



DISCIPLINARY POLICY

1. INTRODUCTION

The Disciplinary Policy is designed to promote fairness and consistency in the treatment of employees throughout the institution (HE, DSSF, ArtsEd Extra and all those in wider support functions) and to assist ArtsEd to function effectively.

All employees, volunteers and visiting staff have a responsibility to familiarise themselves with this policy.

This policy will apply to any disciplinary situation, including misconduct and cases of poor performance that result from misconduct. This policy applies to all employees after two years' continuous service. Performance issues that do not relate to misconduct will be dealt with in accordance with the Capability Procedure. However, the two procedures may be run in parallel at first to investigate the underlying cause of the concern.

For addressing cases where there are safeguarding concerns, the process outlined in Appendix A should be followed; this will be followed for all employees, irrespective of their length of service.

Employees with up to two years' service may be managed under a short service procedure which will include investigation into the alleged misconduct or capability concern; notification in writing of the issues identified; a meeting to discuss the issues identified; and written notification of the outcome. Alternatively, ArtsEd may decide to follow these processes and procedures in this policy.

This Disciplinary Procedure is detailed in the flowchart found in Appendix B. It is designed to ensure that standards of expected behaviour and performance are adhered to. Additionally, it provides a fair method of dealing with any alleged failures to observe the Staff Code of Conduct or other policy or procedure approved by the Board for use at ArtsEd. The procedure does not preclude minor disciplinary situations from being dealt with informally.

In cases other than those of gross misconduct or in the first two years of employment, an employee whose conduct does not meet the standards will normally first be counselled to achieve the required improvement. However, ArtsEd reserves the right to commence the procedure at any stage if the circumstances warrant such action.

No disciplinary action will be taken until the case has been investigated and the employee has had the opportunity to respond to the allegations in accordance with the procedure set out below. All disciplinary situations will be dealt with without unreasonable delay.

In the event of the absence of any of those involved, except for the employee who is the subject of the procedure, a deputy may take their place if this will not jeopardise the likelihood of a fair outcome.

Before starting a disciplinary procedure, ArtsEd should consider whether the problem can be resolved in an informal way by the Line Manager. Informal resolution would not be appropriate for

allegations of a serious nature, for example those of a safeguarding nature or those that might constitute gross misconduct – such a decision would be made at ArtsEd’s own discretion and its decision will be final. This can often be the quickest and easiest solution aiming to resolve the issue with the employee by:

- privately talking with them and any other person involved;
- listening to their point of view;
- agreeing improvements to be made;
- setting up a training or development plan if it relates to a performance-related issue.

The HR Director, or a senior member of the HR Department, must be consulted at each stage of this process.

ArtsEd will always strive to uphold the principles of, and its obligations under, the Equality Act 2010. In doing so, it will make provision for employees with disabilities and those possessing protected characteristics to ensure fairness and equal treatment. If a member of staff has any concerns in this regard, then they must discuss this with the HR Director, who will seek to mitigate and/or remove the concerns that have been raised so that the processes and procedures outlined in this policy can be implemented with fairness and equal treatment.

This procedure does not constitute contractual terms and conditions. ArtsEd reserves the right to amend any provision of this procedure subsequent to appropriate consultation.

2. Confidentiality

- i. ArtsEd aims to deal with disciplinary matters sensitively and with due respect for the privacy of any individual involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- ii. An employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure unless agreed by the Investigating Officer / Chair of the Disciplinary Panel.
- iii. Employees will normally be advised of the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the witness has not consented to the disclosure of their identity or evidence, or we believe that the witness's identity should remain confidential.

3. Criminal Allegations

- i. Where an employee’s conduct is the subject of a criminal investigation, charge, or conviction, ArtsEd will investigate the facts before deciding whether to take formal disciplinary action.
- ii. Subject to the receipt of external advice, we will not normally wait for the outcome of any criminal prosecution before deciding what action, if any, to take. Where an individual is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- iii. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

4. Suspension

- i. Where an employee is accused of an act of serious or gross misconduct, or where they are the subject of criminal investigation, or so where the circumstances otherwise warrant it, after careful consideration they may be suspended from work on full pay pending the

outcome of the disciplinary procedure. Such suspension is not a form of disciplinary action and does not imply that any decision has already been made about the allegations.

- ii. Where appropriate, during any disciplinary investigation or suspension, the Principal, Headteacher, or Executive Leadership Team will appoint a senior member of staff, who is not involved in the disciplinary process, to support the member of staff under investigation or suspension.
- iii. All staff can access the Employee Assistance Programme provided by Simply Health on 0800 975 3356.
- iv. ArtsEd will maintain contact with the suspended employee as far as reasonably possible, and will ensure that the suspension lasts only for as long as necessary.

