ember learning

DISCIPLINARY POLICY

Ember Learning Ltd

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1. PURPOSE AND SCOPE

Ember Learning Ltd, is committed to maintaining high standards of conduct, professionalism, and safeguarding across its workforce. This Policy sets out a fair, consistent, and proportionate process for addressing conduct or performance concerns arising in connection with the delivery of our services.

This Policy applies to all individuals working for or with Ember Learning Ltd, including:

- Self-employed associates — individuals engaged under a Teacher and Mentor Agreement (EL-TMA-SE-003A) as independent contractors
- Employees — individuals engaged under a contract of employment with Ember Learning Ltd (EL-TMA-E-003B) as employees

Where this Policy distinguishes between employees and self-employed associates, this is clearly indicated. Where no distinction is made, the provisions apply to both groups. Self-employed status does not reduce any individual's obligation to comply with Ember Learning's policies, in particular those relating to safeguarding and the safety of students and mentees.

This Policy does not form part of any contract of employment or associate agreement and may be amended from time to time. It is intended to be read alongside the Code of Conduct (EL-COC-001), the Teacher and Mentor Behaviour Policy (EL-TMBP-001), and the Child Protection and Safeguarding Policy (EL-CPSP-001).

2. PRINCIPLES

This Policy is founded on the following principles, which apply regardless of the employment status of the individual concerned:

- The welfare of students and mentees is the paramount consideration in every decision made under this Policy
- Concerns will be investigated promptly, fairly, and without pre-judgment
- The individual will be informed of the concern against them and given a genuine opportunity to respond before any decision is made
- The process will be proportionate to the seriousness of the concern

Confidentiality will be maintained as far as reasonably practicable, consistent with the need to investigate effectively and to meet safeguarding obligations

No individual will be penalised for raising a concern in good faith

3. SAFEGUARDING CONCERNS — SEPARATE TRACK

Where a concern about an individual's conduct involves or discloses a safeguarding risk to a student or mentee, it must be referred immediately to the Designated Safeguarding Lead (DSL) in accordance with the Child Protection and Safeguarding Policy (EL-CPSP-001). The safeguarding procedure takes absolute priority.

This Policy's disciplinary process may run alongside or following a safeguarding investigation, but it does not replace or pre-empt it. Where a referral to the Local Authority Designated Officer (LADO) or another statutory body is required, that referral will be made before any internal disciplinary outcome is determined. The individual concerned will be informed that a safeguarding referral has been made.

Where a concern involves a safeguarding allegation, the individual will normally be suspended from delivering sessions (employees) or have their sessions paused (associates) pending the outcome of the safeguarding investigation, regardless of whether the concern relates to a student under 18 or a mentee aged 18 or over, regardless of which disciplinary stage applies.

4. CONDUCT COVERED BY THIS POLICY

4.1 MISCONDUCT

Misconduct includes behaviour that falls below the standards required by this Policy or the Code of Conduct. Examples include: repeated lateness or failure to attend accepted sessions without adequate notice; unprofessional conduct during sessions; failure to follow the Online Safety Policy; failure to maintain appropriate professional boundaries with students or mentees; or failure to complete mandatory safeguarding training within the required timeframe. A single instance of misconduct will ordinarily be addressed through Stage 1 or Stage 2 of this Policy, unless the behaviour is sufficiently serious to warrant escalation.

4.2 GROSS MISCONDUCT

Gross misconduct is conduct so serious that it may warrant immediate termination of employment or an associate agreement without notice and without progressing through earlier stages. Examples include: any conduct that constitutes or discloses a safeguarding risk to a student or mentee; any form of abuse, harassment, or discrimination toward a student, mentee, colleague, commissioner, or representative of a commissioning body or private company; deliberate misrepresentation of qualifications or DBS status; working with students without having completed mandatory pre-commencement checks; a serious breach of confidentiality; dishonesty or fraud; or any criminal offence that renders the individual unsuitable to work with children or adults at risk. This list is illustrative and not exhaustive.

5. THE DISCIPLINARY PROCESS

The process set out below is designed to be followed in order. However, the Company reserves the right to enter the process at any stage — including Stage 4 — where the seriousness of the conduct warrants it. Not every stage will be appropriate in every case.

STAGE 1 — INFORMAL DISCUSSION

Stage 1 is appropriate for minor, first-time concerns that are capable of resolution through a straightforward conversation. A Company Director will raise the concern directly with the individual in a private discussion — by video call or in writing — and give them the opportunity to explain their conduct and understand what change is required. A brief note of the discussion will be recorded, but Stage 1 does not constitute a formal disciplinary outcome. Stage 1 is not a mandatory first step where the concern is serious enough to warrant formal action.

