

THE MOUNT SCHOOL

DISCIPLINARY AND CONDUCT POLICY

2026-2027

Version	2.0
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Last updated	August 2026
Effective from	1 September 2026
Review date	August 2027
Approval	Approved by Chris Sellers - Director / Proprietor

This policy should be read alongside the Staff Code of Conduct, Safeguarding and Child Protection Policy, Whistleblowing Policy, Safer Recruitment Policy, Grievance Policy, Capability Policy, Data Protection Policy and relevant terms and conditions of employment.

1. Aims

- help and encourage employees to achieve and maintain satisfactory standards of conduct;
- make clear the standards expected of adults working at The Mount;
- provide a fair and consistent process where conduct may have fallen below the required standard;
- distinguish ordinary employment misconduct from safeguarding concerns while ensuring the two processes interact correctly;
- protect pupils, staff and the School through prompt, proportionate and properly recorded decision-making; and
- ensure safeguarding referrals to the LADO, DBS, Teaching Regulation Agency, police or children's social care are not delayed or displaced by an internal disciplinary process.

2. Legal, regulatory and guidance framework

The School will follow applicable employment law and the Acas Code of Practice on disciplinary and grievance procedures. Employment tribunals take the Acas Code into account when considering relevant cases.

Where conduct concerns involve safeguarding, this policy must be read with Keeping Children Safe in Education 2026 (KCSIE), particularly Part Four, and the School's Safeguarding and Child Protection Policy. KCSIE applies to independent schools and distinguishes concerns/allegations that may meet the harm threshold from concerns that do not meet it ('low-level concerns').

The policy also reflects the Employment Relations Act 1999 right to be accompanied at qualifying disciplinary hearings, the Equality Act 2010, data protection law, the Safeguarding Vulnerable Groups Act 2006 referral duties and teacher misconduct referral arrangements.

The Acas Code in force at the time of the process will be followed. Any later draft or consultation version will not be treated as binding until formally brought into force.

3. Scope and definitions

This procedure applies to employees of The Mount School. Appropriate modified arrangements may be used for workers, agency staff, contractors or volunteers where the employment procedure itself does not apply, while safeguarding requirements continue to apply to all adults working in or on behalf of the School.

A disciplinary issue arises where an employee may have failed to meet the standard of conduct reasonably expected of them.

Misconduct is conduct serious enough to require corrective or disciplinary action but not normally sufficient, on a first occurrence, to justify dismissal without prior warning.

Gross misconduct is conduct sufficiently serious that it may fundamentally undermine the employment relationship and may justify dismissal without notice following a fair investigation and hearing. Gross misconduct is not assumed merely because an allegation is serious.

Capability or poor performance arising from lack of skill, aptitude or ability is normally addressed under the Capability Policy. Deliberate refusal, negligence or conduct-related failures may fall under this policy depending on the facts.

4. Core principles of fairness

- matters will be dealt with promptly and without unreasonable delay;
- the facts will be established before disciplinary decisions are made;
- the employee will be told the substance of the case and given a fair opportunity to respond;
- investigation and decision-making will be separated where reasonably practicable;
- no disciplinary sanction will be imposed before a formal hearing where the formal procedure applies;

- decisions will be based on the balance of probabilities for internal employment purposes, while recognising that safeguarding, criminal and regulatory bodies apply their own tests;
- similar cases will be treated consistently while allowing for relevant differences;
- reasonable adjustments will be made where required;
- confidentiality will be protected so far as reasonably possible;
- the employee will have a right of appeal against a formal disciplinary sanction; and
- a safeguarding concern will be triaged under KCSIE before an internal disciplinary investigation proceeds in a way that could prejudice external enquiries.

5. Informal management action

Minor conduct issues will normally be addressed informally first, unless the matter is more serious, repeated, unresolved, potentially gross misconduct or safeguarding-related.

The line manager may meet the employee, explain the concern and expected standard, hear the employee's response and agree support or corrective action. A management note may be retained. Informal management guidance is not a formal disciplinary warning.

An informal matter may move to the formal procedure if the required improvement is not achieved or further concerns arise.

6. Safeguarding triage before disciplinary action

Any concern about an adult's conduct towards or around a child must first be considered under the Safeguarding and Child Protection Policy and KCSIE 2026. The Headteacher is the normal case manager for allegations; where the Headteacher is the subject of the concern, the Director/Proprietor acts as case manager.

