ACT MULTI ACADEMY TRUST

DISCIPLINARY PROCEDURE

(Trust-wide policy aligned to People & Employment Framework and Scheme of Delegation)

DOCUMENT CONTROL

Field	Detail
Name of document	Disciplinary Procedure
Status	Trust-wide statutory employment policy
Approved by	Trust Board
Policy owner	CEO (Interim HR Lead)
Review cycle	Annual
Next review date	July 2027
Applies to	All employees of ACT Multi Academy Trust
Version	v1.0
Date approved	15/07/2026
Date issued	October 2026
Scheme of Delegation reference	Applies in accordance with ACT MAT Scheme of Delegation
Related policies	Capability, Grievance, Code of Conduct, Safeguarding, People and Employment Framework
Publication	Trust internal policies (available to all staff)

VERSION CONTROL

Version	Date	Author	Summary of Changes
1.0	May 2026	CEO	Full rewrite of the Pay Policy as part of the ACT HR suite transformation, aligning Pay with Disciplinary, Capability and wider People & Employment Framework. This replaces the previous ACT Pay & Conditions Policy (2025), which operated as a standalone, school-level document. **Alignment with HR Suite Structure:** Pay Policy now follows the same architecture as Disciplinary and Capability Policies, with clear separation between process (Section 6), outcomes (Section 7) and review/appeals (Section 8). This ensures

			consistency, clarity and usability across all HR procedures. **Consistent Governance Model:** Introduces the same governance framework used in Disciplinary and Capability, including: Trust as the legal employer; mandatory adherence to the Scheme of Delegation; defined roles for Headteachers, CEO and Trustees; and clear separation of recommendation and decision-making authority. **Decision-Making Framework (Aligned Across Policies):** Pay decisions now follow the same evidential and decision-making standards as Disciplinary and Capability processes, including: evidence-based decisions; consistency across comparable cases; requirement for clear rationale; and decisions made on behalf of the Trust. **Structured Procedural Design:** Introduces a formal staged process consistent with Disciplinary procedures, including: pre-decision discussion (equivalent to informal stages); formal determination by panel; clear written outcomes; and defined escalation routes where concerns arise. **Review and Appeals Alignment:** Pay review and appeal processes are now fully aligned to Disciplinary appeals, including: two-stage process (review → appeal); defined grounds; structured hearings; independent panel requirement; decision based on the balance of probabilities; and final and binding outcome. **Outcome Clarity:** Introduces defined outcome categories (progression, no change, withholding, exceptional progression), mirroring Disciplinary outcome clarity (warnings, dismissal etc.), ensuring consistency in how decisions are articulated and justified across policies. **Consistency and Moderation (Trust-Level Control):** Embeds Trust-wide moderation consistent with wider HR suite, ensuring: cross-school consistency; CEO oversight and challenge; and ability to intervene and require reconsideration of decisions. **Documentation and Audit Requirements:** Aligns with Disciplinary requirements for documentation, ensuring all decisions are: formally recorded; supported by rationale; capable of audit; and compliant with Training and Tribunal expectations. **Integration with Other HR Procedures:** Explicitly aligns pay decisions with Capability, Disciplinary and Grievance procedures, ensuring that: capability status impacts pay progression; disciplinary findings may inform decisions; and grievance routes are clearly available. **Strengthened Legal and Regulatory Compliance:** Ensures consistent application of ACAS principles across all HR policies; aligns fully with STPCD, Burgundy Book and Green Book; embeds Academy Trust Handbook requirements, including Trustee control of executive pay. **Appendices Integration:** Retains and aligns existing appendices (review, appeal, pay scales) to support the procedural structure used across the HR suite, ensuring operational detail is consistent with policy design. **Overall Impact:** Transforms Pay from a standalone conditions document into a fully integrated element of the ACT HR framework. Ensures consistency of practice across all policies, strengthens governance and legal compliance, and provides a unified, defensible approach to people management across the Trust.