5. Formal Disciplinary Procedure

- i. If, after trying to resolve the issue informally, it becomes evident that a disciplinary procedure must commence, the employee will be notified straight away. This will be done in writing and will include:
 - sufficient information about the alleged misconduct or poor performance;
 - possible consequences, for example a written warning.
- ii. The employee must receive this information in time to prepare for a disciplinary meeting. This will be provided a minimum of 48 hours prior to the disciplinary meeting.
- iii. ArtsEd must ensure a full and fair procedure throughout.

6. Investigation

- i. When a disciplinary situation arises, the senior member of staff [for example the Principal, Heads of the Schools of Acting and Musical Theatre (and their senior teams), Headteacher (and Senior Leadership Team), Finance Director and Head of Facilities] will consult with the HR Director as soon as reasonably practicable and together will appoint an Investigating Officer to carry out an investigation into the matter.
- ii. The terms of reference and an investigation plan should be agreed between the senior member of staff and the HR Director prior to commencing the investigation.
- iii. The investigation will be confined to establishing the facts and gathering any relevant documentation, with reference to relevant policies and procedures. Where necessary, the Investigating Officer will obtain statements from any witnesses. An investigatory meeting with the employee would normally take place with the Investigating Officer.
- iv. The Investigating Officer will:
 - ensure that all individuals are treated fairly;
 - gather evidence from all parties in order to assess if there is a case to answer;
- v. At any stage, ArtsEd may consider whether:
 - the formal procedure needs to continue; or
 - the issue can be resolved informally instead.
- vi. The Investigating Officer should do their best to:
 - be fair and objective – personal views should not be made or given by the Investigating Officer in meetings or in the Investigation Report;
 - follow any policies or guidelines in place;
 - acquire as much information on the case as is reasonable;
 - not try to prove guilt, but get balanced evidence from both sides;
 - keep the case confidential;

- vii. While an investigation should be completed as quickly as possible, it must be thorough and fair. Some investigations may take longer depending on the case and how many people need to give information and therefore, no timescale is set for this process. Although any significant delays must be explained to anyone involved and noted in the Investigation Report.
- viii. The Investigating Officer may seek information from:
 - the employee;
 - other employees involved ('witnesses');
 - other witnesses, for example students or other third parties (internal or external).
- ix. The Investigating Officer must consider ways in which they can gather information with consideration for data protection laws and the employee's contract.
- x. The Investigating Officer will write an Investigation Report (HR may support this process) for the senior member of staff. This will:
 - outline the facts that have been established;
 - detail where the evidence has not been corroborated;
 - highlight areas where the member of staff would appear to have breached ArtsEd's policies and procedures;
 - make recommendations; for example: formal action; informal action; or no further action. This will enable decisions to be made by the senior member of staff as to the next steps and whether a Disciplinary Meeting will be required. (Section 11 - Recommendations)

7. The Right to be Accompanied

- i. In any meeting, the employee under investigation may be accompanied by a 'companion'. A companion must be either:
 - a work colleague;
 - a workplace trade union representative who is certified or trained in acting as a companion; or
 - an official employed by a trade union.
- ii. ArtsEd will make reasonable adjustments for disabled employees. This may mean allowing someone else to attend, for example a support employee or someone with knowledge of the disability and its effects.
- iii. ArtsEd may, but is not obliged to, allow companions who do not fall within the above categories. For example, a professional support body, partner, spouse or legal representative.
- iv. There is normally no legal entitlement to legal representation during the investigation stage, although this may be agreed if it is reasonable to do so.
- v. An employee facing a safeguarding-related disciplinary procedure may be entitled to bring their own legal representation, particularly if the outcome could lead to being barred from working with children. Any request by the employee for this will be given due consideration.
- vi. This is part of the process detailed in Appendix A.

8. Absence of Person Under Investigation

- i. If the employee under investigation does not attend an investigation meeting, the Investigating Officer should rearrange the meeting, or should see if it would help to make other arrangements, for example, holding the meeting off site or virtually.
- ii. If the employee is too sick or refuses to attend, the Investigating Officer will consider the available evidence and will make a reasonable decision; they should consider:

- the seriousness of the disciplinary issue;
 - how similar cases have been dealt with in the past;
 - obtaining a medical opinion as to whether the employee is fit to attend the meeting (with the employee's permission).
- iii. Once all avenues have been exhausted, and the employee has had the opportunity to attend at least two meetings, the Investigating Officer will continue without the employee's input to reach a reasonable conclusion and, in such cases, will carry out the investigation in as full and fair a way as possible and will notify the employee.

