

Remedicare Education Services

Disciplinary Procedure

Issue Date: September 2026

Review Date: September 2027

Related Documents:

- Staff Code of Conduct & Professional Expectations Policy
- Staff Concerns & Conduct Protocol
- Child Protection & Safeguarding Policy
- Whistleblowing Policy
- Internal Grievance Procedure
- Equality, Diversity and Inclusion Policy
- Social Media & Communication Policy
- Data Protection and Privacy Policy
- Health and Safety Policy
- Lone Working Policy
- Learner Transport and Driving for Work Policy
- Other relevant Remedicare policies and procedures

1. Purpose

Remedicare Education Services is committed to maintaining a safe, professional, respectful and supportive working environment in which staff understand the standards expected of them.

The purpose of this Disciplinary Procedure is to provide a fair, consistent, transparent and proportionate framework for dealing with concerns about employee conduct, behaviour, performance where appropriate, or failure to comply with Remedicare policies, procedures or professional expectations.

The procedure is designed to:

- protect learners, staff, families and the wider Remedicare community;
- ensure staff understand the standards expected of them;
- provide an opportunity for concerns to be investigated fairly;
- give employees a reasonable opportunity to respond to allegations;
- ensure decisions are based on evidence and are proportionate;
- support improvement where this is appropriate;
- ensure serious concerns are dealt with promptly;
- provide a clear right of appeal; and

- support Remedicare in meeting its safeguarding, employment, health and safety and legal responsibilities.

This procedure is intended to operate consistently with the **ACAS Code of Practice on Disciplinary and Grievance Procedures**, applicable employment legislation and relevant safeguarding requirements.

2. Scope

This procedure applies to employees working for Remedicare Education Services, including:

- permanent employees;
- full-time employees;
- part-time employees;
- fixed-term employees;
- employees working under flexible or variable arrangements; and
- employees working within Remedicare's Alternative Provision, outreach, education, wellbeing, transport or other services.

Where appropriate and contractually applicable, concerns involving agency workers, contractors, volunteers or other individuals working on behalf of Remedicare may be managed through the relevant contractual, organisational or safeguarding process.

Nothing within this procedure removes or limits an individual's statutory employment rights.

Where a person has a short period of service, Remedicare will still seek to act fairly, reasonably and consistently and will comply with all applicable statutory protections.

3. Relationship With Other Remedicare Policies

This procedure should be read alongside the Remedicare **Staff Code of Conduct & Professional Expectations Policy** and the **Staff Concerns & Conduct Protocol**.

The Staff Code of Conduct sets out the professional standards expected from everyone working for Remedicare.

The Staff Concerns & Conduct Protocol provides a framework for helping managers identify and categorise concerns according to their seriousness.

The Disciplinary Procedure provides the formal process that may be followed where a concern is sufficiently serious, repeated or otherwise requires formal disciplinary consideration.

The categorisation of a concern does not automatically determine the disciplinary outcome. Each matter must be considered on its own facts and circumstances.

4. Core Principles

Remedicare will ensure that disciplinary matters are managed in accordance with the following principles.

4.1 Fairness

Employees will be treated fairly and will normally be given a reasonable opportunity to understand the concerns raised against them and respond before a disciplinary decision is made.

4.2 Impartiality

Where reasonably practicable, investigations and disciplinary decisions will be undertaken by people who have no conflict of interest or inappropriate prior involvement in the matter.

4.3 Proportionality

Remedicare will consider the seriousness of the conduct, the circumstances, the employee's response, previous relevant conduct and any mitigating factors before deciding what action is appropriate.

4.4 Consistency

Similar cases should be considered in a reasonably consistent manner. However, consistency does not mean that every case will have the same outcome, as individual circumstances must always be considered.

4.5 Right to be Heard

Employees will be given a reasonable opportunity to provide their account, identify relevant evidence and respond to allegations.

4.6 Right to be Accompanied

Where the procedure reaches a formal disciplinary hearing or appeal meeting, employees will have the statutory right to be accompanied in accordance with applicable employment legislation.

4.7 Confidentiality

Information will be shared only with those who need it for legitimate reasons, including safeguarding, investigation, management, legal or employment purposes.

