

Disciplinary Policy and SOP

**Lead Director**

Mike Maddick, Director of Resources

Date Reviewed

May 2025

Lead Author(s)

Emma Cox, HR Business Partner

Date Drafted

April 2025

Recommended By

Joanna Gillespite, Head of People & Culture

Endorsed Date

May 2025

Approved By

Mike Maddick, Director of Resources

Ratified Date

May 2025

Published Date

October 2025

Next Review Date

October 2028

Contents

Policy

- 1 Purpose and Objectives
- 2 Scope
- 3 Definitions
- 4 Policy Statement
- 5 Stakeholder Consultation
- 6 Related Policies
- 7 External References and Guidance

Standard Operating Procedure (SOP)

- 1 Roles and Responsibilities
- 2 Process/ Procedure

Document Change Control

Appendices

Appendix 1 - Stakeholder Engagement Checklist

Policy

1 Purpose and Objectives

The Children's Trust will, through its job descriptions, induction and training processes, organisational policies and procedures, ensure that all staff are made aware of the expected standards of conduct, work performance and behaviours.

All staff should embrace the Promises of The Children's Trust which shape behaviour and conduct day to day. These promises are:

- Child first
- Aim high
- Care deeply
- Be open
- Own it

This policy sets out a supportive framework to address concerns about all staffs conduct. The focus is on early resolution, fair treatment, and organisational learning wherever possible.

The Children's Trust is committed to helping all staff learn and improve. Managers will, where appropriate, resolve minor disciplinary issues in an informal manner. Where an informal approach fails or where the misconduct is considered to be serious or significant the additional steps outlined in this policy will be followed.

We recognise that a disciplinary procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in a disciplinary procedure and treat any such behaviour as further potential misconduct.

This policy does not form part of your Contract of Employment unless otherwise stated and is subject to change at the discretion of The Children's Trust. The Children's Trust reserves the right to modify, withdraw or initiate any rules or procedures it deems necessary, and will undertake to review the policy in the light of changing working practices or legislation. Any changes will be made available via The Loop. The Children's Trust may also reasonably vary this policy, including any time limits, as appropriate to each individual case.

The objectives of the policy are to:

- to ensure a fair and consistent approach to maintaining standards of conduct, behaviours and working relationships.
- outline the rights and responsibilities of all staff, Managers, the People Team and employee representatives.

Relevant laws and regulations include but are not limited to:

- Equality Act 2010
- Trade Union and Labour Relations (Consolidation) Act 1992 (which provides for the ACAS Code of Practice on Disciplinary and Grievance Procedures)

2 Scope

This policy applies to:

- all permanent employees, bank workers, fixed term staff and volunteers of The Children's Trust.

- all contractors and visitors to the Tadworth site.

3 Definitions

Unless otherwise stated, the words or expressions contained in this document shall have the following meaning:

Chair [the Charity/ organisation/ TCT]	The Manager who will chair the hearing means The Children's Trust
HRBP	The People Team HR Business Partner
Investigator	The individual, usually a Manager at The Children's Trust, who will investigate allegations of misconduct
LADO	Local Authority Designated Officer
Line Manager	A Manager with direct day-to-day managerial responsibility for a specific employee
Manager	A Children's Trust employee with responsibility for managing other employees within the organisation e.g. Manager, Senior Manager, Director or CEO
Pastoral Care Manager	A Manager who is separate from the investigation and is responsible for providing support and pastoral care to the employee
PPR	Person(s) with parental responsibility.
PPR Pastoral Support	A senior Manager who is responsible for providing information and pastoral care to the person(s) with parental responsibility for a child (e.g. parents, family members or local authority) where disciplinary proceedings relate to the care of that child or may affect future care of that child (e.g. suspension or reassignment of someone responsible for the child's care)
SOP	Standard Operating Procedure

4 Policy Statement

This section sets out the main organisational rules as set out in the SOP, which help ensure the policy objectives are met.

- 4.1 Managers are encouraged to proactively support their teams in understanding the expected standards of conduct, and to raise any concerns in a timely, respectful, and constructive manner to enable early resolution and learning.
- 4.2 Line Managers should try to resolve minor matters of conduct informally. If informal approaches do not bring about improvement or if misconduct is sufficiently serious, the formal stages of this policy and SOP should be followed.
- 4.3 Line Managers will ensure that all allegations of misconduct are dealt with under this policy and SOP and all action is reasonable and proportionate.
- 4.4 If a matter is not appropriate to be dealt with informally, in most cases an investigation will be undertaken by an independent investigator. Please refer to the Investigation Policy for more information.
- 4.5 The role of the People Team is to oversee the disciplinary process, and it may also provide support and advice to all parties and seek external / internal legal guidance where required. They will assist the Manager who chairs the disciplinary hearing/appeal. They will support the consistent and fair application of this policy, ensuring that any concerns about conduct are approached in a manner that promotes learning, accountability, and improvement.

