THAMESFIELD COLLEGE

CHANGING LIVES | CREATING FUTURES

Disciplinary Policy and Procedure

For implementation from September 2026

Prepared for Thamesfield College

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Disciplinary Policy and Procedure

Changing Lives | Creating Futures

Policy statement
Thamesfield College will deal with alleged misconduct promptly, consistently and fairly. No disciplinary sanction will be imposed until the facts have been established and the employee has had a proper opportunity to respond.

Document control information

Policy name	Disciplinary Policy and Procedure
Policy number	0007A
School	Thamesfield College
School type	Pupil Referral Unit
Employer	Surrey County Council
Policy owner	Headteacher
Approved by	Management Committee
Status	For approval
Version	1
Effective from	September 2026
Review period	Annual
Next review	September 2027
Publication	School website and staff handbook

Contents

1 Purpose and scope 4
2 Principles 4
3 Roles and decision making 4
4 Informal management 5
5 Preliminary enquiries and risk assessment 5
6 Investigation 6
7 Formal disciplinary hearing 6
8 Outcomes and sanctions 6
9 Appeal 7
10 Additional procedural arrangements 7
11 Approval monitoring and review 8
Appendix A Examples of misconduct and gross misconduct 8

1 Purpose and scope

This policy provides the framework for addressing employee conduct and behaviour. It applies to Thamesfield employees for whom Surrey County Council is the employer, including teachers and support staff, subject to their terms and conditions.

It does not apply to lack of ability, skill or knowledge, which is managed under Policy 0007B; sickness absence, which is managed under the absence-management procedure; redundancy; or concerns arising during probation, which are managed under the probation procedure. Where the correct route is unclear, the Headteacher will seek advice from the school's HR provider before formal action begins.

Misconduct may include deliberate negligence or a situation in which an employee is capable of meeting a reasonable requirement but chooses not to do so. A mistake or shortfall caused by lack of capability will not be treated as misconduct merely because its effect is serious.

2 Principles

Concerns will be addressed promptly and without unreasonable delay.

No formal sanction will be imposed before a fair and proportionate investigation and a disciplinary hearing.

The employee will be told the allegations, possible consequences and evidence in sufficient time to prepare.

The employee may respond, ask questions, present evidence and identify relevant witnesses.

Formal hearings and appeals carry the statutory right to be accompanied by an eligible trade union representative or workplace colleague.

Equality, health, disability, neurodiversity, language, religion, caring responsibilities and other relevant circumstances will be considered from the outset, with reasonable adjustments made where required.

Decision-makers will act consistently while considering the facts and mitigation of the individual case.

Dismissal will not normally follow a first act of misconduct unless gross misconduct is established after a fair process.

Information will be shared only with those who need it for the procedure, safeguarding, regulatory or legal purposes.

3 Roles and decision making

Role	Main responsibility
Management Committee	Approves and monitors the policy; appoints an uninvolved panel where dismissal may be an outcome and a separate panel for any appeal.
Headteacher	Ensures the procedure is applied fairly; normally commissions investigations and may chair hearings where dismissal is not a possible outcome and they have had no incompatible prior role.
Commissioning manager	Defines written terms of reference, appoints a suitable investigator, receives the report and decides whether there is a case to answer.
Investigating officer	Establishes relevant facts objectively, gathering evidence that supports and contradicts the allegation; does not decide sanction.

Hearing chair or panel	Considers the evidence and representations independently, decides findings on the balance of probabilities and determines any sanction.
Appeal panel	Reviews the stated grounds impartially and may uphold, revoke or vary the decision, but cannot increase the sanction.
Clerk	Charlotte Pearson coordinates Management Committee hearings and appeals, records proceedings and issues papers securely.
Surrey County Council and HR adviser	Provide employer and professional advice. Surrey will be invited to any hearing at which dismissal may be an outcome and will receive any dismissal determination without delay.

4 Informal management

Minor concerns should usually be raised promptly by the line manager through a private, constructive conversation. The employee should understand the concern, the standard expected, any support available and what may happen if the concern is repeated. Except for very minor matters, the manager will confirm the discussion in writing and review progress. Informal guidance is not a disciplinary sanction and will not be placed on the formal disciplinary file.

The formal procedure may begin immediately where the allegation is too serious for informal management or where informal action has not resolved repeated minor misconduct.

