disciplinary Meeting be convened in accordance with Step 2 below; or

b) There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure.

vi. The member of staff will be sent a copy of the Investigation Report.

7.2. Disciplinary Meeting:

i. If the Investigation Report contains a recommendation that the member of staff must attend a formal disciplinary meeting ("the Disciplinary Meeting") with the Disciplinary Manager appointed, the Disciplinary Manager will write to the member of staff within 5 working days of receiving the Investigation Report, inviting the member of staff to the Disciplinary Meeting.

ii. The Disciplinary Meeting shall take place at least 5 working days after the Investigation Report was sent to the member of staff in accordance with Paragraph Step 1: Point 6

iii. In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

a) Evidence presented in support of the allegations of misconduct against the staff member.

b) Evidence presented in defence of the allegations of misconduct against the staff member; and

c) Where misconduct is admitted, whether in whole or in part, any evidence presented in mitigation.

iv. The Disciplinary Manager may adjourn the Disciplinary Meeting to allow for further investigations in the light of the staff member's evidence and will reconvene the Disciplinary Meeting to give the member of staff an opportunity to comment on any further evidence produced by further investigations.

v. The Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.

vi. If the Disciplinary Manager does decide to hear oral evidence, the member of staff will be given an opportunity to comment on it either by:

a) attending the meeting or

b) reviewing the notes of that oral evidence after the meeting (if the member of staff is not present at the meeting when such oral evidence is given).

c) In the event of (b) the member of staff must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

vii. Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting in writing to the member of staff within 5 working days of the date of the Disciplinary Meeting ("the Disciplinary Decision Letter") being either:

a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or

b) that, on balance, there is insufficient evidence to substantiate the allegations made against them and so the disciplinary proceedings will be terminated, and no further action will be taken under this Disciplinary Policy and Procedure.

7.3. Appeal:

i. If the member of staff is dissatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, they can appeal to the Appeal Manager if they do so in writing to the secretary to Trustees within 10 working days of the Disciplinary Decision Letter being sent to them.

ii. The appeal letter must set out the grounds of the appeal in detail. This will enable the secretary to Trustees and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.

iii. The Appeal Meeting will normally be held within 20 working days of the appeal letter being received by the secretary to Trustees.

iv. The Appeal Manager may consider any new evidence produced by the member of staff which was not available to the Disciplinary Manager.

v. The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon the staff member's credibility in relation to evidence, they have already given or if it rebuts any new evidence produced, or any assertions made, by them in their grounds of appeal.

vi. If the Appeal Manager considers that any new evidence from whatever source would warrant a more severe sanction the Appeal Manager shall refer the matter to the original Disciplinary Manager for reconsideration. The Disciplinary Manager may then impose a more severe sanction. In such a case, the member of staff is entitled to appeal against such increased sanction in accordance with this document.

vii. The Appeal Manager is not required to hear oral evidence and may rely on written evidence.

viii. If the Appeal Manager does decide to hear oral evidence, the member of staff will be given an opportunity to comment on it either by:

a) attending the meeting or

b) reviewing the notes of that oral evidence after the meeting (if they were not present at the meeting where such oral evidence was given).

c) In the event of (b) the member of staff must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

ix. The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to the member of staff within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:

a) the Appeal Manager may uphold the decision of the Disciplinary Manager; or

b) the Appeal Manager may uphold the staff member's appeal and overturn the decision of the Disciplinary Manager.

# 8. Formal Sanctions

8.1. The Disciplinary Manager may impose the following sanctions:

i. A First Written Warning:

a) A First Written Warning will remain live for 12 months from the date that the Disciplinary Manager's written decision was sent to the staff member.

b) For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

ii. A Final Written Warning:

a) A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to the staff member.

b) A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct)

c) A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

# 9. Dismissal on Notice

9.1. Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct).

9.2. For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

9.3. If employment is terminated in accordance with this document:

i. If the contract of employment contains a garden leave clause the school may exercise that clause so that the member of staff is not required to attend the school during the notice period but remain employed and so bound by the terms of their contract of employment until the expiry of the notice period; or

ii. If the contract of employment contains a payment in lieu of notice clause the school may exercise that clause to bring the contract to an end with immediate effect.

# 10. Dismissal without Notice or Compensation

10.1. Dismissal without notice or compensation (also known as Summary Dismissal) will only occur if the member of staff has committed an act of gross misconduct or otherwise has destroyed the trust and confidence required between an employee and their employer, in this case between them and the Trustees and Governing Body.

10.2. For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

# 11. Trustees and Governors' Panel

11.1. Trustees and Governors' Disciplinary and Appeal Panels shall comprise three non-staff trustees and governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff trustees and governors not previously involved in the

matter, in which case the Chair and/or Vice-Chair may be appointed to a Trustees' and Governors' Disciplinary or Appeal Panel.

11.2. If there are insufficient numbers of Trustees and Governors available to participate in a Trustees' and Governors' Disciplinary or Appeal Panel, the Trustees and Governing Body may appoint associate members to solely participate in the appropriate Panel.

# 12. Companion

12.1. If a member of staff is the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager, or the Appeal Manager, they may be accompanied at such interview or meeting by a Companion.

12.2. The member of staff must let the relevant Manager know who their Companion will be at least one working day before the relevant interview or meeting.

12.3. If the member of staff has any reasonable need, for example, because they have a disability, they may also be accompanied by a suitable helper.

12.4. The Companion can address the relevant interview or meeting to:

i. put the case forward on behalf of the member of staff.

ii. sum up the case.

iii. respond on behalf of the member of staff to any view expressed at the relevant interview or meeting.

12.5. The Companion can also confer with the member of staff during the relevant interview or meeting.

12.6. The Companion has no right to:

i. answer questions on behalf of the member of staff.

ii. address the relevant interview or meeting if the member of staff does not wish it.

iii. prevent the member of staff from explaining their case.

12.7. Where the Companion has been identified and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant Manager will postpone the relevant interview or meeting for no more than five working days from the date set by the school to a date or time agreed with the Companion provided that it is reasonable in all the circumstances.

# 13. Timing of Interview Meetings

13.1. Interviews or meetings under this procedure may:

i. need to be held during the school day.

ii. be held after the end of the school day.

iii. need to be held on days on which the member of staff would not ordinarily work.

# 14. Venue for Interviews or Meetings

14.1. If the allegations are sensitive the relevant Manager may hold the interview or meeting off the school site.

# 15. Referrals

15.1. Where a qualified teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the school must consider whether to refer the circumstances to the National College for Teaching & Leadership under section 141D of the Education Act 2002 which came into force on 1 April 2012.

15.2. The school must refer a person to the Disclosure & Barring Service ("DBS") under section 35 of the Safeguarding Vulnerable Groups Act 2006, where that person working within the school (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

i. which endangered a child or was likely to endanger a child.

ii. which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him.

iii. involving sexual material relating to children (including possession of such material).

iv. involving sexually explicit images depicting violence against human beings (including possession of such images).

v. of a sexual nature involving a child.