4.8 Safeguarding

Where a concern relates to the safety or welfare of a learner, safeguarding responsibilities take priority.

The disciplinary process must not interfere with any safeguarding referral, investigation or protective action.

4.9 No Retaliation

Employees must not be subjected to detrimental treatment because they:

- raise a genuine concern;
- make a legitimate grievance;
- report a safeguarding concern;
- make a whistleblowing disclosure;
- cooperate with an investigation; or
- provide evidence honestly.

5. Standards of Conduct

All staff are expected to comply with the standards set out in the **Staff Code of Conduct & Professional Expectations Policy**.

This includes expectations relating to:

- safeguarding;
- professional boundaries;
- relationships with learners;
- respectful behaviour;
- equality and inclusion;
- confidentiality;
- use of technology and social media;
- communication;
- professional relationships with colleagues and families;
- appropriate use of Remedicare property and systems;
- health and safety;

- lone working;
- transport and driving;
- attendance and reliability;
- honesty and integrity;
- appropriate behaviour outside the workplace where it has a legitimate and relevant impact on employment, safeguarding or Remedicare's reputation; and
- compliance with Remedicare policies and procedures.

Failure to meet these standards may result in informal management action or formal disciplinary action depending on the circumstances.

6. Examples of Conduct Concerns

The following are examples and are not an exhaustive list.

Concerns may include:

- failure to follow safeguarding procedures;
- inappropriate professional boundaries with learners;
- inappropriate communication with learners, parents or colleagues;
- bullying, harassment or discriminatory behaviour;
- inappropriate use of social media;
- inappropriate use of WhatsApp, Signal or other communication systems;
- breach of confidentiality or data protection requirements;
- unauthorised sharing of learner information or images;
- inappropriate physical contact with a learner;
- failure to follow risk assessments;
- unsafe working practices;
- failure to follow transport or driving procedures;
- unauthorised absence or repeated lateness;
- refusal to follow reasonable management instructions;
- misuse of Remedicare property, equipment or systems;
- dishonesty, fraud or theft;
- serious or repeated breaches of professional standards;
- being under the influence of alcohol or drugs while working;
- violence, threatening behaviour or intimidation;
- serious negligence;
- conduct that places a learner, colleague or other person at significant risk; or

- conduct outside work which is sufficiently connected to the employee's employment to legitimately affect the employment relationship, safeguarding responsibilities or Remedicare's ability to operate safely and professionally.

7. Informal Management Action

Not every concern will require formal disciplinary action.

Where a concern is minor, isolated or capable of being addressed through support and management intervention, Remedicare may use informal action.

This may include:

- an informal conversation;
- clarification of expectations;
- coaching;
- mentoring;
- additional supervision;
- training;
- reflective practice;
- a management instruction;
- an agreed improvement plan; or
- another proportionate management response.

Informal action is not normally a formal disciplinary sanction.

However, managers may retain an appropriate management record of the matter.

Where similar concerns are repeated, or where circumstances change, formal disciplinary action may become appropriate.

8. Staff Concerns & Conduct Protocol

The **Staff Concerns & Conduct Protocol** provides guidance for assessing concerns as:

- **Level 1 – Minor/Low-Level Concern**
- **Level 2 – Moderate Concern**
- **Level 3 – Serious/Gross Misconduct**

These levels are intended to help staff and managers understand the seriousness of a concern and determine an appropriate management response.

The levels are guidance rather than automatic disciplinary outcomes.

For example, a Level 1 concern may be managed informally, while a repeated Level 1 concern may become a formal matter.

A Level 2 concern may result in formal disciplinary action where appropriate.

A Level 3 concern may constitute serious or gross misconduct and may result in dismissal if the allegation is substantiated and dismissal is considered a reasonable and proportionate outcome.

9. Initial Consideration of a Concern

When a concern is raised, the appropriate manager or senior leader will consider:

- what has been alleged;
- the seriousness of the concern;
- whether there is an immediate safeguarding risk;
- whether any immediate protective action is required;
- whether the concern can be dealt with informally;
- whether a formal investigation is required;
- whether the matter should be referred to another process;
- whether an external agency needs to be informed; and
- whether any conflict of interest exists.