5 Preliminary enquiries and risk assessment

5.1 Preliminary enquiries

A manager may make limited preliminary enquiries to understand what is alleged, preserve evidence and decide whether the matter is unfounded, suitable for informal action or requires investigation. Preliminary enquiries must not become a disciplinary hearing or reach findings against the employee.

5.2 Safeguarding financial and criminal concerns

Safeguarding allegations will be referred immediately to the DSL and, where the threshold may be met, to the Local Authority Designated Officer. The school will follow current statutory safeguarding guidance and will not begin an internal investigation if this could prejudice police, social-care, LADO or other external enquiries. Suspected fraud or financial irregularity will be referred through Surrey's required route. Criminal investigation or charge does not automatically prevent an internal process; HR and relevant agency advice will determine timing.

5.3 Risk assessment alternatives and suspension

Before changing duties or suspending an employee, the nominated manager will record the alleged risk, relevant preliminary information, possible effects on people, evidence, the operation of the school and the employee's wellbeing, and the controls considered.

Suspension on full pay is a neutral precaution and a last resort. It may be considered where presence at work creates a serious risk, evidence or witnesses may be compromised, or working relationships have broken down so severely that the process cannot safely continue. Alternatives such as temporary duties, a different location, additional supervision or restricted access will be considered first. HR advice will be obtained. Any suspension will state the reasons, support and contact arrangements, be kept as short as possible and reviewed regularly by a person with authority to lift it.

6 Investigation

The commissioning manager will give the investigator written terms of reference defining the allegations, scope, provisional timescale, reporting route and any specialist advice required. Where practicable, the investigator, commissioning manager and hearing chair will be different people. The investigator will remain impartial and will not recommend a sanction.

The employee will normally be told in writing that an investigation is taking place, the nature of the allegations and who is investigating, unless an external agency advises delay.

The employee will normally receive at least five working days' notice of an investigatory meeting and may be accompanied by a trade union representative or workplace colleague under this policy.

Relevant witnesses may be interviewed and will be told that their evidence may be disclosed and that confidentiality is required.

Meeting notes and written statements will be checked with the person who provided them. Anonymous or withheld evidence will be used only exceptionally, with HR advice and sufficient disclosure to allow a fair response.

Evidence both supporting and contradicting each allegation will be gathered. Children will be interviewed only where necessary and with safeguarding and HR advice.

The employee will be kept informed where the investigation takes longer than expected.

The investigator will report the evidence and whether there appears to be a case to answer. The commissioning manager will decide whether there is no case to answer, informal action is appropriate, further investigation is required or a formal disciplinary hearing should be convened. The employee will be told the decision in writing.

7 Formal disciplinary hearing

The employee will receive at least five working days' written notice. The invitation will state each allegation, the possible level of sanction, the date and arrangements, the right to be accompanied and any witnesses to be called. It will normally include the investigation report, statements and documents to be considered.

At the hearing the management case and evidence will be presented. The employee and companion may respond, ask questions, present relevant evidence and call relevant witnesses with advance notice. The chair may adjourn for further investigation or consideration. No new allegation will be determined unless the employee has been given proper written notice and a fair opportunity to respond.

Findings will be made on the balance of probabilities. The decision-maker will consider the seriousness of the conduct, consistency, the employee's explanation and mitigation, employment record, length of service, equality considerations, the effect on pupils or the organisation and whether the proposed outcome is reasonable in all the circumstances.

8 Outcomes and sanctions

No case to answer or no formal action, with any appropriate support or management action confirmed separately.

First written warning, normally live for six months.

Final written warning, normally live for twelve months, including for a first offence sufficiently serious to justify it.

Action short of dismissal, only where lawful, proportionate and contractually agreed where required. This may include an offer of transfer or demotion without salary protection.

Dismissal with notice where further misconduct occurs during a live final warning or where exceptional serious misconduct justifies dismissal with notice.

Summary dismissal without notice where gross misconduct is established after a fair hearing.

The written outcome will normally be issued within five working days. It will explain the findings, reasons, sanction, required improvement, duration of any warning, consequences of further misconduct and right of appeal. Expired warnings will ordinarily be disregarded when deciding sanction, subject to the separate retention and safeguarding requirements that may apply to the underlying record.