- 4.6 Where periods of suspension are considered, the period should be as brief as possible, kept under review and is not considered a disciplinary action. There is further guidance on the process that must be undertaken prior to any suspension set out in the Investigation Policy.
- 4.7 The Children's Trust recognises that the disciplinary process, whilst necessary, can be difficult and upsetting for those involved. Independent pastoral care will be made available to any individual under disciplinary investigation and the person(s) with parental responsibility of any child affected by the disciplinary process. It may also be requested by anyone involved in a disciplinary process. This support reflects our commitment to psychological safety and a culture of openness, compassion, and continuous learning. Employees are encouraged to seek support early, and we promote fair treatment throughout formal processes.
- 4.8 In line with The Children's Trust's commitment to the principles of a Just Culture and the NHS Patient Safety Incident Response Framework (PSIRF), this policy promotes a supportive and learning-focused approach. It distinguishes between human error, at-risk behaviour, and reckless conduct.
- 4.9 All staff must uphold the highest standards of conduct to protect children, any breach of safeguarding expectations is treated with utmost seriousness.

5 Stakeholder Consultation

Appendix 1 details the stakeholders who were consulted in the development of this policy.

6 Related Policies and Procedures

The following policies and procedures stated below support the effective application of this policy and SOP:

- Investigation Policy
- Resolution Policy
- Whistleblowing Policy
- Bullying, Intimidation & Harassment at Work Policy
- Managing Probation Policy
- Performance Improvement Policy
- Attendance & Wellbeing Policy
- Record Retention and Disposal Policy and Procedure
- The Children's Trust Safeguarding Young People Policy & Protecting Vulnerable Adults
- Equality, Diversity and Inclusion Policy
- Health and Safety Policy
- Giving and Receiving References in the Staff Handbook
- Safer Recruitment Policy and SOP
- The School Code of Conduct

7 External References and Guidance

The following external resources and guidance were consulted in drafting this policy and SOP:

- Brightmine
- CIPD Guidance
- Public Law
- Prosperity Law
- ACAS Code of Practice on disciplinary and grievance procedures
- Keeping Children Safe in Education 2024/ 2025
- NHS Patient Safety Incident Response Framework (PSIRF)

Standard Operating Procedures (SOP)

1. Roles and responsibilities

- Line Manager

The Line Manager is responsible for:

- Promoting and upholding the expected standards of conduct and behaviour within their team.
- Ensuring all staff receive regular training on Safeguarding and Professional Boundaries.
- Consulting with the HRBP and appointing a Chair for the Disciplinary hearing and Appeal Manager.
- If not the Chair, ensure disciplinary outcomes are implemented and monitored (e.g. improvement plans).

- HRBP

The HRBP is responsible for:

- Assisting in the appointment of a Disciplinary Manager and Appeal Manager (if required).
- Keeping the employee regularly updated should there be any delays.
- Assisting the Line Manager with reviewing the Investigation Report and making the decision on whether a disciplinary hearing is appropriate.
- Providing guidance to the Chair of the disciplinary hearing and the Appeal Manager (if required).

- The People Team

The People Team is responsible for:

- Overseeing the disciplinary process.
- Advising the organisation, SLT and the trustees on disciplinary matters and seeking external / legal guidance where required.
- Ensuring that this policy is followed and misconduct issues are dealt with fairly, transparently and consistently.

- The Pastoral Care manager is responsible for:

- Providing pastoral care to an employee who is affected by a disciplinary process.
- The Pastoral Care Manager is not expected to provide advice on any procedural questions, such as how the process works or timescales, and any such questions should be directed to the HRBP.

- The PPR Pastoral Support is responsible for:

- Providing pastoral support to the person(s) with parental responsibility of any child or young person affected by a disciplinary process.