The fact that an allegation has been made does not mean that the allegation has been substantiated.

Remedicare will avoid reaching a disciplinary conclusion before the relevant evidence has been considered.

10. Safeguarding Concerns

Where a disciplinary concern involves a learner's safety or welfare, the matter must be considered immediately under Remedicare's **Child Protection & Safeguarding Policy**.

Examples may include allegations that a member of staff has:

- harmed a learner;

- behaved in a sexually inappropriate manner;
- breached professional boundaries;
- used inappropriate physical intervention;
- failed to respond appropriately to a safeguarding concern;
- shared inappropriate or harmful material with a learner;
- engaged in grooming or exploitative behaviour; or
- otherwise acted in a way that may place a learner at risk.

The Designated Safeguarding Lead (DSL) will determine the appropriate safeguarding response in accordance with Remedicare's safeguarding procedures and relevant local safeguarding arrangements.

Where appropriate, matters may be referred to:

- Children's Social Care/MASH;
- the Local Authority Designated Officer (LADO);
- the police;
- the commissioning school;
- the child's social worker;
- another safeguarding professional or agency.

Remedicare will cooperate with external safeguarding investigations.

A safeguarding referral and a disciplinary process are separate processes. One does not replace the other.

11. Whistleblowing and Grievances

Where a member of staff raises concerns about serious wrongdoing, malpractice, unlawful conduct, serious safeguarding failures or risks to children or others, Remedicare will consider whether the matter falls within the **Whistleblowing Policy**.

An employee must not be subjected to disciplinary action simply because they have made a protected disclosure or raised a genuine concern in accordance with the law.

Where an employee raises a personal employment grievance, the matter will normally be managed under the **Internal Grievance Procedure**.

Where a grievance raises concerns about another employee's conduct, the relevant conduct issue may be investigated separately.

Where appropriate, disciplinary and grievance processes may be managed concurrently or one process may be paused while another is considered.

12. Investigation

Where formal disciplinary action may be appropriate, Remedicare will normally undertake an investigation before a disciplinary hearing.

The purpose of the investigation is to establish the facts and determine whether there is a case to answer.

The investigator may:

- review written records;
- speak with the employee;
- interview witnesses;
- review relevant policies;
- review emails, messages or other communications;
- review relevant CCTV or other recordings where lawfully available;
- review incident reports;
- review relevant learner records;
- consider relevant safeguarding information;
- obtain documentary evidence; and
- seek information from other organisations where appropriate and lawful.

The investigator should seek to establish relevant evidence both supporting and potentially contradicting the allegation.

The investigation should be proportionate to the seriousness and complexity of the matter.

13. Investigation Timescales

Remedicare aims to progress investigations promptly.

As an internal target, investigations should normally be completed within **15 working days** where reasonably practicable.

This is not a fixed statutory deadline.

Investigations may take longer where:

- the matter is particularly complex;
- several witnesses need to be interviewed;
- safeguarding agencies are involved;
- the police or Local Authority is investigating;

- relevant staff are absent;
- evidence is difficult to obtain;
- the employee is absent;
- external information is required; or
- additional allegations arise during the investigation.

Where there is a significant delay, Remedicare will keep the employee informed where appropriate.

14. Suspension

Suspension will only be considered where it is reasonably necessary.

Suspension may be appropriate where:

- there is a serious or gross misconduct allegation;
- there is a safeguarding concern;
- there may be a risk to learners, staff or others;
- the employee's continued presence could interfere with the investigation;
- there is a significant risk of evidence being compromised; or
- another substantial reason makes temporary removal from the workplace necessary.

Suspension is a **neutral act** and does not mean that the allegation has been proven.

Where an employee is suspended, they will normally remain on their normal pay and contractual benefits, subject to the terms of their employment.

Conditions of suspension may include:

- not attending Remedicare premises without permission;
- not contacting learners or families;
- restrictions on contacting colleagues where necessary;
- restrictions on accessing Remedicare systems;
- being available for meetings and investigation purposes; and
- complying with reasonable management instructions.

Suspension will be reviewed regularly and should not be maintained longer than reasonably necessary.