1. PURPOSE

This procedure sets out how the Trust will manage concerns relating to employee conduct in a fair, consistent, and legally compliant manner.
It ensures that:

- employees are treated with dignity, fairness and respect
- concerns are addressed promptly and proportionately
- decisions are evidence-based, transparent and defensible
- all actions are taken on behalf of the Trust as employer
- decision-making is aligned to the Scheme of Delegation

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2. SCOPE

This policy applies to all employees of ACT Multi Academy Trust.
It does not apply to:

- capability or performance issues (see Capability Policy)
- safeguarding allegations (which will follow safeguarding procedures initially, though may lead to disciplinary action)

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3. CORE PRINCIPLES

All disciplinary matters will be handled in accordance with:

- the ACAS Code of Practice
- Trust values: Agape, Courage, Thankfulness
- fairness, consistency and proportionality

The Trust will ensure:

- employees are informed of allegations in advance
- employees have the right to be accompanied
- reasonable time is provided to prepare
- decisions are based on evidence

Processes and timescales may be reasonably varied where appropriate, provided fairness is maintained.

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4. ROLES AND RESPONSIBILITIES

All roles operate within the Scheme of Delegation.

Role	Responsibility
Trust Board	Ultimate employer responsibility and oversight
CEO	Strategic oversight, high-risk case review, Trustee reporting
Headteacher	Leads disciplinary processes at school level
Investigating Officer	Conducts impartial investigations
Disciplinary Panel	Makes formal decisions (including dismissal where delegated)
Appeal Panel	Independent review of decisions
HR Adviser	Ensures legal compliance and procedural integrity

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5. INFORMAL MANAGEMENT

Where appropriate, issues should be addressed informally through:

- discussion
- clarification of expectations
- support and guidance

Formal action will be taken where:

- informal action is unsuccessful
- the issue is serious
- there is potential gross misconduct

6. FORMAL DISCIPLINARY PROCESS

6.1 Overview

The formal disciplinary process consists of the following stages:

1. Investigation
2. Invitation to disciplinary hearing
3. Disciplinary hearing
4. Outcome decision
5. Appeal

Each stage must be conducted:

- in accordance with this policy
- in line with the Scheme of Delegation
- in a manner that is fair, reasonable and proportionate

6.2 Investigation

6.2.1 Purpose of Investigation

A formal investigation will be undertaken where:

- an allegation of misconduct or gross misconduct is identified; and
- there is a reasonable basis to examine the matter formally

The purpose of the investigation is to:

- establish the relevant facts
- gather and test evidence
- determine whether there is a case to answer

The investigation is a fact-finding stage only and will not determine disciplinary outcome.

6.2.2 Appointment of Investigating Officer

An Investigating Officer will be appointed who:

- has appropriate authority under the Scheme of Delegation
- has had no prior involvement in the matter
- is able to act objectively and impartially

The Investigating Officer acts on behalf of the Trust.

6.2.3 Scope of Investigation

The scope of the investigation will:

- be proportionate to the seriousness of the allegation
- be clearly defined at the outset

The investigation may include:

- review of documents and records
- gathering of written evidence
- interviews with witnesses
- meeting with the employee

6.2.4 Evidence Requirements

The Investigating Officer must:

- gather both supporting and contradictory evidence
- ensure evidence is:
    - relevant
    - factual
    - proportionate

All evidence must be:

- recorded in writing
- retained as part of the formal record

- capable of external scrutiny

6.2.5 Witness Evidence

Witnesses will:

- be interviewed independently
- provide written statements
- present factual accounts (not opinion)

6.2.6 Employee Involvement

Where the employee is interviewed:

- they will be informed of the purpose of the meeting
- they will be given the opportunity to respond to concerns
- the meeting will be investigative, not disciplinary

6.2.7 Suspension (Where Applicable)

Suspension may be considered where:

- there is a risk to pupils, staff or the organisation
- there is a risk of interference with evidence
- the employee's presence may compromise the investigation