Process/ Procedure

2. Confidentiality

- 2.1** The Children's Trust handles disciplinary matters with sensitivity and respect for privacy. All information related to these processes must remain confidential and in line with employees' contractual obligations. Breaches may result in further disciplinary action.
- 2.2** Employees and witnesses must not discuss allegations with anyone other than those formally involved in the process. Confidentiality obligations apply during employment, suspension, and after employment ends.
- 2.3** Documents (e.g. investigation reports) must be shared securely. Trade Union representatives and companions must also respect confidentiality, as per the ACAS Code of Practice.
- 2.4** Audio or video recordings are not permitted during any stage of the process, unless agreed as a reasonable adjustment under the Equality Act.
- 2.5** Witness names will normally be disclosed to the employee. In exceptional cases, the HRBP may decide to keep identities confidential to protect individuals.
- 2.6** The HRBP team will ensure that they create appropriate secure folders for saving all documents relating to the disciplinary process with access limited to those who require it. There will be separate secure folders for documents required by:
 - the investigator,
 - the Line Manager,
 - the Chair of the Disciplinary Hearing (if separate) and,
 - the Appeal Manager (if relevant).

Access and relevant passwords will be arranged by the HRBP. In addition, relevant documents will be saved on the employee's file by the HRBP team. Where hard copies are prepared they must be handed directly to the relevant individual (not through internal post) and must be kept secure.

3. Sources of Support

- a. The Children's Trust is committed to supporting employee wellbeing throughout any disciplinary process. Information about the appointment and role of a Pastoral Care Manager—who provides confidential support to employees—is detailed in the Investigation Policy, and this pastoral support continues throughout any disciplinary proceedings, including hearings and appeals.
- b. In addition to pastoral care, employees can access a range of support services including the Employee Assistance Programme (EAP), which offers confidential counselling and guidance. Occupational Health support is also available for employees who may require adjustments or advice relating to their health and fitness to participate in the process. The Children's Trust also promotes a culture of openness and encourages staff to raise concerns via the Freedom to Speak Up Guardian or through the Whistleblowing Policy. These support mechanisms are in place to ensure that all staff are treated with dignity, respect, and fairness throughout formal procedures.

4. Disciplinary Hearing

Notice of Meeting

4.1 If, following an investigation, The Children's Trust determines there are grounds for formal action, a disciplinary hearing will be arranged. The Disciplinary Manager will provide written notice with the date, time, location, summary of allegations, and potential outcomes. Wherever possible, a minimum of seven calendar days' notice will be given to allow for preparation.

4.2 The employee will receive the Fact-Finding Summary or Investigation Report and supporting documents (e.g. interview notes). To ensure a fair process, redactions will only occur:

- where a witness's identity must be protected in exceptional circumstances, or
- to remove identifiable information about children/young people in The Children's Trust's care.

Staff names in reports may be anonymised using initials, which should be sufficient for relevant parties to identify them.

4.3 Employees have the right to be accompanied by a workplace colleague or certified Trade Union official. Legal representatives (e.g. solicitors) are not permitted. The employee must notify the Line Manager of their companion's details at least 48 hours before the hearing. The organisation may request an alternative companion if the original choice presents a conflict of interest or is inappropriate. Companions are entitled to reasonable time off without loss of pay but are not required to participate.

Chair

4.4 The HRBP and Line Manager will appoint a Chair who is independent of the investigation and any suspension decision. Where appropriate, the Chair should have relevant experience relating to the case. A Line Manager may act as Chair if they meet these criteria (e.g. a House Manager who was not involved in the investigation).

4.5 For hearings involving Senior Leadership Team members, the Chief Executive will chair the hearing, remaining independent of the investigation. A Trustee will handle any appeal. If the CEO is the subject, the Chair of Trustees (or delegate) will either chair the hearing or appoint an external HR or legal advisor if appropriate.

Attendance

4.9 The employee must take all reasonable steps to attend the hearing, which will be chaired by an independent Manager and supported by an HRBP and a notetaker. Notes will be taken to capture key points (not full minutes) and will be shared with the employee after the hearing. Virtual hearings may be arranged at the Chair's discretion, and all participants must maintain confidentiality and call quality.

4.10 No disciplinary action will be taken without giving the employee a fair opportunity to respond to the allegations, present evidence, and comment on any witness statements. If unable to attend, the employee may submit a written statement in advance. The Chair will then review all evidence, including disciplinary and medical records if relevant, and reach a decision in their absence. The outcome and appeal rights will be confirmed in writing.