STAGE 2 — FORMAL MEETING AND WRITTEN WARNING

Stage 2 applies where: a Stage 1 concern has not been resolved; the same or similar issue has recurred; or the nature of the concern is serious enough to require formal action from the outset. The individual will be notified in writing of the specific concern, given reasonable notice of a formal meeting (normally no less than 48 hours), and informed of their right to be accompanied at the meeting by a colleague or trade union representative. Employees have a statutory right to be accompanied under the Employment Relations Act 1999; this right is extended as a matter of good practice to self-employed associates.

Following the meeting, the outcome will be confirmed in writing. Where the concern is upheld, a formal written warning will be issued, setting out: the nature of the concern; the required change in conduct; the timeframe for improvement; and the consequence of further failure to meet the required standard. A written warning will normally remain on file for twelve months, after which it will be disregarded for disciplinary purposes if no further concerns arise.

STAGE 3 — SUSPENSION PENDING INVESTIGATION

Where a concern is sufficiently serious that it would be inappropriate for the individual to continue delivering sessions while it is investigated, a Company Director may suspend the individual from sessions pending investigation. For employees, this will be a period of paid suspension. For self-employed associates, sessions will be paused pending the outcome. Suspension is a neutral act and does not constitute a finding of misconduct or a disciplinary sanction. The individual will be informed in writing of the suspension, its reason, and the expected timeframe for investigation. The suspension will be kept as brief as possible.

Investigations will normally be conducted by one Company Director, with the findings reviewed by another before any outcome is determined. Where a concern involves a Company Director, an independent external investigator may be appointed. The individual under investigation will have the opportunity to respond to the findings before a final decision is made.

STAGE 4 — TERMINATION OR DISMISSAL

Where investigation confirms that the concern is substantiated and that continued engagement is not appropriate, the Company may terminate the relationship. For employees, this constitutes dismissal and will be carried out in accordance with the individual’s contract of employment (EL-TMA-SE-003B) and applicable statutory rights, including any notice entitlement. For gross misconduct, dismissal may be without notice. For self-employed associates, this constitutes termination of the Teacher and Mentor Agreement (EL-TMA-E-003A) in accordance with its terms.

The decision to terminate will be confirmed in writing, setting out the reasons and the effective date. The individual's right of appeal is set out in Section 6.

6. RIGHT OF APPEAL

Any individual who receives a formal written warning (Stage 2) or termination/dismissal (Stage 4) has the right to appeal against that outcome. The right of appeal applies to both employees and self-employed associates.

To appeal, the individual must notify a Company Director in writing within five working days of receiving the written outcome, setting out the grounds of appeal. Grounds may include: that the process was not followed fairly; that new evidence has come to light; or that the outcome was disproportionate to the concern found proven.

The appeal will be heard by the Company Director who did not conduct the original investigation, wherever possible. Where two Directors were involved in the original decision, a further director and / or independent external person will be appointed to hear the appeal. The individual will be given reasonable notice of the appeal meeting and may again be accompanied. The outcome of the appeal will be confirmed in writing and is final.

For employees only: where dismissal has been confirmed and an appeal is pending, the effective date of dismissal remains the date given in the termination letter unless the appeal outcome results in reinstatement. Employees retain their statutory right to bring an employment tribunal claim independently of this appeal process.

7. DBS AND STATUTORY REFERRALS

Where an individual is dismissed or resigns in circumstances where the Company has reason to believe they have harmed a child or adult at risk, or placed a child or adult at risk of harm, the Company has a legal duty to refer that individual to the Disclosure and Barring Service (DBS). This duty applies regardless of whether the individual is an employee or a self-employed associate, and regardless of whether a police investigation or prosecution has occurred. Where the individual has worked with mentees aged 18 or over, the Company will also consider whether referral to adult social care under the Care Act 2014 is required.

The DSL will advise on whether a DBS referral or LADO referral,or adult social care referral (under the Care Act 2014, for mentees aged 18 or over) is required in any given case. The Company will not allow concerns about the reputational impact of a referral to influence the decision to refer. This applies equally where the concern involves students under 18 or mentees aged 18 or over.

8. RECORD KEEPING

A written record will be kept of all disciplinary action taken, including informal discussions at Stage 1. Records will include: the concern identified; the stage at which it was addressed; the outcome; and any action required or taken. Records will be held securely and separately from general personnel files. Records relating to safeguarding concerns will be retained in accordance with the Child Protection and Safeguarding Policy. Other disciplinary records will be retained for a minimum of six years from the date of resolution or termination, whichever is later.

9. POLICY REVIEW

This Policy will be reviewed annually and updated as necessary to reflect changes in employment law, safeguarding guidance, or the Company's operational model. As the Company grows and employs staff, this Policy will be supplemented by more detailed employment procedures as appropriate. Any material revision will be communicated to all those to whom it applies.

Policy Owner:	Jack Bradley, Director & Designated Safeguarding Lead
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Next Review Due:	1 September 2027
Approved by:	Jack Bradley, Director, 1 September 2026