9. Witnesses

- i. If many people witnessed the same incident, the Investigating Officer should talk to some of the witnesses to compare their versions of events.
- ii. The Investigating Officer is not obliged to talk to all witnesses, unless they feel they require further information, or where there are significant differences in what the witnesses have stated.

10. Taking Records, Sharing Information and Confidentiality

- i. The Investigating Officer can make audio recordings of interviews if all parties in the meeting agree. Additionally, the Investigating Officer will assign a person to take notes.
- ii. When obtaining information from a witness, the witness must consent to allowing their statement to be shared with other people working on the investigation and with the person being investigated.
- iii. In some instances, a witness might request to remain anonymous; in these circumstances the identity of the individual, and the information that they provide, would only be shared with the senior member of staff, and they would make a decision on whether to include the material and whether that would be on an anonymous basis. In these instances, the senior member of staff would meet with the witness before any information is potentially shared with the member of staff under investigation.
- iv. Investigation reports will be held in line with the Data Retention Policy.
- v. If the report includes people's details, it must be stored securely, and access will only be allowed when necessary. Anyone who needs access must follow GDPR guidance.
- vi. The report should be securely disposed of once it is no longer needed or is out of date. If, however, the severity of the misconduct was so serious that it cannot be realistically disregarded for future disciplinary purposes, this should be made clear at the time of the final written warning and the employee told that any recurrence may lead to dismissal.

11. Recommendations

The Investigating Officer will make recommendations at the end of the investigation. They may recommend formal action; informal action; or no further action.

- i. **Formal action** could include:
 - to initiate a disciplinary hearing;
 - changes to policy or procedure;
 - further investigation into other matters that were found.
- ii. **Informal action** could include:
 - training or coaching for parties involved;

- counselling for parties involved;
 - mediation for parties involved;
 - notification that further similar action might end in disciplinary action.
- iii. **No further action:**
The Investigating Officer might still suggest something that could help the workplace and the people involved, for example:
- counselling;
 - mediation;
 - another form of support.
- iv. If it is decided that there is a disciplinary case to answer, the employee must be notified of this in writing. This notification must contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.
- v. Suspended employees will be given sufficient time and controlled access to information available on their ArtsEd email accounts and files to enable them to prepare their case.

12. Notification

- i. Following the investigation, if it is decided that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary meeting.
- ii. The employee will be informed in writing of the nature of the complaint and, where appropriate, will be provided with copies of any written evidence gathered during the investigation.
- iii. Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.

13. Special cases

- i. If an employee is charged with or convicted of a criminal offence, this is not normally in itself a reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their School, work colleagues and stakeholders.
- ii. For matters where there are safeguarding concerns, then the process in Appendix A should be followed.

14. Disciplinary Meeting

- i. The disciplinary meeting will be conducted by a senior colleague or Trustee who has had no prior involvement with the investigation. The employee may be accompanied by a trade union representative or colleague if desired. The employee will need to inform the Disciplinary Chair prior to the disciplinary meeting if they wish to exercise their right to be accompanied. The employee and their companion should make every effort to attend the disciplinary meeting. If the employee fails to attend the disciplinary meeting this will usually be rearranged once, but should they fail to attend the rearranged meeting, then a decision may be reached in their absence.

- ii. The employee will be given the full opportunity at the disciplinary meeting to explain the matter and respond to the allegations.
- iii. A note-taker will be present but will not be involved in the decision-making process.
- iv. Following the disciplinary meeting, if it is decided that disciplinary action is warranted, the employee will be advised of the decision in writing which will specify the details of:
 - the failure to meet the required standard;
 - any action required by the employee to remedy the situation;
 - any relevant review period / duration of warning and the consequences of continued or subsequent failure to reach and sustain the required standard of performance or conduct; and
 - the right of appeal.
- v. If disciplinary action is warranted one of the sanctions below may be issued. A sanction may be imposed at any level including summary dismissal depending on the circumstances.

- **Verbal warning**

A verbal warning can be used by a line manager to inform an employee that in the event that their work, behaviour or actions at ArtsEd do not change or improve, then the employee may face further, more severe sanctions.

There are two types of verbal warning: informal and formal.

An informal verbal warning is typically a low key discussion between the employee and their line manager in an attempt to quickly and amicably resolve a relatively minor issue of misconduct or unsatisfactory performance, without recourse to formal disciplinary proceedings.