Failure to attend

4.11 Employees subject to disciplinary hearings should make every effort to attend disciplinary hearings. If the employee fails to attend a disciplinary hearing without (i) a reasonable explanation, (ii) providing a written submission or (iii) suggesting a reasonable alternative date, the hearing will be re-arranged to a later date. The employee will be informed that if they fail to attend on the second occasion, a decision will be taken in their absence. Failure to attend or provide a written submission without good reason may be treated as misconduct in itself.

4.12 Where there is a reasonable explanation for non-attendance (e.g. companion unavailable), the employee should propose an alternative date within 5 days or as soon as reasonably practical. Alternatively, you may be asked to provide a written statement. If absence is due to illness or circumstances beyond their control, a new date will be offered within the same timeframe. If the employee remains unwell, they may still be asked to attend if deemed fit by Occupational Health. External medical advice will be considered, but The Children's Trust will make the final decision regarding fitness to attend.

Responsibilities of companion

4.13 The companion may support the employee by summarising their case, asking questions on their behalf, and conferring with them. They must not answer questions for the employee, speak without the employee's consent, or obstruct the meeting process.

4.14 Companions are expected to act professionally at all times. Inappropriate, threatening, or aggressive behaviour may result in the hearing being adjourned. Companions must maintain confidentiality and follow all requirements for handling information, as outlined in Section 2 (Confidentiality).

Adjournment

4.15 The Chair may adjourn the disciplinary hearing if s/he needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Decision

4.16 The Chair will conclude the formal review meeting and take time to carefully consider all relevant information before reaching a decision. The outcome will be shared with the employee as soon as reasonably possible, recognising that timeframes may vary depending on the complexity of the case. In straightforward cases, a decision may be made on the same day, while in others it may take longer to ensure fairness and thoroughness. The employee will usually receive the decision in writing within one week, and where possible, this will also be explained in person. The Chair will confirm whether, on the balance of probabilities, the concerns have been proven and, if so, outline the appropriate outcome or support measures (see Section 6). Employees retain the right to appeal any formal outcome, as outlined in Section 8 (Appeals Procedure).

In line with PSIRF and Just Culture principles, before determining an outcome, the Chair must give due consideration to whether any system or process failures contributed to the individual's conduct. This includes reviewing the Investigation Report for any references to organisational factors, such as unclear policies, inadequate training, resourcing issues, or supervision gaps. Where a system issue is identified, this should be documented in the decision letter, along with any recommendations for organisational learning, even if disciplinary action is still required.

Should a disciplinary hearing relate to a safeguarding allegation the Chair's decision will state, based on the balance of probabilities, whether the allegation is:

- Substantiated: there is sufficient evidence to prove the allegation;

- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

5. General

5.1 No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct (as defined in section 7) which may result in immediate termination of employment without notice.

5.2 In serious cases, it may be appropriate to issue a final written warning as a first step—particularly where the misconduct has caused, or could cause, significant harm to individuals or the organisation.

5.3 Confidential records of all disciplinary hearings will be retained on the employee's file. Expired warnings will be disregarded for escalation purposes (see Section 6), though they may be considered if similar issues arise shortly after expiry, to assess overall conduct and determine the duration of any new warnings.

5.4 Employees are expected to act with honesty and integrity. All staff have a duty to report misconduct, dishonesty, or statutory breaches—whether their own or that of others. Failure to report or co-operate with an investigation may itself lead to disciplinary action.

5.5 Grievances related to ongoing disciplinary proceedings should be raised during the disciplinary process (e.g. in the hearing or appeal). Unrelated grievances will usually be addressed in parallel through the separate resolutions procedure.

6. Disciplinary Sanctions

Depending on the findings of the disciplinary hearing, the Chair has a number of disciplinary sanctions available to them. These are detailed below:

Stage 1 – first written warning

- i. If an employee's conduct does not meet acceptable standards the employee will normally be given a first written warning. The first written warning letter will be sent by the Disciplinary Chair, with the support of the HRBP, to the employee by email advising of the reason for the warning. This is the first stage of the disciplinary procedure and will give details of the change in behaviour required, any support available and details of his or her right of appeal. A copy of the warning will be retained as 'live' on the employee's file (this is normally for a period of 6-12 months) but it may be disregarded for disciplinary purposes after a set period (the employee will be advised in writing of the disciplinary period), subject to satisfactory conduct throughout (i.e. where an employee has gathered multiple first written warnings, it will be at the discretion of The Children's Trust to consider whether to include these when making a decision regarding the potential future sanction). The employee will also be advised that should the employee be found by a disciplinary hearing to have committed a further act of misconduct, this would normally result in a final written warning.