15. Outcome of Investigation

Following the investigation, Remedicare may decide that:

A. There is no case to answer

The matter will be closed and the employee informed where appropriate.

B. Management action is appropriate

The matter may be dealt with through:

- advice;
- coaching;
- supervision;
- training;
- mentoring;
- management instruction; or
- another appropriate informal measure.

C. A disciplinary hearing is required

Where there is a case to answer, the matter will proceed to a formal disciplinary hearing.

The investigation itself does not determine whether misconduct has occurred.

16. Disciplinary Hearing

Where a disciplinary hearing is required, the employee will normally receive written notification of the hearing.

The notice will normally include:

- the allegations being considered;
- the date, time and location of the hearing;
- the possible disciplinary outcomes;
- relevant evidence to be considered;
- confirmation of the right to be accompanied; and
- information about how to provide relevant evidence or identify witnesses.

Remedicare will normally provide at least **5 working days' notice** of a disciplinary hearing, where reasonably practicable.

Where reasonable adjustments are required, these will be considered.

17. Right to Be Accompanied

Employees have the statutory right to be accompanied at a formal disciplinary hearing where the relevant legal conditions apply.

The companion may normally be:

- a work colleague; or
- an official employed by a trade union or an appropriate trade union representative.

The employee should inform Remedicare in advance if they intend to bring a companion.

Reasonable requests to change the hearing date to allow the chosen companion to attend will be considered in accordance with the law.

Remedicare may also allow another appropriate person to support an employee as a reasonable adjustment where appropriate.

18. Conduct of the Disciplinary Hearing

The person chairing the hearing will:

1. explain the purpose of the hearing;
2. explain the allegation(s);
3. confirm the evidence being considered;
4. allow the employee to respond;
5. ask relevant questions;
6. consider any mitigating circumstances;
7. consider any additional evidence;
8. allow the employee to raise relevant points; and
9. adjourn where necessary to consider the evidence.

The chair should not make a final decision until they have properly considered the information presented at the hearing.

19. Possible Disciplinary Outcomes

Depending on the circumstances, outcomes may include:

No action

The allegation is not substantiated or no disciplinary action is considered appropriate.

First Written Warning

A first written warning may be appropriate where misconduct is established and a formal warning is proportionate.

Final Written Warning

A final written warning may be appropriate where:

- misconduct is serious;
- there has been repeated misconduct;
- a previous warning remains relevant; or
- further misconduct could result in dismissal.

Dismissal

Dismissal may be considered where:

- gross misconduct is established;
- serious misconduct is established and dismissal is reasonable;
- there is continued misconduct following appropriate warnings; or
- another lawful and appropriate reason for dismissal exists.

Other appropriate action

Depending on the circumstances and employment terms, Remedicare may consider another appropriate outcome, such as:

- additional training;
- supervision;
- changes to duties;
- an improvement plan;
- redeployment where appropriate;
- removal from particular duties;
- another proportionate management measure.

Any action must be lawful, reasonable and proportionate.

20. Warnings

Where a formal warning is issued, the employee will normally be informed:

- what misconduct has been established;
- the level of warning;
- the improvement or conduct expected;
- what further action may be taken if the required improvement is not achieved or further misconduct occurs;
- the duration of the warning; and
- the right of appeal.

A warning will normally be disregarded for disciplinary purposes after its specified active period, although records may need to be retained for legitimate legal, safeguarding, HR or data protection purposes.

As a general Remedicare guideline:

- **First Written Warning:** normally active for 6–12 months;
- **Final Written Warning:** normally active for 12–18 months.

The appropriate period will depend on the circumstances.

21. Gross Misconduct

Gross misconduct is conduct which is sufficiently serious that it may fundamentally undermine the employment relationship and may justify dismissal without previous warnings, subject to a fair disciplinary process.

Examples may include, but are not limited to:

- serious safeguarding breaches;
- serious abuse or mistreatment of a learner;
- serious sexual misconduct or inappropriate sexual behaviour;
- serious breaches of professional boundaries;
- violence or serious threats;
- serious bullying, harassment or discrimination;
- serious breach of confidentiality or data protection;
- serious misuse of learner information or images;
- theft or fraud;
- deliberate falsification of records;

- serious dishonesty;
- serious negligence;
- serious breach of health and safety requirements;
- serious misuse of Remedicare systems;
- serious misuse of social media or digital communication;
- attending work under the influence of alcohol or drugs where this creates a serious risk;
- serious unauthorised disclosure of confidential information;
- serious breach of trust and confidence;
- serious failure to follow safeguarding or emergency procedures; or
- other conduct of comparable seriousness.