Where a Management Committee panel determines that an employee should cease to work at Thamesfield, Surrey County Council will be notified without delay. As employer, Surrey will issue the formal termination in accordance with the statutory arrangements, including the applicable fourteen-day requirement.

9 Appeal

An employee may appeal a formal sanction in writing to the person named in the outcome letter within ten working days. The appeal must explain the grounds and outcome sought. Grounds may include a procedural defect, unreasonable finding or sanction, relevant new evidence, or mitigation that was not properly considered.

An uninvolved person or Management Committee panel of appropriate authority will hear the appeal without unreasonable delay. The employee will receive reasonable notice, the relevant papers and the right to be accompanied. The appeal may be a review or rehearing depending on the grounds. The written decision will normally be issued within five working days and is final within this procedure.

10 Additional procedural arrangements

10.1 Equality health and employee support

At the start of the process the manager will ask whether anything affects the employee's ability to participate fairly and will consider reasonable adjustments. Employee Assistance Programme details will be provided from the start of a formal investigation. Occupational Health advice and a stress risk assessment will be considered where a relevant health or stress concern is identified. A support contact outside the process will be appointed during any suspension.

10.2 Attendance postponement and accompaniment

Meetings will normally take place during working time. A formal hearing will be postponed to a reasonable alternative proposed by an eligible companion where that date is within five working days of the original date. Other requests will be considered fairly. If the employee remains unable or unwilling to attend, the school may proceed after considering health advice, adjustments, written representations and representation by the companion.

10.3 Grievances

A concern about the operation of this procedure will normally be considered within it. A related grievance may be addressed concurrently or the disciplinary process may be paused where this is necessary for fairness, particularly where discrimination or bias is alleged. An unrelated grievance will normally proceed separately under Policy 0009.

10.4 Trade union representatives

Before formal action against an accredited trade union representative, HR advice will be obtained and, with the employee's agreement, the matter will be discussed with a full-time official of the relevant union.

10.5 Recording confidentiality and records

Written notes will be taken. Audio or video recording is not normally permitted, although it may be agreed as a reasonable adjustment or for another justified reason. Personal information will be stored securely, shared only for legitimate purposes and retained in line with the school's retention schedule and statutory safeguarding requirements.

10.6 Referrals and resignation

Resignation will not prevent an investigation from being completed where safeguarding, regulatory, reference or organisational duties require it. The school and Surrey will make any required referral to the DBS, Teaching Regulation Agency, LADO, police, professional body or other authority and will tell the employee where appropriate.

11 Approval monitoring and review

The Management Committee approves this policy. The Headteacher will monitor its operation with the school's HR provider and report themes without identifying individuals. It will be reviewed annually and earlier following a change in law, statutory guidance, Surrey policy or evidence that the procedure is not operating fairly.

	Name and role	Signature and date
For the Management Committee	Steve Price, Chair of the Management Committee	
For the school	Nick Elliott, Headteacher	

Appendix A Examples of misconduct and gross misconduct

The examples below are illustrative. Classification depends on the facts, seriousness, consequences, the employee's role, prior instruction and other relevant circumstances.

Misconduct

failure to follow a reasonable instruction or established procedure;

unauthorised absence, persistent poor timekeeping or failure to follow reporting arrangements;

inappropriate use of school systems, equipment, information or social media;

breach of confidentiality, data-protection or health-and-safety requirements;

inappropriate, disrespectful, bullying, harassing or discriminatory behaviour;

conduct inside or outside work that has a relevant adverse effect on the role, safeguarding or the school's reputation;

failure to maintain appropriate professional boundaries or standards; and

negligent work where the employee was capable of complying with the required standard.

Gross misconduct

dishonesty, theft, fraud or deliberate falsification of records;

serious safeguarding failure, abuse or risk of harm to a child or vulnerable person;

sexual misconduct or serious breach of professional boundaries;

violence, serious threats or serious bullying, harassment or discrimination;

serious insubordination;

being unfit for work through alcohol or illegal drugs;

gross negligence causing or risking serious harm, loss or damage;

serious misuse or unauthorised disclosure of confidential information or systems;

deliberate serious breach of health-and-safety requirements;

malicious damage; and

conduct fundamentally incompatible with continued employment or the employee's position of trust.