The harm threshold includes an allegation that an adult working in or on behalf of the School has harmed or may have harmed a child; possibly committed a criminal offence against or related to a child; behaved towards a child in a way indicating they may pose a risk of harm; or behaved or may have behaved in a way indicating they may not be suitable to work with children. The last category can include transferable risk arising from conduct outside School.

Where the harm threshold may be met, the case manager will follow KCSIE and Kirklees LADO procedures. Only basic enquiries appropriate under local procedure will be undertaken before LADO consultation, so that police, children's social care or LADO processes are not compromised.

A safeguarding allegation may subsequently lead to disciplinary action, but the disciplinary process will be coordinated with external safeguarding/criminal processes. A police decision not to prosecute or an allegation not meeting the criminal standard does not automatically determine the employment outcome.

7. Suspension and other precautionary measures

Suspension is not an automatic response to an allegation or suspected gross misconduct. It is a precautionary measure, not a finding of guilt or disciplinary sanction. Alternatives will be considered where they can adequately manage risk.

Possible alternatives include temporary redeployment, changes to duties, removal of direct pupil contact, additional supervision, altered working arrangements or other proportionate safeguards, subject to contractual and safeguarding considerations.

Where suspension is necessary, the Headteacher will normally authorise it. If the Headteacher is the subject of the process, the Director/Proprietor will decide. Safeguarding cases will take account of LADO advice.

- the employee will be told the reason for suspension and that no conclusion has been reached;
- confirmation will be provided in writing as soon as reasonably practicable;

- suspension will normally be on full contractual pay;
- the employee will be told who they may contact and what confidentiality/contact restrictions apply;
- the School will maintain reasonable welfare contact;
- suspension will be kept as brief as possible and reviewed regularly; and
- any return to work after a safeguarding allegation will be planned appropriately, including support and management of contact with pupils where relevant.

8. Investigation

An appropriate investigating officer will be appointed. In straightforward matters this may be a member of SLT. In complex, senior, safeguarding or conflict-sensitive matters an external investigator may be appointed.

The investigator will establish the relevant facts and gather proportionate evidence. This may include documents, emails, records, CCTV where lawfully available, witness accounts and investigation meetings.

There is no general statutory right to be accompanied at a purely investigatory meeting. The School will, however, consider a reasonable request for accompaniment, including as a reasonable adjustment or where this would assist a fair process.

Investigation meetings are fact-finding and will not themselves issue a formal disciplinary sanction.

Where the employee leaves, resigns or refuses to participate, the School may continue an investigation and seek to reach and record an outcome where appropriate, particularly where the matter has safeguarding implications.

9. Decision whether there is a disciplinary case to answer

Following investigation, an appropriate manager will decide whether there is no case to answer, whether informal action is sufficient, or whether the matter should proceed to a formal disciplinary hearing.

Where reasonably practicable, the disciplinary hearing officer will not be the person who carried out the investigation.

10. Notification of disciplinary hearing

Where there is a case to answer, the employee will be invited to a disciplinary hearing in writing with reasonable notice. The School will normally aim to provide at least 7 working days' notice, although a shorter period may be agreed.

The notification will include:

- the allegations and sufficient detail for the employee to understand the case;
- the possible consequences, including if dismissal is a potential outcome;
- the date, time and location/form of hearing;
- the evidence to be relied upon, subject to lawful redactions and safeguarding restrictions;
- the employee's right to be accompanied;
- details of witnesses the School intends to call where relevant; and
- the arrangements/deadline for the employee to provide evidence or identify relevant witnesses.

11. Right to be accompanied

At a disciplinary hearing that could result in a formal warning or other disciplinary action, the employee has the statutory right to be accompanied by a fellow worker.

The School may permit another companion where appropriate, and will consider whether doing so is required as a reasonable adjustment.

If the chosen statutory companion cannot attend, the employee may propose a reasonable alternative time. The statutory framework provides for postponement of up to five working days after the original date; the School may agree a longer reasonable postponement where fairness requires it.

The companion may address the hearing, respond on the employee's behalf to points raised, confer with the employee, take notes and sum up. The companion is not normally entitled to answer factual questions on the employee's behalf unless the chair agrees.

12. Disciplinary hearing

The hearing officer will explain the allegations and evidence. The employee will be given a reasonable opportunity to answer the allegations, ask questions, present evidence, identify relevant witnesses and comment on witness information.