Stage 2 – final written warning

- ii. If there is still a failure to improve and conduct is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal, a final written warning will normally be issued to the employee. The final written warning

letter will be sent by the disciplinary chair, with the support of the HRBP, to the employee by email giving details of the issue together with the change in behaviours required, any support available and will warn that dismissal or some other contractual penalty such as loss of seniority may result if there is no satisfactory improvement or if further misconduct occurs. It will also advise of the right of appeal.

- iii. A copy of the final written warning will be retained on the employee's file. It will be disregarded for disciplinary purposes after a set period (e.g. 12 or 18 months; the employee will be advised in writing of their disciplinary period), subject to achieving and sustaining satisfactory conduct throughout (i.e. where an employee has gathered multiple first written / final written warnings, it will be at the discretion of The Children's Trust to consider whether to include these when making a decision regarding the potential future sanction).

Stage 3 – dismissal or other contractual penalty, such as loss of seniority

- iv. If conduct is still unsatisfactory and the employee still fails to reach the prescribed required standards, or if the misconduct is sufficiently serious, dismissal will normally result. The employee will be provided by the Disciplinary Chair, with the support of the HRBP and as soon as reasonably practicable, with written reasons for the dismissal, the date on which the employment will terminate, the appropriate period of notice (or pay in lieu of notice) and the right of appeal.
- v. If occasion warrants, an alternative to dismissal such as some other contractual penalty e.g. demotion, transfer (subject to a suitable post being available), loss of pay or increment and/or suspension without pay, may be applied.
- vi. If an alternative sanction to dismissal is applied, the employee will receive from the Line Manager, with the support of the HRBP, details of the complaint and will be warned that dismissal may result if there is no sustained improvement in conduct or if further misconduct occurs. They will be advised of the right of appeal. A copy of the written warning, including details of the sanction, will be placed on the employee's file but will be disregarded for disciplinary purposes after a set period (e.g. 12-18 months, the employee will be advised in writing of their disciplinary period), subject to achieving and sustaining improved standard of conduct.

Summary Dismissal

Summary dismissal applies only when a disciplinary hearing finds an act of gross misconduct (see Section 7 for examples). While not exhaustive, these examples indicate the level of seriousness required. Employees dismissed for gross misconduct will not receive notice or pay in lieu of notice. However, they will be entitled to any other contractual payments due, such as outstanding holiday pay or expenses.

(a) Right of Appeal

- vii. As set out in section 8 Appeals Procedure, every employee will have the right to appeal against sanctions imposed at any of the stages 1, 2 and 3 of the procedure and will be informed how to do so.

7. Gross Misconduct

The following list provides examples of offences which are normally regarded as gross misconduct, however, this list is not exhaustive:

- Child abuse (as defined in The Children's Trust's Safeguarding Policy)
- Sexual offences and sexual misconduct
- Physical and verbal violence, including threats
- Theft, fraud, falsification of records, electronic timesheets or self-certification forms
- Breach of The Children's Trust financial regulations
- Serious breaches of The Children's Trust policies, rules or procedures
- Serious breaches of The Children's Trust School Code of Conduct
- Bullying or harassment, including sexual, religious or racial harassment or intimidation or discrimination (see the Bullying, Intimidation & Harassment at Work policy)

- Gross breaches of the organisation's IT policies or inappropriate use of mobile phones or social media in a way that harms The Children's Trust, its employees or its service users/stakeholders
- Deliberate damage to property including that belonging to The Children's Trust
- Being under the influence/using alcohol or non-prescribed drugs or smoking illegal substances whilst at work; smoking at work in non-prescribed areas of The Children's Trust sites
- Sleeping whilst on duty where there is a risk to the children or young people in our care or a safeguarding risk
- Use of personal electronic devices whilst on duty in roles where this is prohibited and there is a risk to the children or young people in our care or a safeguarding risk
- Negligence with regard to the health, safety and welfare of self or others
- Repeated failure to comply with reasonable management instructions
- Any serious act of insubordination
- Acceptance of any gifts, inducements or hospitality in return for placing of contracts for purchase of materials, equipment or supplies, or the supply of information without prior approval
- Gross inefficiency or neglect of duty
- Breach of confidentiality
- Willful defiance of the organisation's policies, rules and procedures
- Repeated failure to maintain professional registration or to update/register for a Disclosure and Barring Service check
- Failure to inform the Children's Trust of a caution or conviction accrued during the employee's employment with The Children's Trust
- Serious breach of Health and Safety and other statutory rules
- Serious breach of a professional code of conduct set by a professional body
- Repeated failure to complete mandatory training
- Any conduct which in the reasonable opinion of The Children's Trust brings the employee or the organisation into disrepute, including outside of the employee's working hours.