A formal verbal warning represents a formal disciplinary sanction and a record is formally sent to the member of staff and recorded on their employment file – this will remain on the employee's file for 6 months, unless a further act of misconduct occurs in that period.

- **Written Warning**

In the case of a first act of misconduct, or a repetition of earlier minor offences or a failure to improve, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This will remain on the employee's file for 12 months.

- **Final Written Warning**

In the case of a sufficiently serious offence, or a repetition of earlier offences, the employee will be given a final written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or no improvement may lead to dismissal or to some other action short of dismissal. This will remain on the employee's file for 12 months.

- **Dismissal**

This stage will normally result from continued failure by the employee to act on previous warnings or an act of gross misconduct. In the case of gross misconduct,

the employee will normally be dismissed without notice or payment in lieu of notice. If the decision to dismiss is made, the employee will be informed in writing of the reason for dismissal, the date on which the contract between the parties will terminate and the appropriate period of notice.

15. Alternatives to Dismissal

- i. In exceptional circumstances, suspension without pay or demotion may be considered as an alternative to dismissal.

16. Gross Misconduct

- i. Employees may be dismissed without notice if it has been established, after investigation and after hearing the employee's explanation at a disciplinary meeting, that there has been an act which constitutes gross misconduct.
- ii. Examples of actions which constitute gross misconduct include (but are not limited to):
 - gross insubordination;
 - serious breach of health and safety rules;
 - serious breach of ArtsEd's email and IT Acceptable Use Policy;
 - theft or fraud from either ArtsEd or co-employees or deliberate damage to School property or that of co-employees;
 - being under the influence of drink or illegal drugs at work;
 - disorderly or threatening conduct on School premises;
 - contravention of the Equal Opportunities Policy;
 - negligence resulting in serious loss, damage, or injury (to self, a third party or property)
 - assault or attempted assault;
 - falsification of records;
 - conviction on a criminal charge;
 - acceptance of a police caution;
 - breach of School policies or procedures;
 - bullying or harassment of colleagues, pupils / students or parents;
 - behaviour that may constitute sexual misconduct
 - abuse or suspected abuse of your position of trust in relation to pupils / students at ArtsEd;
 - failure to report child-protection matters to the Principal, Headteacher or DSL;
 - serious breach of the staff code of conduct;
 - or, bringing ArtsEd into disrepute.

17. Appeals

- i. If an employee feels that the disciplinary action taken against them is wrong or unjust, they may appeal against the decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the HR Director and within 5 working days of receipt of the outcome of the Disciplinary Meeting. An appeal will normally only be considered on the following grounds and the exact reasons for the appeal must be clearly set out:
 - the employee feels that the disciplinary action taken against them is wrong or unjust;
 - new evidence arises following the disciplinary meeting;

- the employee feels that there are procedural concerns in the way that the disciplinary process was conducted which adversely and inappropriately affected the final outcome of that process.
- ii. The appeal hearing will be convened as soon as is reasonably practicable and ArtsEd will give an employee written notice of the date, time, and place of the appeal hearing. The appeal hearing will be heard by a senior colleague, usually supported by the HR Director and a Trustee (or panel of up to three Trustees who have had no prior involvement).
- iii. The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This decision will be at ArtsEd's discretion depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially as possible.
- iv. Where new evidence arises prior to or during the appeal, further investigation may be required. The employee will be given access to any relevant new information or evidence and will have the opportunity to consider this before the hearing and make representations.
- v. The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative.
- vi. The employee will be informed of the decision of the appeal in writing within 5 working days of the hearing, or as soon as is reasonably practicable following the conclusion of the hearing. The outcome may be that:
 - the original decision is confirmed;
 - the original decision is revoked; or
 - a lesser penalty is issued.
- vii. The disciplinary sanction cannot be increased on appeal
- viii. The decision at Appeal is final and there is no further right of appeal.
- ix. In the event of an unsuccessful appeal against a decision to dismiss, the original dismissal date shall stand. However, if an employee's appeal is successful, they will be reinstated with no loss of continuity of service or pay.

18. Third Parties

- i. The process for any procedure will be determined by ArtsEd. Should ArtsEd deem it necessary, then it reserves the right to engage an independent third party to assist at any stage of the disciplinary procedure.

19. Record Keeping

- i. A copy of all formal warnings will be retained on an employee's personnel file and in accordance with ArtsEd's Staff Privacy Notice and Data Retention Policy but will be considered spent after a period of twelve months.
- ii. Disciplinary action following a safeguarding matter will be retained indefinitely on the employee's file.