Suspension will:

- be a neutral act
- be on full pay
- be reviewed regularly

6.2.8 Outcome of Investigation

At the conclusion of the investigation, one of the following outcomes will be determined:

- no case to answer → no further action
- informal action appropriate
- case to answer → proceed to disciplinary hearing

This decision must be:

- evidence-based
- reasonable
- documented

6.3 Invitation to Disciplinary Hearing

Where a case to answer is identified:

- the employee will be invited in writing to a disciplinary hearing

The written invitation must include:

- the date, time and location of the hearing
- full details of the allegations
- copies of all evidence
- names of witnesses (where appropriate)
- confirmation of the right to be accompanied
- the potential outcomes, including dismissal

The employee must be given:

a minimum of 5 working days' notice

6.4 Disciplinary Hearing

6.4.1 Purpose

The disciplinary hearing will:

- consider the allegations
- review the evidence
- enable the employee to respond

- determine the appropriate outcome

6.4.2 Chair / Panel

The hearing will be conducted by:

- an appropriately delegated manager or panel
- who has had no prior involvement in the investigation

The Chair or panel acts:

- on behalf of the Trust
- in accordance with the Scheme of Delegation

6.4.3 Structure of the Hearing (MANDATORY PROCESS)

Stage 1 – Opening

The Chair will:

- confirm the purpose of the hearing
- outline the process
- confirm rights of representation

Stage 2 – Presentation of Case

The Investigating Officer will:

- present the findings of the investigation
- refer to evidence
- call witnesses where appropriate

Stage 3 – Employee Response

The employee will have full opportunity to:

- respond to the allegations
- challenge the evidence presented
- present their own evidence
- call witnesses
- make representations

Stage 4 – Questioning

- both parties may ask questions
- the Chair may ask questions at any time

Stage 5 – Summing Up

- both parties may summarise their case
- no new evidence should be introduced

Stage 6 – Adjournment

The panel will:

- adjourn to consider the outcome
- ensure that the decision is based solely on the evidence presented

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6.5 Outcome Decision

6.5.1 Decision-Making Framework

The panel will determine:

- whether the allegation is substantiated on the balance of probabilities

In determining outcome, the panel must consider:

- seriousness of the conduct
- impact on pupils, staff and Trust
- any mitigating factors

- consistency with similar cases
- the employee's disciplinary record

6.5.2 Possible Outcomes

The following outcomes may be applied:

- no action
- informal action
- written warning
- final written warning
- dismissal

Dismissal may be:

- with notice (misconduct)
- without notice (gross misconduct)

6.5.3 Written Confirmation

The employee will receive written confirmation including:

- the decision
- the reasons for the decision
- any sanction applied
- duration of any warning
- the right of appeal

6.6 Appeal

6.6.1 Right of Appeal

Employees have the right to appeal against:

- a formal written warning
- a final written warning
- a decision to dismiss

All appeals must:

- be submitted in writing
- clearly state the grounds of appeal
- be received within **10 working days** of the written outcome

6.6.2 Grounds for Appeal

Appeals will be considered on one or more of the following grounds:

- the decision was **unreasonable in light of the evidence presented**
- **new evidence** has become available which was not reasonably available at the time of the original decision
- there has been a **procedural irregularity** which may have affected the outcome

The appeal is not a rehearing of the case unless:

- the panel determines that this is necessary due to the nature of the grounds raised

6.6.3 Acknowledgement and Arrangements

Upon receipt of an appeal:

- the Trust will acknowledge the appeal in writing
- an Appeal Hearing will be arranged **without unreasonable delay**

The employee will be:

- given written notice of the hearing
- provided with all documentation to be considered
- reminded of their right to be accompanied

6.6.4 Appeal Panel (MANDATORY GOVERNANCE REQUIREMENT)

Appeals must be heard by:

- an independent panel or individual
- with no prior involvement in the case

The panel must:

- be constituted in accordance with the Scheme of Delegation
- act on behalf of ACT Multi Academy Trust as the employer

For dismissal cases:

- the panel will normally consist of no fewer than three members

6.6.5 Conduct of the Appeal Hearing

The appeal hearing will:

- review the original decision
- consider the grounds of appeal
- examine the evidence relied upon

The employee will have the opportunity to:

- present their grounds of appeal
- provide supporting evidence
- challenge the original decision

The presenting manager will:

- explain the rationale for the original decision

The panel may:

- ask questions for clarification
- request additional information where necessary

6.6.6 Scope of the Appeal

The appeal will normally:

- focus on the specific grounds raised
- not re-hear the full case

However, a full re-hearing may take place where:

- new evidence significantly affects the case; or
- procedural failings justify reconsideration

6.6.7 Outcomes of Appeal

Following the appeal hearing, the panel may:

- confirm the original decision
- substitute a lesser outcome (e.g. reduce a final warning to a written warning)
- overturn the original decision in full

In cases of dismissal, the panel may:

- confirm the dismissal; or
- overturn the dismissal

6.6.8 Authority of the Appeal Panel

The appeal panel:

- exercises delegated authority on behalf of the Trust
- has the authority to make a final and binding decision

There is no further internal right of appeal.

6.6.9 Communication of the Outcome

The outcome of the appeal will be:

- confirmed in writing
- issued without unreasonable delay

The outcome letter will include:

- the decision reached
- the rationale for the decision

6.6.10 Status Pending Appeal

Pending the outcome of an appeal:

- the original decision will normally remain in effect

The employee will be expected to:

- comply with any ongoing requirements
- continue to engage with the process

6.7 Continuation of Process During Sickness Absence

The Trust recognises that employees may be absent due to sickness during a disciplinary process. In such circumstances, the Trust will take a balanced, reasonable and proportionate approach, ensuring both:

- appropriate support for the employee; and
- the timely and effective progression of the process

Absence due to sickness will not automatically delay or suspend the disciplinary procedure.

6.7.1 Approach During Sickness Absence

Where an employee is absent during a disciplinary process, the Trust will:

- consider the nature and likely duration of the illness
- assess the employee's ability to participate in the process
- take appropriate advice, including Occupational Health where necessary
- make reasonable adjustments to enable participation

Adjustments may include:

- rescheduling meetings within a reasonable timeframe
- conducting meetings remotely or via written submissions
- permitting representation on behalf of the employee

6.7.2 Continuation of Process

Where absence is:

- prolonged;
- intermittent; or
- impacting the Trust's ability to conclude the process in a timely manner

the Trust reserves the right to progress the disciplinary procedure in the employee's absence, including:

- holding meetings
- making decisions based on the available evidence

This will apply where it is reasonable and proportionate to do so, taking into account:

- medical advice (where available)
- the efforts made to facilitate participation
- the impact on pupils, staff, and the organisation

6.7.3 Decision-Making in Absence

Any decision to proceed in the employee's absence will:

- be made on a case-by-case basis
- be supported by appropriate professional advice
- be clearly documented, including the rationale

The Trust will ensure that the employee:

- is kept informed throughout
- has access to all relevant documentation
- is given the opportunity to make representations (where reasonably practicable)

6.7.4 Non-Delay Principle

The Trust will ensure that sickness absence is not used to unreasonably delay, defer or frustrate the application of this procedure.