Examples of misconduct for which disciplinary action is appropriate include (but are not limited to):

- persistent poor timekeeping;
- breach of our absence reporting procedures;
- general disobedience;
- careless work;
- time-wasting;
- disruptive behaviour; and
- insulting or offensive behaviour towards others, not amounting to serious harassment or bullying.
- Actions outside work

We may consider your actions outside work (including your use of social media) to be gross misconduct, or misconduct, if they affect your ability to carry out your job or have a negative effect on our reputation.

8. Appeals Procedure

- An employee may appeal if they believe that a disciplinary decision is wrong or unjust. Examples of potential grounds for an appeal that an employee may rely on include:
 1. new evidence has come to light that should be investigated;
 2. the sanction imposed was too severe or disproportionate to the misconduct;
 3. the sanction was inconsistent with one imposed for similar misconduct committed by another employee;
 4. the employer has not taken into account a previously exemplary disciplinary record, or
 5. there were procedural failings, for example The Children's Trust did not follow this disciplinary policy, or did not give the employee enough information about the allegations of misconduct for them to be able to prepare for the disciplinary hearing.

- ii. An employee who wishes to appeal against a disciplinary decision should do so in writing to the HRBP, giving grounds for the appeal, within five working days of receipt of the written confirmation of the disciplinary decision.
- iii. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.
- iv. If the employee raises any new matters in their appeal notice The Children's Trust may decide, at its absolute discretion, it is appropriate to carry out further investigation. Both parties will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. Both parties will have a reasonable opportunity to consider this information before the disciplinary hearing.
- v. The employee will be given written notice of the date, time and place of the appeal hearing. This will normally be within 14 days, or as soon as reasonably practical, following receipt of the written appeal notice.
- vi. 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. It will be at The Children's Trust's discretion depending upon the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- vii. An independent Manager who has not been previously involved in the case will hear the appeal (the Appeal Manager). The Appeal Manager will ideally be of a more senior position to the chair of the disciplinary hearing. If an appeal relates to a member of SLT a suitably independent trustee, and if the appeal relates to the CEO the Chairperson of Trustees, shall function as an Appeal Manager or alternatively The Children's Trust may appoint a suitably qualified external HR advisor or legal representative.
- viii. If the employee is unable to attend the hearing, but gives a reasonable explanation (for example their companion cannot attend), the employee may offer an alternative date within 5 days or as soon as reasonably practical of the original date. If the employee fails to attend through circumstances outside their control e.g. illness, the organisation may arrange another hearing within 5 days or as soon as reasonably practical and advise the employee that, if they fail to attend the rearranged meeting, the organisation may make a decision on the evidence available. If the employee is absent due to ill health, they may still be asked to attend the rearranged hearing if they are deemed fit to be at the hearing and are able to follow the proceedings. External medical advice will be taken into consideration but the decision of The Children's Trust as to ability to attend is final.
- ix. The Appeal Manager will be accompanied by another independent person in order to take notes and witness what is said. (Please note contemporaneous notes will be taken but these are not intended to be detailed minutes.) The contemporaneous notes will be available to the employee after completion of the appeal process. It is the responsibility of the Appeal Manager to ensure that an accurate record of all discussions is maintained. A People Team HRBP will also be present to provide procedural guidance and support.
- x. All employees will have the right to be accompanied to an appeal hearing. The employee may bring a companion (who is a workplace colleague or certified Trade Union official) with them to the appeal hearing. Employees may not bring as their companion an individual acting in a legal capacity, e.g. a solicitor. For verification purposes the employee must provide details to the Appeal Manager of their chosen companion, a minimum of 48 hours before the appeal hearing. The Children's Trust will ask the employee to choose another companion where the original choice may give rise to a conflict of interests or is deemed inappropriate at the absolute discretion of The Children's Trust.
- xi. During the appeal the employee or companion will be given the opportunity to present or comment on any new evidence arising before a decision is taken. The same rules of engagement in terms of the role of the companion will apply during the appeal as those of the original disciplinary hearing as set out in Clause 4.13 and 4.14 above.
- xii. The Children's Trust may adjourn the appeal hearing at its discretion if there is a need to undertake further investigations in the light of any new points raised by the employee or their companion at the

appeal hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the appeal hearing is reconvened.