The hearing may be adjourned where further investigation is necessary. Any significant new evidence relied upon will normally be shared with the employee and a fair opportunity to respond provided.

A confidential written record will be kept.

If an employee is unable or unwilling to attend, the School will consider the reasons, medical or adjustment information, seriousness of the matter, previous postponements and whether written submissions or remote attendance could enable a fair hearing. In appropriate circumstances the hearing may proceed in the employee's absence after a fair opportunity to participate has been provided.

13. Standard of proof and decision-making

The hearing officer will decide, on the balance of probabilities, whether the alleged misconduct is established and what action, if any, is reasonable in all the circumstances. The decision will take account of seriousness, mitigation, consistency, disciplinary record where relevant, length of service, training, role/seniority, safeguarding implications and whether trust and confidence can be maintained.

Safeguarding allegation outcome terminology - substantiated, false, malicious, unsubstantiated or unfounded - will be used where required by KCSIE and must not be confused with the separate employment decision about disciplinary action.

14. Possible outcomes

The hearing may result in no action, management guidance, a first written warning, a final written warning, dismissal with notice, or summary dismissal for gross misconduct. Other contractual action may be considered where lawful and appropriate.

14.1 First written warning

A first written warning will set out the misconduct, required improvement/conduct, review period, duration for disciplinary purposes and consequences of further misconduct. The School's normal duration is up to 24 months, but the period will be stated in the warning and may be shorter or otherwise adjusted where reasonable in the circumstances.

14.2 Final written warning

A final written warning may be issued where there is further misconduct while a live warning applies or where misconduct is sufficiently serious to justify a final warning even though dismissal is not reasonable at that stage.

14.3 Dismissal

Dismissal may be considered where misconduct continues despite a final written warning, or for gross misconduct following a fair process. The outcome will state whether dismissal is with notice/payment in lieu or without notice for gross misconduct, subject to contractual rights.

Dismissal would require the local authority to be notified. Safeguarding, DBS, TRA, Ofsted and ISI or other regulatory notifications will also be made where the applicable criteria are met.

15. Written outcome

The employee will be informed of the outcome in writing as soon as reasonably practicable, normally within 7 working days. The letter will state the finding, reasons, sanction if any, duration of any warning, required standards/action and right of appeal.

16. Appeals

An employee may appeal a formal disciplinary sanction. The appeal should be made in writing within 7 working days of receiving the decision and should identify the grounds, such as procedural unfairness, unreasonable finding/sanction, new evidence or relevant inconsistency.

The appeal will be heard without unreasonable delay. Wherever reasonably practicable, it will be heard by a person who was not previously involved and who has authority to determine the appeal. An external person may be used where this improves impartiality.

The employee has the same statutory right to be accompanied at the appeal hearing. The appeal may be a review or rehearing depending on the grounds.

The appeal will not increase the disciplinary sanction simply because the employee exercised the right of appeal.

The outcome will be confirmed in writing as soon as reasonably practicable, normally within 7 working days, and will be final under the School's internal procedure.

17. Grievances raised during disciplinary proceedings

Where an employee raises a grievance during disciplinary proceedings, the School will consider whether the matters are related and whether it is fair and efficient to deal with them concurrently, incorporate the grievance issues into the disciplinary process, or pause one process. There is no automatic requirement to suspend the disciplinary process.

18. Criminal allegations and external investigations

The School will not automatically delay internal action merely because police or another agency is involved. It will liaise with the relevant agency/LADO and consider whether an internal process can proceed fairly without prejudicing external enquiries.

A criminal acquittal, decision not to charge or discontinued prosecution does not automatically prevent disciplinary action because the purpose and standard of proof differ. Equally, the School will not assume misconduct merely because an external investigation has occurred.

19. Resignation and settlement agreements in safeguarding cases

A resignation will not prevent the School from continuing a safeguarding investigation or reaching and recording an outcome where KCSIE requires this. The School will not use a settlement agreement to avoid investigating an allegation indicating that an individual poses a risk of harm or may be unsuitable to work with children.

No settlement agreement can prevent the School from meeting a legal DBS referral duty, considering a TRA referral, or providing safeguarding information in a reference where KCSIE requires it.

20. DBS barring referrals

The School has a legal duty as a regulated activity provider to refer to the Disclosure and Barring Service where the statutory conditions are met. This includes where an individual is removed from regulated activity - or would have been removed had they not left - and the relevant conduct/harm-test/relevant-offence criteria are met.