Appendix A –

ArtsEd Disciplinary Process for instances requiring Safeguarding Considerations

This process is to be read and used as an appendix to the Disciplinary Policy and the Safeguarding Policy – the general overall principles of the Disciplinary Policy apply. If in doubt about the process, then the Principal, Headteacher or Designated Institutional Safeguarding Lead must be contacted.

1. PROCESS OVERVIEW

This policy outlines the stages of the HR disciplinary process in accordance with UK regulations and Acas guidelines, specifically addressing cases where safeguarding concerns are involved. The aim is to ensure a fair and transparent process while complying with statutory obligations and maintaining the safety and well-being of vulnerable individuals.

2. SCOPE

This policy applies to all employees within ArtsEd. It covers conduct and performance issues that may lead to disciplinary action, with a particular focus on matters involving safeguarding concerns.

3. GENERAL PRINCIPLES

- i. **Fairness and Transparency:**
All disciplinary actions will be conducted fairly and transparently, with employees given an opportunity to respond to any allegations.
- ii. **Confidentiality:**
Information related to disciplinary matters will be treated with strict confidentiality, especially in safeguarding cases.
- iii. **Support for Employees:**
Employees have the right to be accompanied by a colleague, (or trade union representative), during disciplinary meetings. An employee facing a safeguarding-related disciplinary procedure may be entitled to bring their own legal representation, particularly if the outcome could lead to being barred from working with children.
Where there is the potential that a staff member's conduct might result in dismissal and/or referral to the

4. SAFEGUARDING CONCERNS

When a disciplinary issue involves a safeguarding concern, ArtsEd will adhere to the following principles:

- i. **Immediate Action:**
If the safeguarding concern poses an immediate risk, the employee may be suspended on full pay pending investigation.
- ii. **External Reporting:**
Where required, safeguarding concerns will be reported to external agencies, such as the Local Authority Designated Officer (LADO) or the Disclosure and Barring Service (DBS), in compliance with legal obligations.

iii. **Coordination with Safeguarding Investigations:**

The disciplinary process may run concurrently with a safeguarding investigation. However, where police or external agencies are involved, ArtsEd will cooperate fully and may pause internal processes to avoid interference, or as instructed by the external agency.

5. STAGES OF THE DISCIPLINARY PROCESS

5.1. Informal Resolution

i. **Objective:**

To address minor misconduct or performance issues without formal disciplinary action.

ii. **Procedure:**

Line managers or a member of the safeguarding team will discuss concerns with the employee, providing feedback and support. If the issue is resolved, no further action is necessary.

The Safeguarding Trustee will be informed.

iii. **Documentation:**

A record of the discussion and outcome(s) will be kept on file and will be shared with Designated Institutional Safeguarding Lead but will not form part of the employee's formal disciplinary record.

5.2. Formal Investigation

i. **Trigger:**

Formal investigation begins when informal resolution fails or the misconduct is too serious for informal handling, including all safeguarding concerns.

The decision to move to a formal investigation will usually be made by the Principal/Headteacher, often in conjunction with the Designated Institutional Safeguarding Lead.

The Safeguarding Trustee will be informed.

ii. **Investigating Officer**

An impartial individual, usually from HR (but might be the Designated Institutional Safeguarding Lead), will usually be appointed as the Investigating Officer by the Principal/Headteacher to conduct the investigation.

The Principal/Headteacher will usually commission the Investigating Officer and provide that individual with terms of reference / remit for the investigation, as well as with a reasonable timeline. The terms of reference may stipulate which students and staff should be interviewed, but this should not prevent the investigator from interviewing others should additional evidence come to light in the course of the investigation.

iii. **Procedure:**

a. **Informing the employee**

Ensure the employee is informed in writing of the investigation, allegations, and their rights.

b. **Proceeding with the investigation**

If case safeguarding concerns dictate, it is deemed necessary to protect the integrity of the investigation, then an investigation may proceed without the knowledge of the employee concerned.

c. Gathering evidence - interviews

As in **Section 6** of the main Disciplinary Policy, the investigation will be confined to establishing the facts and gathering any relevant documentation, with reference to relevant policies and procedures

Interviews

- must be conducted in the presence of a witness or co-investigator.
- do not need to be recorded or transcribed verbatim, but a write up of the interview needs to be provided to the interviewee with the request that they verify it is an accurate reflection of the discussion, and if not, provide reasonable corrections.
- The final interview document must be signed by the interviewee.
- Students must always be interviewed by at least two members of the safeguarding team.