At all times, the Trust will act in a manner that is:

- fair
- reasonable
- consistent

- compliant with its duty of care and legal obligations

7. OUTCOMES

The outcomes of a disciplinary process will be determined following the Disciplinary Hearing in accordance with Section 6.5 of this policy.
Outcomes will:

- reflect the findings of the investigation and hearing
- be based on the balance of probabilities
- be reasonable, proportionate, and consistent with Trust practice

Possible outcomes include:

- no further action
- informal management action
- a written warning

Level	Description
First Written Warning	Initial formal concern
Final Written Warning	Serious or repeated misconduct

Warnings will:

- specify required improvements
- state timescales
- confirm consequences of further misconduct
- a final written warning
- dismissal

Where a formal warning is issued, the Trust will:

- clearly specify the nature of the misconduct
- set out the standard of conduct required
- define the period for which the warning will remain active
- explain the consequences of further misconduct

Where dismissal is considered:

- the decision will be made by a properly constituted panel
- the panel will act on behalf of the Trust in accordance with the Scheme of Delegation

Further detail on how decisions are reached is set out in **Section 6.5 (Outcome Decision)**.

8. ALTERNATIVE ARRANGEMENTS

Where necessary:

- meetings may be rescheduled
- remote meetings may be used
- written submissions may be accepted
- hearings may proceed in absence where reasonable

9. CONFIDENTIALITY

All parties must:

- maintain confidentiality
- avoid unnecessary disclosure

Breach may result in disciplinary action.

10. RECORD KEEPING

The Trust will:

- maintain accurate records
- retain documentation in line with data protection law
- ensure decisions are clearly justified

11. EQUALITY AND FAIRNESS

The Trust will:

- ensure equality of treatment
- consider reasonable adjustments
- monitor outcomes for consistency

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12. HR AND LEGAL SUPPORT

All formal processes must:

- include appropriate HR advice
- seek legal advice where necessary

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13. MONITORING, REVIEW AND ASSURANCE

The CEO (Interim HR Lead) will:

- review all disciplinary case outcomes
- quality assure consistency across schools
- identify trends and risks
- report to Trustees via the HR Dashboard

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14. POLICY REVIEW

This policy will be:

- reviewed annually
- updated in line with legislation
- approved by the Trust Board

This policy should be read in conjunction with the following ACT Multi Academy Trust policies:

- Capability Procedure
- Grievance Procedure
- Redundancy and Restructuring Procedure
- Maternity Leave and Pay Policy
- Family Leave Policy (Paternity, Adoption and Shared Parental Leave)
- Attendance and Sickness Absence Policy
- Flexible Working Policy
- Code of Conduct
- People and Employment Framework
- Safeguarding and Child Protection Policy (where applicable)

APPENDIX A: DISCIPLINARY RULES FOR ALL EMPLOYEES

1. Purpose and Status

This appendix sets out the standards of conduct expected of all employees of ACT Multi Academy Trust and provides examples of behaviour which may be treated as:

- misconduct; or
- gross misconduct

These rules:

- apply to all employees at all times, including conduct occurring outside of work where relevant
- must be read in conjunction with the Trust's Disciplinary Procedure
- are intended to support consistent decision-making across the Trust
- are not exhaustive and do not prevent the Trust from taking disciplinary action where appropriate

All disciplinary matters will be:

- considered on the specific facts of each case
- determined in accordance with the Scheme of Delegation
- managed on behalf of ACT Multi Academy Trust as the employer

2. Safeguarding and Professional Responsibilities

All employees have an absolute duty to:

- safeguard and promote the welfare of children
- act in accordance with statutory guidance, including *Keeping Children Safe in Education*
- comply with all safeguarding, conduct and professional standards

Any behaviour that:

- harms a child; or
- places a child at risk of harm; or
- indicates that an individual may pose a risk to children

will be treated as a **serious disciplinary matter** and may:

- constitute gross misconduct
- result in suspension pending investigation
- be referred to the Local Authority Designated Officer (LADO), Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA), police or other external bodies

3. Gross Misconduct

3.1 Definition

Gross misconduct is behaviour of such seriousness that it:

- fundamentally breaches the contract of employment; and/or
- destroys the relationship of trust and confidence; and/or
- poses a significant risk to pupils, staff or the Trust; and/or
- brings or is likely to bring the Trust into serious disrepute

Where gross misconduct is alleged:

- the employee may be suspended in accordance with Trust procedures
- the matter will be investigated under the Disciplinary Procedure