This list is illustrative and does not create an automatic rule that a particular allegation will result in dismissal.

22. Criminal Allegations

Where conduct may also constitute a criminal offence, Remedicare will consider whether the matter should be referred to the police or another relevant authority.

Remedicare will not normally wait indefinitely for the outcome of a criminal investigation before considering employment action.

However, the disciplinary process will be managed carefully to avoid prejudicing any criminal or safeguarding investigation.

Any decision will be based on the evidence reasonably available to Remedicare and the requirements of a fair employment process.

23. Safeguarding Allegations and External Investigations

Where an allegation is being investigated by Children's Social Care, the police, LADO or another safeguarding agency, Remedicare will cooperate fully.

Remedicare may:

- delay or adapt parts of the disciplinary process;
- restrict access to information;

- implement safeguarding measures;
- suspend or change duties where appropriate;
- undertake internal fact-finding where this does not interfere with external investigations.

The fact that an external investigation does not result in criminal proceedings does not automatically prevent Remedicare from taking employment action where there is sufficient evidence to do so.

24. Relationships and Conduct Outside Work

Remedicare recognises that employees have private lives and relationships outside work.

An employee's private life will not normally be treated as a disciplinary matter.

However, conduct outside work may become relevant where there is a genuine and sufficient connection to the employee's employment, such as where it:

- creates a safeguarding concern;
- involves a learner, parent or family connected with Remedicare;
- creates a serious conflict of interest;
- affects professional boundaries;
- significantly damages the employment relationship;
- affects the employee's ability to undertake their role;
- involves criminal or other serious conduct relevant to their position; or
- creates a significant and legitimate risk to Remedicare, its learners or staff.

Employees are expected to maintain appropriate professional boundaries with learners and families both during and outside working hours.

This section should be read alongside the **Staff Code of Conduct & Professional Expectations Policy** and relevant safeguarding procedures.

25. Digital Communication and Social Media

Conduct involving WhatsApp, Signal, social media, email or other digital platforms may be considered under this procedure where it relates to employment or Remedicare's legitimate interests.

Examples may include:

- inappropriate communication with learners;
- inappropriate communication with parents or families;
- sharing confidential information;
- sharing learner photographs or recordings without appropriate authority;
- inappropriate use of Remedicare communication groups;
- harassment or bullying through digital platforms;
- serious misuse of social media;
- inappropriate content connected to Remedicare's learners or staff;
- failure to follow Remedicare's Social Media & Communication Policy.

Staff should remember that professional responsibilities and safeguarding expectations may continue outside normal working hours where communication or conduct involves learners, families or colleagues.

26. Decision-Making

The decision-maker will consider:

- the evidence;
- the employee's response;
- whether the allegation is substantiated;
- the seriousness of the conduct;
- the circumstances in which the conduct occurred;
- relevant mitigating factors;
- previous relevant disciplinary history, where lawfully relevant;
- the employee's length of service and employment record where appropriate;
- the impact on learners, staff or Remedicare;
- consistency with comparable cases; and
- whether the proposed outcome is reasonable and proportionate.

The decision-maker should not impose a predetermined outcome.

27. Outcome Letter

The outcome will normally be confirmed in writing within **5 working days** of the disciplinary hearing where reasonably practicable.

The outcome letter will explain:

- the allegation(s);
- the findings;
- the decision;
- the reasons for the decision;
- any disciplinary sanction;
- any required improvement or action;
- the active period of any warning; and
- the employee's right of appeal.

Where a longer period is required, the employee will be informed.

28. Right of Appeal

An employee has the right to appeal a formal disciplinary outcome.

An appeal should normally be submitted in writing within **10 working days** of receiving the outcome.

The appeal should explain the grounds of appeal.