Other evidence

- Should other evidence (for example documentary evidence or information that is stored on ArtsEd's electronic systems (or their hosts/proxies) or hard copy files) be required by the Investigating Officer, then these will be provided to the Investigating Officer subject to compliance with GDPR. All such requests should be made to HR in the first instance who, having ascertained the appropriateness of the request, will then facilitate them as necessary.

d. Investigatory meeting with the employee

- In certain situations, it may be appropriate to conduct an 'initial' investigatory meeting with the employee before proceeding with an investigation (this will be in addition to the investigatory meeting).
- The investigatory meeting with the employee will normally be the final step in the investigation process.
- The investigation officer puts the allegation to the employee together with evidence collected and the employee is given an opportunity to respond the allegations as well as to the evidence collected.

e. Investigation Report

Once the investigation is completed The Investigating Officer will write a report on the findings of the investigation to the person who commissioned the investigation. This is in the form of an Investigation Report (see **Section 6 x.** above)

f. Coordination with external agencies

For safeguarding cases, coordination with external agencies may be necessary. This will usually be done by the Headteacher in conjunction with the Designated Institutional Safeguarding Lead.

g. Outcome:

If sufficient evidence exists, and based on the balance of probabilities the allegations are substantiated, (likely to have taken place), the case moves to a disciplinary hearing. If not, the case is dismissed, and the employee is informed in writing. This decision will be made by the person who commissioned the investigation together with the HR Director, or a senior member of the HR Department, HR will manage the disciplinary process.

HR will receive a copy of all relevant discussions and outcomes (student names redacted) arising out of the formal investigation. These will be kept on the staff member's file.

5.3. **Suspension (if applicable)**

- i. **Criteria:**
Used when the presence of the employee may impede or compromise the integrity of the investigation, or where safeguarding concerns necessitate it.
- ii. **Terms:**
ArtsEd has the right to suspend staff on normal pay and benefits pending the conclusion of any investigation and / or the resolution of any stage under any capability or disciplinary procedures initiated. ArtsEd reserves the right to suspend staff without pay if they are the subject of an investigation by a third party such as the Teaching Regulation Agency (TRA) or Disclosure and Barring Service (DBS), the police, or a body with which they are registered or which regulates their profession or if they are the subject of an interim prohibition order, bail conditions or other sanction relating to their conduct or performance which prevents them from discharging their role.
- iii. **Risk Assessment:**
A risk assessment will usually be undertaken to consider whether a member of staff should be suspended, or should remain suspended. Any such assessment will be conducted by the Principal, Headteacher in consultation with the DSL, LADO (and/or other external agencies), and the HR Director.
- iv. **Review:**
The suspension should be reviewed regularly and lifted as soon as no longer necessary. Timescales may be disrupted due to the normal cycle of the academic year; for example, investigations cannot take place outside term time as many staff and all students are not available.

5.4. **Disciplinary Hearing**

- i. **Notification:**
The employee will receive written notice of the hearing, including details of the allegations, evidence, and potential outcomes. At least 5 working days' notice will be provided.
- ii. **Representation:**
 - The employee has the right to be accompanied by a colleague, (or trade union representative).
 - An employee facing a safeguarding-related disciplinary procedure may be entitled to bring their own legal representation, particularly if the outcome could lead to being barred from working with children. Any request by the employee for this will be given due consideration.
- iii. **Procedure:**
The hearing panel, including a senior manager (ELT or SLT) and an HR representative, will review the evidence, hear the employee's response, and ask questions. The Investigating Officer will not sit on the hearing panel. However, their investigation report will determine whether or not ArtsEd moves to a disciplinary hearing.

iv. **Outcome:**

In safeguarding cases, outcomes may include reporting to external agencies or dismissal with a referral to the DBS or TRA (or other institution). If a member of staff resigns, or otherwise leaves ArtsEd, referral to the DBS or TRA (or other institution). may still occur.

In cases where the concerns do not reach the threshold of referral to the DBS or TRA, a low-level concern might be logged.

The decision will be communicated in writing, typically within 5 working days of the hearing. Possible outcomes include:

- No further action
- A verbal or written warning
- Final written warning
- Demotion or reassignment (if applicable)
- Dismissal

5.5. Appeali. **Right to Appeal:**

If an employee feels that the disciplinary action taken against them is wrong or unjust, they may appeal against the decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the HR Director and within 5 working days of receipt of the outcome of the Disciplinary Meeting. An appeal will normally only be considered on the following grounds and the exact reasons for the appeal must be clearly set out:

- the employee feels that the disciplinary action taken against them is wrong or unjust;
- new evidence arises following the disciplinary meeting;
- the employee feels that there are procedural concerns in the way that the disciplinary process was conducted which adversely and inappropriately affected the final outcome of that process.

ii. **Appeal Hearing:**

- The appeal will be heard in a similar process to that outlined in the main Disciplinary Policy. The Panel will include at least one person with specialist Safeguarding training and experience of handling such matters.