Where gross misconduct is substantiated:

- this may result in **summary dismissal (dismissal without notice or pay in lieu of notice)**

3.2 Safeguarding-Related Gross Misconduct

The following will normally be regarded as gross misconduct:

- conduct which has or may have harmed a child
- behaviour indicating an individual may pose a risk to children

Examples include:

- sexual behaviour towards or a relationship with a pupil

- grooming or inappropriate communication with a pupil
- physical harm or inappropriate physical contact
- failure to report safeguarding concerns
- serious breach of safeguarding procedures

3.3 Criminal Conduct

Criminal conduct may constitute gross misconduct where it:

- affects suitability to work with children
- undermines the employee's role or professional standing
- damages the Trust's reputation

This applies whether conduct occurs:

- in the workplace; or
- outside of work

3.4 Serious Breach of Duty or Professional Standards

Gross misconduct includes:

- serious negligence or neglect of duty
- deliberate or reckless breach of procedures
- failure to comply with statutory requirements

Examples include:

- failure to comply with safeguarding duties (including Prevent)
- failure to appropriately supervise pupils
- breach of examination regulations (e.g. disclosure of materials)
- deliberate refusal to follow lawful management instruction

3.5 Violence, Abuse and Serious Misconduct

- physical violence or threats of violence
- serious bullying, harassment or intimidation
- behaviour likely to provoke violence

3.6 Substance Misuse

- possession, use or supply of illegal drugs
- being under the influence of alcohol or substances whilst at work
- misuse of substances affecting ability to perform duties safely

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3.7 Misuse of ICT, Social Media and Communications

- accessing or distributing pornographic, offensive or inappropriate material
- sending inappropriate or explicit communications
- misuse of social media that:
    - risks harm to pupils
    - undermines professional boundaries
    - damages the reputation of the Trust

3.8 Dishonesty and Financial Impropriety

- theft or unauthorised removal of property
- fraud, forgery or falsification of records
- falsification of qualifications or employment records
- submitting false claims (e.g. expenses, absence)
- accepting bribes or inducements

Failure to disclose relevant criminal matters as required may also constitute gross misconduct.

3.9 Confidentiality and Data Protection

- unauthorised disclosure of confidential or sensitive information
- failure to safeguard personal or pupil data
- misuse of information systems

3.10 Discrimination, Harassment and Victimisation

- unlawful discrimination
- harassment or victimisation
- retaliation against individuals raising concerns or participating in investigations

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3.11 Bringing the Trust into Disrepute

- conduct which seriously damages the reputation of the Trust
- making malicious, false or defamatory statements
- serious breach of the Trust Code of Conduct

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4. Misconduct

4.1 Definition

Misconduct is behaviour that:

- falls below the standards expected of employees; and
- does not meet the threshold for gross misconduct

Misconduct will normally be addressed through the Disciplinary Procedure and may result in:

- informal action; or
- formal disciplinary warnings

4.2 Attendance and Timekeeping

- unauthorised absence
- persistent lateness
- failure to follow absence reporting procedures

4.3 Neglect of Duties

- failure to follow instructions
- failure to carry out duties to the required standard
- failure to follow safe working practices

4.4 Inappropriate Conduct

- use of offensive language or behaviour
- inappropriate conduct towards colleagues, pupils or others

4.5 Misuse of Time and Resources

- unauthorised use of Trust property or resources
- undertaking unauthorised activities during working hours

4.6 Policy and Contractual Breaches

- minor breaches of Trust policies
- failure to comply with contractual obligations

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5. Application and Interpretation

In determining whether conduct constitutes:

- misconduct; or
- gross misconduct

the Trust will consider:

- the seriousness of the behaviour
- the context in which it occurred
- the actual or potential impact on:
    - pupils
    - staff
    - the Trust
- whether there is a pattern of behaviour

The Trust reserves the right to determine the appropriate level of seriousness in each case.