These may include:

- the procedure was not followed fairly;
- relevant evidence was not properly considered;
- new evidence has become available;
- the decision was unreasonable;
- the sanction was disproportionate;
- there was a conflict of interest or bias;
- relevant mitigating circumstances were not considered.

An appeal should not simply repeat disagreement with the outcome without identifying relevant grounds, although Remedicare will consider the substance of any genuine appeal.

29. Appeal Hearing

Where an appeal hearing is appropriate, the employee will be given reasonable notice and will have the right to be accompanied in accordance with the law.

Where reasonably practicable, the appeal will be heard by someone who:

- was not involved in the original investigation or decision;
- is sufficiently senior and experienced; and
- has no conflict of interest.

The appeal manager may:

- uphold the original decision;
- reduce the sanction;
- overturn the decision;
- require further investigation;
- refer the matter back for reconsideration; or
- take another lawful and proportionate action.

The appeal outcome will normally be provided in writing within **10 working days** of the appeal hearing where reasonably practicable.

The appeal decision will normally be final within Remedicare's internal process.

30. Conflicts of Interest and Independence

Remedicare will take reasonable steps to ensure that people involved in disciplinary decisions are impartial.

Where a complaint or allegation concerns:

- a Service Director;
- the Director of Education;
- a member of the Senior Leadership Team;
- the employee's line manager; or
- another person who would normally investigate or determine the matter,

Remedicare will allocate the matter to an alternative suitably senior person who has no conflict of interest.

Where internal independence cannot reasonably be achieved, Remedicare may appoint an external investigator or independent chair.

31. Reasonable Adjustments

Remedicare will consider reasonable adjustments where required under the Equality Act 2010.

Adjustments may include:

- alternative meeting arrangements;
- additional breaks;
- accessible information;
- additional time to consider documents;
- communication support;
- adjustments to meeting format;
- use of an appropriate support person where reasonable; or
- other reasonable adjustments appropriate to the employee's circumstances.

The purpose of reasonable adjustments is to ensure that an employee is able to participate meaningfully in the process.

32. Employees Who Are Absent

Remedicare will seek to progress disciplinary matters fairly where an employee is absent.

Where an employee is absent due to sickness or another significant reason, Remedicare will consider:

- the reason for absence;
- medical information where appropriate;
- whether a reasonable adjustment is required;
- whether the employee is able to participate;
- whether the hearing should be postponed;
- whether alternative arrangements are appropriate.

Remedicare will not automatically postpone a disciplinary process indefinitely.

Appropriate advice may be sought where absence is prolonged or complex.

33. Confidentiality

Disciplinary matters are confidential.

Employees involved in disciplinary processes are expected to respect the confidentiality of:

- allegations;
- evidence;
- witness information;
- learner information;
- staff information;
- meeting discussions; and
- outcome information.

Confidentiality does not prevent an individual from:

- obtaining advice;
- exercising their legal rights;
- speaking to an appropriate trade union representative;
- making a safeguarding referral;
- making a protected disclosure;
- complying with a legal requirement.

34. Record Keeping and Data Protection

Remedicare will maintain appropriate records of disciplinary matters.

Records may include:

- allegations;
- investigation notes;
- witness statements;
- relevant evidence;
- correspondence;
- meeting records;
- outcome letters;
- warnings;
- appeal documentation;
- safeguarding information where applicable.

Records will be stored securely and accessed only by authorised individuals with a legitimate need to know.

Personal data will be processed in accordance with applicable UK data protection legislation, including the UK GDPR and Data Protection Act 2018.

Safeguarding information will be recorded and retained in accordance with Remedicare's safeguarding procedures.

Where safeguarding records are maintained separately, disciplinary records will cross-reference the safeguarding process where necessary rather than duplicating sensitive information unnecessarily.

35. Protection From Victimisation or Retaliation

Remedicare will not tolerate retaliation against an employee because they:

- raise a genuine concern;
- participate in a disciplinary investigation;
- act as a witness;
- make a grievance;
- raise a safeguarding concern;
- make a whistleblowing disclosure; or
- exercise a statutory employment right.

Alleged retaliation may itself be treated as a conduct matter.