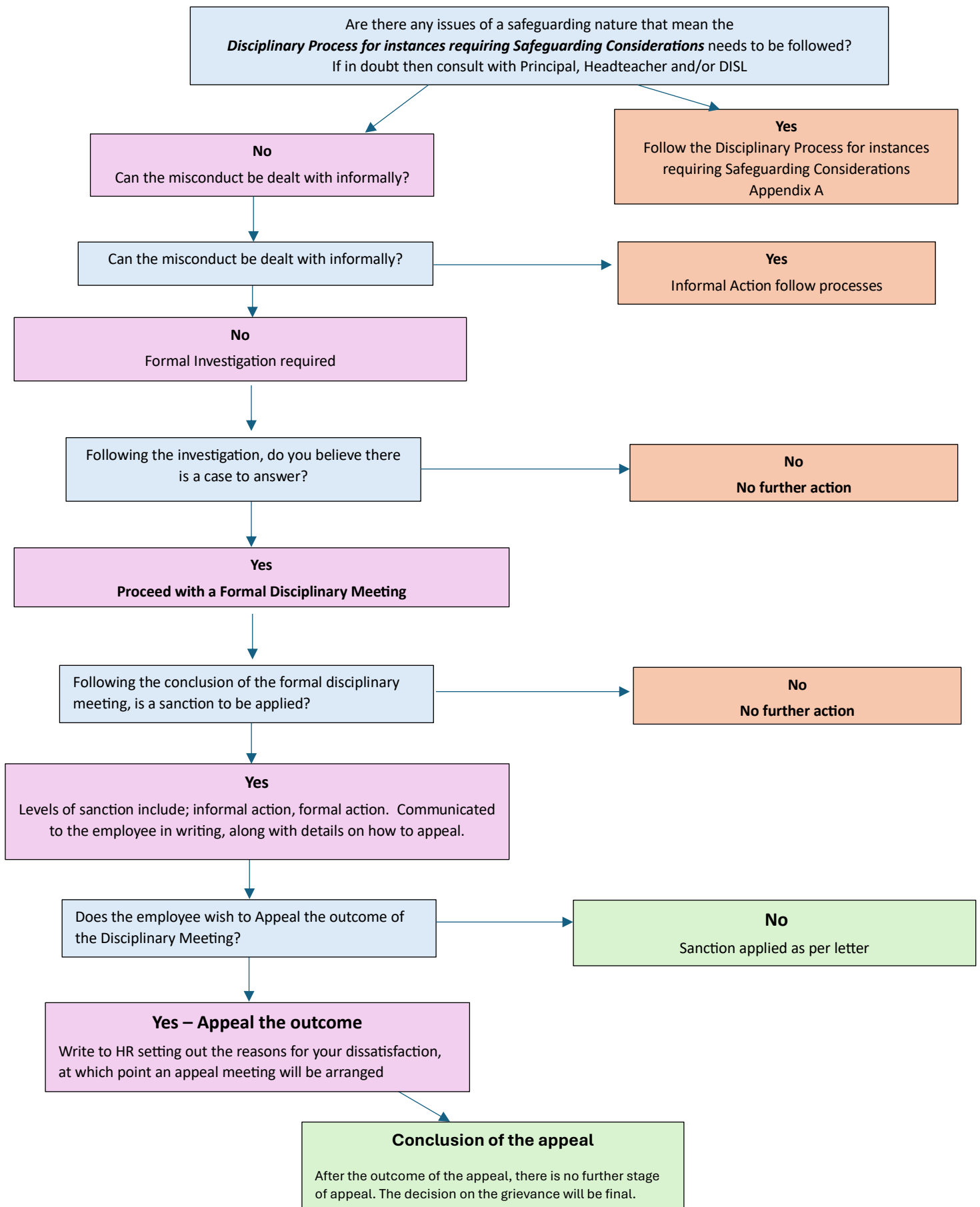
6. SAFEGUARDING SPECIFIC PROVISIONSi. **Referral to External Agencies:**

Where the outcome involves dismissal related to safeguarding, ArtsEd will refer, as necessary and appropriate, the matter to any relevant government, professional, regulatory body or agency; including, for example, the Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA), the Local Area Designated Officer (LADO), the Police.