- xiii. Following the appeal hearing the Appeal Manager may:
 - (a) confirm the original decision
 - (b) revoke and revise the original decision
 - (c) confirm the original decision but apply an alternative sanction.
- xiv. The Appeal Manager has the discretion to apply an alternative sanction, which could include an increased sanction.
- xv. The employee will be notified in writing of the results of the appeal by the Line Manager, with the support of HRBP, and the reasons for the decision as soon as possible. The decision of the Appeal Manager will be final. There is no further right of appeal.

9. Special Considerations

Criminal investigations

- i. Where the employee's conduct is the subject of a criminal investigation, charge or conviction, The Children's Trust will investigate the facts before deciding whether to take formal disciplinary action.
- ii. Where appropriate, investigations by other agencies such as police or social services, may be carried out separately from investigations under this policy. The Children's Trust will refer relevant matters to the LADO, or the relevant regulatory body, who will make the decision as to whether this is a police matter and will contact the police if required. The Children's Trust will give the fullest co-operation allowed by law to try to ensure any such external investigations are carried out to a high standard.
- iii. The Children's Trust will not necessarily wait for the outcome of any prosecution before deciding what action, if any, to take (i.e. suspension with or without pay). Where the employee is unable or has been advised not to attend a disciplinary hearing, or say anything about a pending criminal matter, The Children's Trust may have to take a decision based on the available evidence. However The Children's Trust will consider advice received (if any) from the Police or investigating authorities before proceeding so as not to prejudice any investigation or future trial.
- iv. Criminal offences outside employment will not be treated as automatic reasons for dismissal. Consideration will be given as to whether the offence is one that makes the employee unsuitable for the work, unacceptable for other employment within The Children's Trust, or whether for reasons of statute the employee is unable to carry on in the required role. Furthermore, if the nature of the offence committed is such that the fact the offence has been committed by the employee (albeit outside work) may cause damage to the reputation of The Children's Trust, then this may be deemed to be gross misconduct.
- v. Failure to inform The Children's Trust of a caution or conviction accrued during the employee's employment with The Children's Trust will be considered as gross misconduct.

Data Breaches

- vi. Where cases include serious personal data breaches, The Children's Trust has a legal duty to report such cases to the Information Commissioner's Office within 72 hours via the Data Protection Officer. Should such a breach occur the Data Protection Officer must be consulted as a priority.

References

- vii. The Children's Trust is under no obligation to provide employees with a reference for new posts but will provide minimal information around start and end date and the employee's final role and, where relevant and in line with statutory guidance, suitability to work with children, young people and/or Adults at Risk. Where references are provided, The Children's Trust will ensure that these are fair and accurate
- viii. In cases where the employee is the subject of disciplinary action or has been dismissed under the terms of this policy, The Children's Trust reserves the right to provide only a

factual reference including the details of policies the employee has been managed under. If a disciplinary warning is live (as advised in the disciplinary decision letter) on the employee's file, then this will be highlighted in any reference provided by the organisation.

- ix. In line with statutory guidance, cases of a child protection or safeguarding nature which were founded or upheld will always be disclosed in a reference if the referee asks for information regarding safeguarding concerns or suitability to work with children. Such disclosures will be approved by either the Director of Resources or the relevant regulatory Manager prior to being issued.
- x. All references will be provided in accordance with the Staff Handbook and under the guidance issued by the appropriate regulatory body for example Department of Education and The Children's Trust's external employment law firm.

b. The DBS, Professional bodies, Professional codes of conduct and Referral to external bodies