36. Malicious or Deliberately False Allegations

Remedicare recognises that allegations may sometimes be made which are mistaken, inaccurate or unsupported.

A complaint or allegation will not be treated as malicious simply because it is not substantiated.

However, deliberately dishonest allegations or knowingly false information may constitute a conduct matter and may be considered under this procedure.

Particular care will be taken where allegations involve safeguarding, whistleblowing or protected disclosures.

37. Monitoring and Learning

Remedicare will monitor disciplinary matters to identify:

- recurring conduct concerns;
- safeguarding themes;
- training needs;
- weaknesses in policies or procedures;
- management issues;
- equality or consistency concerns;
- risks to learners or staff;
- areas where additional support is required.

Information will be reviewed in a way that respects confidentiality and data protection.

Learning may inform:

- staff training;
- supervision;
- safeguarding practice;
- risk assessments;
- policies;
- management practice;
- quality assurance.

38. Staff Responsibilities

All employees are expected to:

- understand and follow the Staff Code of Conduct;
- comply with Remedicare policies and procedures;
- cooperate honestly with investigations;
- maintain professional boundaries;
- raise safeguarding concerns promptly;
- report relevant incidents;
- treat colleagues, learners and families respectfully;
- maintain confidentiality;
- follow reasonable management instructions; and

- participate appropriately in disciplinary processes.

Failure to cooperate with a lawful and reasonable investigation may itself be considered a conduct matter.

39. Management Responsibilities

Managers are responsible for:

- responding promptly to concerns;
- taking safeguarding concerns seriously;
- seeking appropriate advice where required;
- avoiding premature conclusions;
- maintaining appropriate confidentiality;
- keeping accurate records;
- applying the Staff Concerns & Conduct Protocol appropriately;
- considering informal resolution where suitable;
- ensuring formal procedures are followed where required;
- avoiding conflicts of interest; and
- ensuring decisions are reasonable and proportionate.

Managers should seek advice from the appropriate senior leader or HR/employment adviser where a matter is complex, serious or potentially involves dismissal.

40. Disciplinary Process Summary

The normal process is:

Concern identified



Safeguarding and immediate risk considered



Initial assessment using Staff Concerns & Conduct Protocol



Level 1 – Informal management action where appropriate

Level 2/3 – Formal investigation where appropriate



Investigation



No case to answer / Management action / Disciplinary hearing



Formal disciplinary hearing



Decision and written outcome



Right of appeal



Appeal hearing



Final internal outcome

This process may be adapted where necessary because of safeguarding requirements, external investigations, legal requirements, conflicts of interest or other exceptional circumstances.

41. Important Safeguarding Principle

Where there is any conflict between progressing an ordinary disciplinary process and taking immediate action to safeguard a learner, **the safety and welfare of the learner will take priority.**

Staff must not delay reporting a safeguarding concern because they believe it may become a disciplinary matter.

All safeguarding concerns must be reported in accordance with the **Remedicare Child Protection & Safeguarding Policy**.

42. Legal and Guidance Framework

This procedure has been developed with regard to applicable UK legislation and guidance, including:

- Employment Rights Act 1996;
- Equality Act 2010;
- Employment Relations Act 1999;
- Trade Union and Labour Relations (Consolidation) Act 1992;
- Employment Rights Act 2025 and relevant provisions coming into force;
- Data Protection Act 2018;
- UK GDPR;
- Health and Safety at Work etc. Act 1974;
- applicable whistleblowing protections;
- relevant safeguarding legislation and statutory guidance;
- Keeping Children Safe in Education, where applicable to Remedicare and its commissioning arrangements;
- Working Together to Safeguard Children;
- relevant Local Safeguarding Children Partnership procedures;
- ACAS Code of Practice on Disciplinary and Grievance Procedures; and
- relevant contractual and commissioning requirements.

Where legislation or statutory guidance changes, Remedicare will update this procedure as necessary.

43. Review

This procedure will be reviewed annually or sooner where required.

An earlier review may be undertaken following:

- changes in employment legislation;
- changes to ACAS guidance;

- changes to safeguarding guidance;
- changes to Remedicare's services;
- significant disciplinary learning;
- legal developments;
- commissioner requirements; or
- regulatory recommendations.