The duty can apply following dismissal, redeployment away from regulated activity, resignation, retirement or cessation of volunteering. It applies to paid staff and volunteers who were engaged in regulated activity. A referral duty is not displaced because the LADO, police or another body is also involved.

From 1 September 2026, changes to the definition of regulated activity with children, including removal of the supervision exemption for qualifying teaching, training, instruction, care or supervision, will be taken into account when determining whether a person was engaged in regulated activity.

21. Teaching Regulation Agency referrals

Where the School dismisses or ceases to use the services of a teacher because of serious misconduct, or might have done so had the teacher not left first, the School must consider whether the case should be referred to the Secretary of State through the Teaching Regulation Agency (TRA).

A TRA referral is separate from any DBS referral and the criteria for each will be considered independently.

22. References following disciplinary or safeguarding matters

References will instead be fair, accurate and not misleading and will comply with KCSIE safeguarding requirements.

KCSIE provides that false, unfounded, unsubstantiated or malicious safeguarding allegations should not be included in references. Substantiated safeguarding allegations that meet the harm threshold should be included where required, using factual information rather than opinion. Low-level concerns are not included merely because they are safeguarding low-level concerns, unless they relate to matters such as misconduct or poor performance that would normally properly be included.

23. Record keeping

Records of disciplinary investigations, hearings, decisions and appeals will be kept securely, with access restricted appropriately and retention determined by the School's retention schedule, data protection law, safeguarding requirements and the nature of the record.

Formal disciplinary sanctions will be placed on the employee's personnel file. The fact that a warning is no longer 'live' for disciplinary purposes does not necessarily mean every underlying employment record must immediately be destroyed; retention will be lawful, proportionate and governed by the retention schedule.

Safeguarding allegation records are subject to the specific KCSIE rules in section 27 below.

24. Low-level concerns - purpose and culture

The safety and wellbeing of children depends on staff sharing concerns about adults promptly, including concerns that do not meet the harm threshold. The Mount promotes an open culture in which staff can report concerns about colleagues and self-refer without fear that responsible reporting will itself be treated as wrongdoing.

A low-level concern does not mean an insignificant concern. It is any concern, however small - including a sense of unease or 'nagging doubt' - that an adult working in or on behalf of the School may have acted inconsistently with the Staff Code of Conduct, including inappropriate conduct outside work, but the behaviour does not meet the harm threshold or otherwise warrant LADO referral.

Examples can include being overfriendly with children, having favourites, using a personal phone to photograph pupils contrary to policy, inappropriate one-to-one arrangements in secluded areas or humiliating children. Context is always considered.

25. Reporting and responding to low-level concerns

Low-level concerns, including self-reports, should be shared as soon as reasonably possible. Staff may report to the DSL or Headteacher in accordance with the Safeguarding and Child Protection Policy. The Headteacher is the ultimate decision-maker for low-level concerns; where the concern is about the Headteacher, it must be reported to the Director/Proprietor.

Where the DSL receives a low-level concern, the DSL will inform the Headteacher in a timely way according to the nature of the concern. Where there is any doubt whether the harm threshold may be met, the School will consult the Kirklees LADO.

Concerns about supply staff and contractors will also be shared with their employer so that patterns can be identified.

The Headteacher/appropriate manager will gather sufficient information to understand the concern, normally including speaking with the person who raised it, the adult concerned and relevant witnesses, unless safeguarding advice indicates otherwise. The decision, rationale and action will be recorded.

Possible responses include no further action, management advice, training, supervision, review of working arrangements, formal disciplinary action, or escalation to the LADO where the harm threshold is or may be met.

Self-reporting is encouraged where an adult has found themselves in a situation that could be misinterpreted, appears compromising or where they believe their own behaviour fell below expected professional standards.

26. Low-level concern confidentiality, records and patterns

All low-level concerns will be recorded in writing. The record will include the concern, context, action taken and the name of the person raising it. If that person asks to remain anonymous, this will be respected as far as reasonably possible because it cannot always lawfully or fairly be guaranteed.

Records will be confidential, secure and reviewed for patterns. A pattern may require disciplinary action, LADO consultation/referral or wider changes to culture, policy, supervision or training.