- i. The Disclosure and Barring Services (DBS) was set up by the UK Government to safeguard vulnerable adults and children. The DBS maintain lists of individuals who are barred from working with these groups.
- ii. If an individual in regulated activity is removed from regulated activity (e.g. by dismissal, redeployment to a post not in regulated activity) as a result of a safeguarding matter where it is believed the 'harm' test has been met, The Children's Trust has a legal duty to make a referral to the DBS for consideration of discretionary barring and this referral will be made by the Registered Manager.
- iii. If the employee resigns during the investigation, The Children's Trust will complete the process and determine whether, on balance of probability, they would have dismissed the person if they had not resigned. If so, the legal duty to make a referral to the DBS applies.
- iv. In addition, professional bodies, e.g. the Teaching Regulation Agency, The Nursing and Midwifery Council, General Medical Council and The Health and Care Professionals Council, include their own professional codes of conduct and standards for maintaining professional standards of conduct and performance in order to safeguard and protect the interests of the public/service users. You may be referred to your professional body when it is felt their standards or Code of Conduct has been breached and this referral will be made by the relevant regulatory manager for that area.
- v. In cases of alleged misconduct The Children's Trust retains the right to decide whether or not the employee will need to be referred to any relevant regulatory bodies at any point during the disciplinary process. It will be the responsibility of the relevant regulatory Manager in consultation with the Head of People & Culture, to make the referral. The employee will be informed of the referral. The Children's Trust also retains the right to provide evidence and assist any independent investigations carried out by such regulatory bodies and may take any findings by such regulatory bodies into account in the disciplinary process.
- vi. In addition, in any case that involves an alleged safeguarding issue, The Children's Trust is required to immediately contact the LADO and/or the regulatory bodies CQC and Ofsted, and supply personal details of any employee, including supply/agency staff and volunteers, suspected of putting children/vulnerable adults at risk. The Children's Trust is also required to provide regular updates (including Disciplinary documentation where requested) to the LADO regarding progress of the investigation / progress of the Disciplinary process. The LADO will provide guidance as to appropriate next steps following any disciplinary decision. The Children's Trust is obliged to follow this guidance in a timely manner. The Line Manager will be responsible for informing the employee of any referrals within a timely manner.

If the LADO is notified of an alleged safeguarding issue in respect of an employee with their own children, it should be noted that the LADO may also consider the safeguarding of the employee's own children dependent on the facts of the alleged issue.

- vii. On conclusion of any disciplinary investigation involving an alleged safeguarding issue and/or where the LADO has been involved, The Children's Trust will undertake a learning lessons review to identify any policy amendments, training needs or other actions that may reduce the risk of the same or a similar issue arising in the future. The Head of Clinical Governance will appoint an appropriate person to conduct the lessons learnt exercise.
- viii. As a registered charity, The Children's Trust is also required to notify the Charity Commission of any serious incident. If a serious incident may have occurred, the Line Manager, with the agreement of the relevant SLT Director, should refer the matter to the Head of Audit, Risk & Governance.

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to beneficiaries, staff, volunteers or others who come into contact with The Children's Trust through its work
- loss of money or assets
- damage to The Children's Trust's property
- harm to The Children's Trust's work or reputation.

Document Change Control

Version	Status	Description (of changes)	Reviewed by	Reviewed/ Issued Date
0.1	Draft	Amended disciplinary policy	EC	02/05/2025
0.2	Draft	Senior HRBP review and comments	GB	20/05/2025
0.3	Draft	Head of People and culture and Director of Resources review and comments	JG & MM	22/05/2025
1.0	Final	Final Version	EC	28/07/2025

Appendix 1 – Stakeholder Engagement Checklist

Review and complete the following checklist to indicate which stakeholders were consulted in the development of this policy.

#	Question	Yes/ No	Stakeholder(s) to be consulted
1	Is there a statutory requirement to have in place this particular policy/ does the policy need to comply with detailed legislation?	Yes	Audit, Risk and Governance team
2	Is implementation of the policy (or any element of it) dependent on the use of new or existing information technology?	No	Head of IT
3	Does implementation of the policy (or any element of it) place any demands on/ or affect the activities of the Estates and Facilities teams (e.g. does it impact the provision or maintenance of premises, equipment, vehicles or other TCT assets)?	No	Head of Estates
4	Does implementation of the policy or any element of it involve/ impact the processing of personal data?	Yes	Data Protection Officer
5	Does implementation of the policy require significant unbudgeted operational or capital expenditure?	No	Finance Director
6	Does implementation of the policy (or any element of it) directly or indirectly impact on the delivery of services / activities in other areas of the organisation? E.g. a policy written by a clinical lead in CF&S might impact on the delivery of care for CYP attending the School.	No	Relevant, impacted OLT members
7	Is there a need to consider Health and Safety or potential environmental impacts in developing and implementing the policy?	No	Health and Safety Manager
8	Have you consulted with a representative of those who will be directly impacted by the policy?	Yes	
9	Is there a need to consider Equity, Diversity and Inclusion in developing and implementing the policy?	Yes	Head of People and Culture, Director of Resources
10	Is there a need to consider sustainability and potential environmental impacts in developing and implementing the policy?	No	
11	Please detail any other stakeholder groups consulted, if applicable.		FIRC Committee and Board