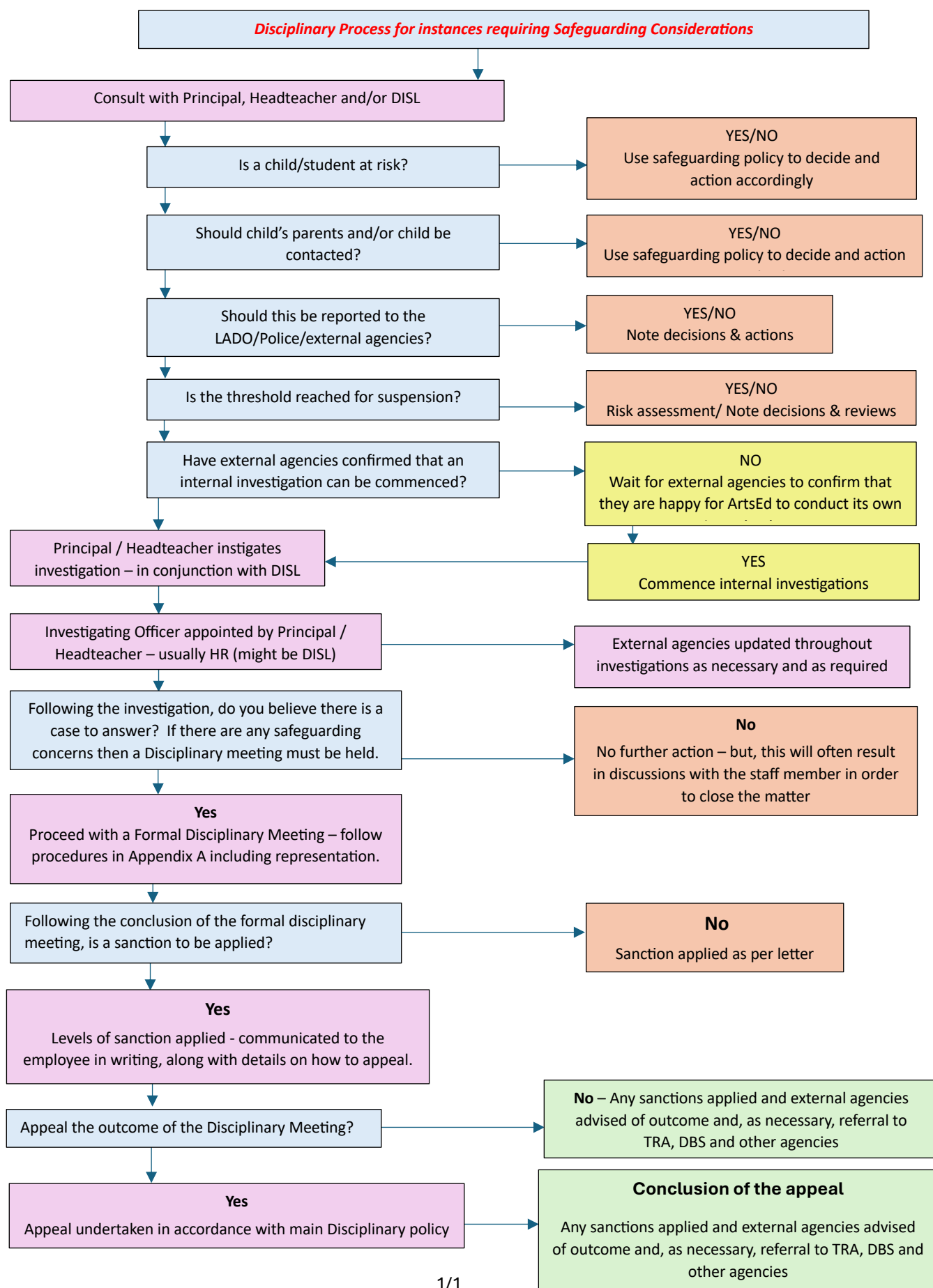
ii. **Record Keeping:**

Detailed records of all stages, particularly in safeguarding cases, will be maintained in accordance with GDPR and safeguarding requirements.

Appendix B – Disciplinary Flowchart



Appendix C – Disciplinary Process for instances requiring Safeguarding Considerations



Version Control	
Document Title	Disciplinary Policy
Maintained By	HR Director
Owned By	HR Director
Approving Committee / Ratifying Body	Board of Trustees
Last Reviewed – Date	June 2025
Last Reviewed by:	Executive Leadership Team HR Director Designated Institutional Safeguarding Lead
To be Reviewed	June 2028 (or prior if required)
Current Version	Version 2
Location of master document	Organisational File Shares > Policies > HR
Web location	https://artsed.co.uk/wp-content/uploads/2025/10/Disciplinary-Policy-and-Procedure.pdf