KCSIE leaves schools to decide how long low-level-concern information is retained and recommends retention at least until the individual leaves employment. The previous policy automatically applied the normal-pension-age/10-year allegation period to all low-level concerns; the revised policy distinguishes low-level-concern records from harm-threshold allegation records.

The School will retain low-level-concern records in accordance with its safeguarding retention schedule, normally at least until the individual leaves employment, and longer where the concern has become part of a disciplinary, safeguarding allegation or other record with a longer lawful retention period.

27. Harm-threshold allegation records

For safeguarding allegations other than those found false or malicious, KCSIE requires a clear and comprehensive summary of the allegation, how it was followed up and resolved, action/decisions and outcome, a copy for the individual where agreed with relevant agencies, and a declaration about future reference disclosure.

False or malicious allegation details should be removed from personnel records unless the individual consents to retention. Other allegation records - including substantiated, unfounded and unsubstantiated outcomes - should be retained at least until the individual reaches normal pension age or for 10 years from the allegation, whichever is longer.

28. Confidentiality and reporting restrictions

Information about disciplinary and safeguarding matters will be shared only with those who need it for a legitimate purpose. In safeguarding allegations involving a teacher, statutory reporting restrictions may prohibit publication of material that could identify the teacher while the restrictions apply. Staff must not use social media or informal communication to discuss confidential allegations.

29. Monitoring and review

The Headteacher and Director/Proprietor will monitor the operation of this policy, including timeliness, consistency, safeguarding referrals, suspension decisions, low-level-concern patterns and lessons learned.

The policy will be reviewed annually and sooner following a significant legal, KCSIE or Acas change, serious case, inspection finding or identified weakness.

Appendix 1 - Examples of misconduct

The following examples are non-exhaustive and classification will depend on seriousness, context, intent, impact and any previous history.

- unauthorised absence or persistent lateness;
- inappropriate or unprofessional language, including in front of pupils;
- failure to follow School policies, procedures or reasonable management instructions;
- inappropriate use of School facilities, systems or equipment;
- minor or repeated breaches of confidentiality or data-handling requirements;
- conduct that undermines professional boundaries but does not meet the safeguarding harm threshold;
- inappropriate use of personal devices, social media or communications;
- failure to maintain required records or follow operational procedures;
- unreasonable refusal to undertake duties within the employee's role; and
- negligent conduct falling below expected standards.

Appendix 2 - Examples of potential gross misconduct

- physical violence or serious assault;
- serious discrimination, harassment, victimisation or bullying;
- theft, fraud or deliberate falsification of records;
- serious sexual misconduct;
- serious safeguarding misconduct, abuse of a position of trust or conduct indicating unsuitability to work with children;
- serious breach of confidentiality or data security;
- deliberate serious damage to School property;
- serious insubordination;
- serious misuse of alcohol or drugs affecting work or pupil safety;
- serious breach of health and safety requirements placing others at significant risk;
- deliberate or reckless misuse of School IT, online systems, images or data;
- serious dishonesty in recruitment, safeguarding checks or professional records;

- conduct outside work that creates serious transferable safeguarding risk or fundamentally undermines the employment relationship; and
- deliberate conduct causing serious reputational harm, where the circumstances justify treating it as gross misconduct.

This list does not predetermine the outcome. Every allegation requires fair consideration of the facts.

Appendix 3 - Safeguarding / disciplinary decision prompt

- Does the concern involve conduct towards or around a child?
- Could any KCSIE harm-threshold criterion be met?
- Is there transferable risk from conduct outside School?
- Has the case manager/DSL considered immediate child safety?
- Is LADO advice required before further internal enquiries?
- Could police or children's social care enquiries be prejudiced by internal investigation?
- Is suspension actually necessary, or can risk be managed another way?
- If the concern is low-level, has it been recorded and checked against previous concerns?
- If employment ends, do the DBS referral conditions need to be considered?
- If the person is a teacher, must a TRA referral be considered?
- Have reference and record-retention requirements been determined correctly?

Appendix 4 - Low-level concern record

Date/time concern received:

Adult concerned / role:

Person raising concern (or anonymous request):

Details and context of concern:

Child/children involved:

Immediate safeguarding action:

Harm-threshold check and rationale:

LADO consultation/advice if any:

Information gathered:

Previous low-level concerns/pattern check:

Decision and rationale:

Action/support/training/disciplinary step:

Employer notified if supply/contractor:

Review date / outcome:

Headteacher/Proprietor sign-off: