

SOMERVILLE FEDERATION Disciplinary Policy and Procedure

**Authority Guidelines on
Staffing Procedures for Community, Voluntary Controlled, Community
Special Schools and Early Years Centres
(and those adopted by Governing Bodies of other maintained/non
maintained schools)**

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DISCIPLINARY POLICY AND PROCEDURE

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DISCIPLINARY POLICY

Policy Statement

The School Disciplinary Policy and Procedure has been developed to ensure that where there is an alleged breach of the School policies, procedures, rules, regulations or standards. The Disciplinary Policy and Procedure enables the employee to be treated in a fair and consistent manner in accordance with the principles of natural justice and in line with the ACAS Code of Practice.

Governing Bodies of schools with a delegated budget are responsible for the appointment, dismissal and suspension of school staff and for the regulation of conduct and discipline of school staff.

The revised ACAS Code of Practice for Disciplinary and Grievance (2009) and ACAS Guidance on Conducting Workplace Investigations state the minimum requirements and principles, on which this disciplinary procedure has been developed in consultation and collectively agreed with the recognised Professional Associations and Trade Unions.

It is recognised that the disciplinary policy and procedure should not be viewed primarily as a means of imposing sanctions. It is also intended that improvements in an employee's conduct should be emphasised and encouraged.

The Disciplinary Policy and Procedure does not apply to:

- Staff being dealt with under the Performance Capability or Sickness Absence Capability Procedure (separate procedures exist to deal with such matters)
- The barring of teachers by the National College of Teaching and Leadership (NCTL)
- The barring of teachers and support staff by the Disclosure and Barring Service (DBS)

NB Where there is a statutory requirement to refer disciplinary matters to NCTL or DBS advice should be sought from the Schools HR Consultancy team and or the Local Authority Designated Officer (LADO). This includes situations where an employee resigns before the disciplinary process has concluded.

It is not intended that anything in this procedure should inhibit the day to day management of staff which may require informal discussions and advice about performance or conduct without recourse to formal procedures.

Disciplinary Procedure

1. Framework for Disciplinary Process

1.1 Informal Action

Pre-Disciplinary Management Instruction

The need to take **informal action** may be necessary where unsatisfactory conduct is identified and accepted by the member of staff, but disciplinary action may not be necessary.

NB If a management instruction is not accepted then the matter will be considered under the formal disciplinary procedure. (See Section 4)

1.2 Formal Disciplinary Sanctions

- Recorded Oral Warnings
- Written Warnings.
- Final Written Warning
- Final Written Warning, as an Alternative to Dismissal
- Gross Misconduct Dismissal
- Totting up Dismissal (where a live final written warning is in place)

1.3 Types of Disciplinary Offences

Offences are, in general, divided as follows:

- a) Minor offences – misconduct for which the normal disciplinary action would be a recorded oral warning or a written warning by the Headteacher.
- b) More serious offences, for which a final written warning would be appropriate.
- c) Very serious offences – usually known as gross misconduct-
Gross Misconduct is generally seen as misconduct, which if substantiated, is serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible or very difficult.

NB examples of offences that may constitute the need to take formal action are included in the procedure

1.4 Right to be Accompanied

Any employee subject to formal disciplinary proceedings has the right to be accompanied by a teacher professional association, a trade union representative or a work colleague at all stages of the procedure and is advised to contact his/her representative at the earliest opportunity.

1.5 Criminal Charges or Convictions Outside of Work

All employees are required to declare any criminal convictions. Employees are required to inform their Headteacher if they are charged subject to a police investigation for criminal offence(s) at any time during their employment. The Headteacher should seek advice from School HR Consultancy Team or Local Authority Designated Officer (LADO)

Any employees who work with children and / or vulnerable adults must inform their Headteacher of any police investigations they are subject to. A charge or conviction may result in an investigation / action and could result in disciplinary proceedings being taken

against the employee where, in the opinion of the Governing Body, the charge or conviction is such as to affect, or be likely to affect:

- The suitability of the employee for the position in which he/she is employed
- Reputation of the School

And/or

- Where the existence of the charge or conviction could, in the opinion of the Governing Body otherwise seriously undermine the trust and confidence that the School has in the employee.

1.6 Disqualification by Association

The DFE has published advice as a supplement to the *Keeping children safe in education* statutory guidance.

School staff will be barred from working in schools if they live with someone who has:

- a conviction for certain violent or sexual crimes
- Grounds relating to care of children (e.g. order in respect of a child under their care)
- Registration refused or cancelled in relation to childcare or children's homes or disqualified from private fostering.

Staff covered:

- Those who work in early years provision (including school nursery and reception) - originally only applied to child-care centres.
- Those in later years provision for children who are not yet 8, including before school settings and after school provision
- Those directly concerned in the management of such provision.

Staff required to disclose information about any person who lives in the same household – guards against an individual working with young children who may be under the influence of a person living with them and that person may pose a risk to children (“by association”)

1.7 Commitment to Equality

This policy addresses the following equality duties:

- Eliminate unlawful discrimination, harassment and victimisation
- To advance equality of opportunity
- To foster good relations between different groups of people

One of the main purposes of the policy and procedure is to ensure that employees who wish to raise a grievance may do so in the knowledge that management decisions follow a standard process which affords a fair, rigorous, consistent, transparent assessment

2 Roles and Responsibilities

All parties should ensure that all reasonable steps are taken in order to avoid any unnecessary delays in concluding the investigation and/or attending any resulting disciplinary hearing/appeal.

2.1 Governing Body

The Governing Body is responsible for implementing appropriate disciplinary procedures to ensure the appropriate conduct and wellbeing of all school employees, including constituting relevant committees to hear staff dismissal and staff dismissal appeal hearings.

2.2 Headteacher Responsibilities

The Headteacher is responsible for the internal organisation, management and discipline of the school, including the exercise of supervision over staff, by taking appropriate disciplinary action within delegated powers.

In cases of Gross Misconduct the Investigating Officer may be the Headteacher or other nominated person. The Headteacher may be responsible for presenting the disciplinary investigation report and findings to Staff Dismissal Committee, when necessary.

2.3 Investigating Officers

The role of the investigating officer is to gather information and/or take statements to establish the facts surrounding any allegations, produce a fair, balanced and objective report. With support of the HR Consultancy Team, recommendations will be made as to suitable actions. However, it is for the Headteacher to decide on what action to take. If required, they will present or support the presentation of any disciplinary case to an appropriate person/committee. *They should ensure that the support officer is updated on the progress of the investigation.*

NB The investigating officer should undertake the investigation without any unreasonable delays.

2.4 Professional Association/Trade Union/work colleague

Where appropriate, the Professional Association/ Trade Union representative/ work colleague is responsible for supporting employees through the disciplinary process, including representing employees at relevant meetings, including investigatory meetings.

2.5 Support Officers

The role of the Support Officer is to maintain contact with any employee who has been suspended from work, provide information on additional support e.g. counselling, any other relevant school information, and keep the employee up to date on the progress of the investigation.

NB This would not normally be the person's immediate line manager, and will be independent of the investigation process. This must be a suitable employee of the school or if requested support may be offered by the Local Authority.

2.6 Employee

The employee should co-operate fully in the disciplinary process, including attendance at any investigatory meetings and disciplinary hearings/ appeal. The employee is responsible for contacting and liaising with trade union / professional association representatives, or work colleague. Where an employee does not co-operate a decision may be made in their absence.

2.7 Human Resources

The role of HR Consultancy Team is to provide HR advice and guidance on key employment principles (Birchell Principles) i.e.

- Has a reasonable investigation been undertaken, under all the circumstances?
- Is there reasonable belief that the employee has committed an act of misconduct or Gross Misconduct?
- On the balance of probabilities is it reasonable to conclude that the employee has committed an act of misconduct or gross misconduct.

In addition the HR Consultancy team will provide specific advice and guidance to:

- **Headteacher** on the potential range of courses of action to address concerns about the conduct of an employee, and providing HR advice at disciplinary hearings convened by the Headteacher
- **Investigating Officer** on conducting and/or supporting them to undertake an investigation and produce a report, with appendices, and where appropriate support in the presentation of the case.
- **Governors** on the possible range of courses of action to take in respect of alleged misconduct/gross misconduct at Disciplinary Hearings and Appeals convened by the School.

N.B. HR Consultancy Team will limit their advice to questions of:

- **Law**
- **Procedure**
- **Process**

It is for the Headteacher/Governing Body to make the final decision on which course of action to take.

2.8 Wirral Council Legal Services (where appropriate)

The role of legal services is to provide

- Advice and guidance on legal matters pertaining to the case
- Specific advice on complex employment law matters
- Advice to Governors and Disciplinary hearing/and or appeal
- Preparation for/and attendance/presentation of cases at Employment Tribunal and Employment Appeal Tribunal Hearings (Where appropriate).

N.B. Legal advice on employment matters is facilitated through the HR Consultancy Team.

3 Appointing Governing Body Committees to deal with potential Dismissal

3.1 Pecuniary Interests

Any Governor involved in investigating or hearing a Disciplinary, must declare any pecuniary interest where there is a conflict of interest such as a personal relationship or relative, and take no further part in the disciplinary process

3.2 Staff Governors

Staff Governors are not able to sit on any of these two Committees;

The Director of Children's Services/Local Authority or his nominated representative(s) and the Authority's Head of Legal Services or his nominated representative are entitled to attend, for the purpose of giving advice at all proceedings.

3.3 Appointment of staff dismissal and staff dismissal appeals committee

Governing Bodies should ensure that at the first meeting of the academic year the full Governing Body appoints a Staff Dismissal Committee and a Staff Dismissal Appeal Committee which is properly constituted and has appropriate powers delegated to them.

NB Alternative governors, not involved in the case, may be used where governors assigned to the committee are not available or have a pecuniary interest

The School Staffing (England) Regulations permit the Headteacher to have delegated responsibility to make initial dismissal decisions (IDDs) following which there will be an opportunity to appeal to the Staff Dismissal Appeal Committee.

4. Informal Action

Pre-Disciplinary Management Instruction

The need to take **informal action** may be necessary where unsatisfactory conduct is identified, but disciplinary action may not be necessary. The purpose of a management instruction is to advise and assist the employee to improve their future conduct. Providing guidance and/ or training at an early stage may well prevent the need for future disciplinary action.

In all cases a written record of the advice given, training and support to be offered (if appropriate) and expected improvement in future conduct should be kept and a copy given to the employee concerned. The advice should include a statement that failure to remedy the conduct could lead to formal disciplinary action being taken.

A management instruction would not be disclosed on any references provided for the employee.

NB If a management instruction is not accepted then the matter will be considered under the formal disciplinary procedure

5. Types of Disciplinary Offences

Offences are, in general, divided as follows:

- a) minor offences – misconduct for which the normal disciplinary action would be a recorded oral warning or a written warning by the Headteacher.

Examples of minor offences include

- Persistent poor time keeping
- Low level disruptive or unacceptable behaviour
- Minor contraventions of school policies and procedures
- Minor failure to comply with organisation's published rules/ standards.

The above examples are non exhaustive.

- b) More serious offences, for which a final written warning would be appropriate.

Examples of more serious offences include

- Serious disruptive or unacceptable behaviour which has an impact on the school
- Serious contraventions of school policies and procedures
- Failure to comply with organisation's published rules/standards, which have a serious impact on the school.

The above examples are non exhaustive.

c) Very serious offences – usually known as gross misconduct

Other disciplinary action would be determined with regard to the seriousness of the offence; and the existence of mitigating circumstances. It could include any sanction, up to and including dismissal.

Gross Misconduct is generally seen as misconduct, which if substantiated, is serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible or very difficult.

The following list of incidents which may, dependent on the degree of the allegation, constitute gross misconduct is neither exclusive nor exhaustive. In addition there may be other offences of similar gravity which could constitute gross misconduct.

Examples of conduct that may be considered to constitute Gross Misconduct include:

- Unauthorised removal of the school's property
- Stealing from the school, its members, members of staff, or the public and other offences of dishonesty
- Sexual offence
- Sexual misconduct
- Conduct at work likely to offend common decency
- Fighting
- Physical assault including the imposition of any form of corporal punishment and the use of unreasonable force to control or restrain pupils
- Consuming alcohol during working time
- Being on duty under the influence of drink or drugs, other than those which have been medically prescribed
- Deliberate falsification of documentation
- Falsification of qualifications which are a stated requirement of employment
- Malicious damage to the school's property
- Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of safety equipment
- Criminal conduct
- Improper disclosure of information and misconduct in relation to official documents
- Failure to act or comply with a reasonable instruction
- Neglect of duty
- Breaches of the school's Equal Opportunities Policy including racial and sexual discrimination/harassment
- Inappropriate use of social networking sites, as defined in the Social Networking Policy

- Bullying / harassment
- Failure to adhere to the Safer Working Practices document
- Failure to uphold public trust and maintain high standards of ethics and behaviour within and outside school.
- Failure to maintain proper and professional regard for the ethos, policies and practices of the school.
- Serious misuse of the school's email, internet and other electronic facilities

6. Types of Disciplinary Sanctions

Recorded Oral Warnings will be disregarded after a maximum of six months, provided no further misconduct has occurred within that timescale.

Written Warnings will be disregarded after a maximum of twelve months, provided no further misconduct has occurred within that timescale.

Final Written Warnings will be disregarded after a maximum of two years provided no further misconduct has occurred within that timescale. It may not be appropriate to take such a final written warning into account after a period of twelve months has elapsed in relation to misconduct which is dissimilar to the misconduct which led to the final written warning.

Final Written Warning, as an Alternative to Dismissal where allegation of Gross Misconduct has been substantiated, but where the Staff Dismissal Committee considers that the mitigation provided is does not warrant dismissal on this occasion
A Final Written Warning, as an Alternative to Dismissal should be disregarded after three years.

NB Previous Warnings will not be expunged if a subsequent warning has been given to the employee concerned within the appropriate time limits specified above i.e. from the date of issuing the previous warning. In cases relating to safeguarding issues, lapsed warnings may be taken into account as a relevant circumstance if the offence would otherwise merit dismissal in the absence of sufficient mitigating circumstances.

Dismissal

Gross Misconduct

In the case of gross misconduct the employee may be summarily dismissed i.e. dismissed without notice or pay in lieu of notice. To justify summary dismissal, the misconduct must be so grave as to go to the root of the contract and be such that no reasonable employer could tolerate the continued employment of the employee.

'Totting up' Dismissal

A totting up dismissal may occur, in the absence of gross misconduct, where misconduct or serious misconduct occurs after a current 'live' final written warning has been issued, and such dismissal will be subject to notice pay.

7. Principles of the Dismissal Process

- a) Dismissal proceedings must give the employee the right to explain matters before a dismissal decision is taken

- b) Dismissal and notice periods will be effective from the initial dismissal decision (IDD) and the employee must also have the right of appeal against the decision,
- c) Headteachers also have the option of referring the case to the school's Staff Dismissal Committee with an appeal to the Staff Dismissal Appeal committee.
- d) It is good practice for the Headteacher to delegate the investigation to an investigating officer, which ensures that the Headteacher remains 'untainted' and able to make IDs
- e) Following the initial dismissal decision (IDD), in **Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools**, the LA must terminate employment within 14 days. If the member of staff is successful at appeal they are re-instated from the date of the initial dismissal decision. The Local Authority must receive a written notice from the school that the employee must cease to work at the school giving its reasons for the decision, whereupon the Local Authority must terminate the member of staff's employment with or without notice (as appropriate) in accordance with the School Staffing (England) Regulations 2009)

Where possible an appeal for a 'totting up' Dismissal, should ideally be concluded within the notice period.

In **Academies, Free, Voluntary Aided, Foundation and Trust Schools** the employer is the Governing Body, and is responsible for enacting the dismissal decision or if the member of staff is successful at appeal to re-instate.

NB The Local Authority recommend that Governing Bodies should delegate disciplinary responsibilities to the Headteacher for both minor and more serious offences but that allegations of Gross Misconduct, or where repeated offences may result in dismissal, should continue to be referred to the Staff Dismissal Committee.

Where schools are using the HR Consultancy Service Level Agreement, schools should discuss cases of potential dismissal before starting formal disciplinary proceedings, as failure to do so may result in the Local Authority not paying any costs associated with any future claims (including constructive dismissal).

8. Cease to Work at School Decisions

NB This only applies in Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools

Termination of the contract of employment will be with notice pay or without notice if the circumstances are such that the Local Authority is entitled to do so by reason of the employee's conduct, i.e. if gross misconduct has occurred.

In the case where an employee is not employed to work solely at the school, the LA will withdraw the employee from work at the school and consider the need to dismiss from other employment with the Council.

9. Responsibility for Disciplinary Action

Following the investigation, where a formal Disciplinary Hearing is considered warranted, arrangements shall be made for it to be conducted by the appropriate person, who may be assisted by such other person(s) in the capacity of adviser as he/she may choose. In

addition the Local Authority Schools HR provision can provide advice and guidance throughout the disciplinary process (subject to purchasing the SLA)

The Governing Body must decide on the delegated powers of the Headteacher when it establishes the Staff Dismissal Committee.

The table below outlines the Local Authority recommended delegation of responsibilities for disciplinary matters.

	Person responsible for investigating/presenting the allegation(s)	Person responsible for Hearing the Disciplinary case
Pre-Disciplinary Management Instruction		Headteacher
Minor Offences	Nominated Investigating Officer or headteacher - investigating and presenting the case.	Headteacher
More Serious Offences	Nominated Investigating Officer - investigating and presenting the case.	Headteacher
Gross Misconduct or Totting up Dismissal	Nominated Investigating Officer and/ or headteacher investigating and presenting the case.	Governing Body Staff Dismissal Committee
Disciplinary Appeal	Nominated Investigating Officer and/ or headteacher with Chair of Staff Dismissal Committee presenting the case.	Governing Body Staff Dismissal Appeal Committee

Cases of gross misconduct should be referred to the Staff Dismissal Committee. The Governing Body may also decide to refer to the Staff Dismissal Committee cases where an employee already has a live final written warning in relation to previous misconduct. Alternatively such decisions may be delegated to the Headteacher who in his/her discretion may refer the case to the Staff Dismissal Committee.

10. Disciplinary Process

10.1 Allegation of Gross Misconduct - Consideration of Suspension (Pending an Investigation)

Decision not to suspend an employee

Suspension is not an automatic response to a gross misconduct allegation. Where there are minimal concerns that the investigation may be compromised or if there is no credible evidence following initial fact finding to support the allegation (prior to undertaking a formal investigation) the employee may remain on duty.

Similarly, if during the course of an investigation it is considered that gross misconduct may have occurred, the employee may be suspended and sent off the school premises by the Headteacher or the Governing Body, again on **normal pay**.

Decision to suspend an employee

Suspension may be appropriate in circumstances where a preliminary examination suggests there is some credible evidence to support the allegation such as a safeguarding allegation. Under these circumstances the employee should be immediately suspended and sent off school premises on **normal** pay by the Headteacher or the Chair of Governors (or their nominee) whilst the investigation proceeds.

Where an employee, who is suspended, declares themselves unfit for work due to sickness they will be paid occupational/ statutory sick pay in line with their conditions service and statutory requirements.

N.B. Following advice from the HR Consultancy Team, where the employee is the Headteacher, the Chair of Governors should make a decision regarding suspension.

Any decision to suspend will be confirmed in writing as soon as is reasonably practical to the employee. A copy of the letter should be sent to the Director of Children's Services, for information. The suspension should be viewed by all parties as a neutral act without prejudice to any further action.

The investigation must be carried out as speedily as possible. The employee should be told clearly that he/she is being suspended for as short a period as possible, the investigation will be kept under review and that he/she will then be called back for interview. **Only by agreement of the Governing Body may a suspension be ended.**

Until the conclusion of any disciplinary hearing proceedings, where the Headteacher has been suspended, or is absent due to sickness, his/her functions in relation to other employees at the school should be performed by the Deputy Headteacher or a senior member of staff approved by the Governors

10.2 Investigating allegations of misconduct (including gross misconduct)

The person responsible for hearing a complaint will ensure that a preliminary investigation has been conducted to establish the facts of the case. There is a requirement that this should be done without any unreasonable delay. Guidance on the content of an investigatory report and other evidence is attached at appendices 7 and 8, and the

ACAS Guidance on Conducting workplace investigations (Oct 2015)

<http://www.acas.org.uk/media/pdf/o/5/Conducting-workplace-investigations.pdf>

The same person shall not be responsible for both the investigation and conduct of the Hearing except in the case of minor offences (Misconduct) where the Hearing can be both initiated and conducted by the Headteacher. Therefore, a Headteacher should, on having a case of possible serious misconduct, or misconduct after a written warning, reported to him/her, appoint an investigating officer to conduct the investigation e.g. DHT, School Business Manager.

10.3 Investigation into alleged misconduct (including gross misconduct) by Headteacher

In an investigation into conduct of the headteacher the Chair of Governors may, at the request of the Governing Body, be accompanied by, or appoint, a member of the LA, another Governor without substantial prior knowledge or in exceptional circumstances appoint an independent investigating officer to carry out the investigation.

This officer shall be known as the Investigating Officer.

The Investigating Officer cannot sit as a member of either the Staff Dismissal or Staff Dismissal Appeals Committees, but may present the disciplinary report and findings to the 'relevant' Governing Body Committees

If, on completion of the investigation, it is considered by the Chair of Governors (and Director of Children's Services or his nominee in the case of **Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools**) that, on the balance of probabilities, a complaint of misconduct is justified a Disciplinary Hearing will be held by the Staff Dismissal Committee.

10.4 Investigatory process

Interviewing witnesses

Gathering evidence from witnesses (where relevant) is an important part of an investigation. Care should be taken in selecting and interviewing witnesses, to ensure that a fair and balanced view of the evidence in support of and against the allegation(s) is gathered. Any witness who the employee requests to provide a witness statement should be contacted. However any potential witness may choose not to provide a statement to the investigating officer.

NB A witness can choose to be supported by a trade union representative/ professional association or a work colleague.

Recording witness statements

Witness statements should accurately reflect the content of the interview and include:

- Name of Witness and job role
- Date and time of the meeting
- Attendees
- Questions asked and responses provided
- All witness statements should be signed by the person to confirm that the evidence provided is a true and accurate account.

Other Evidence

The investigating officer should (where relevant) gather other documentary evidence such as letters, emails, text messages, photos/ video, evidence of internet web sites accessed, financial documents. Information gathered should be relevant to the allegations being investigated and reflect a fair and balanced view of the evidence gathered.

Investigatory Meeting with employee/Headteacher (subject to the allegation)

Gathering evidence from the employee is an important part of an investigation. Care should be taken in interviewing, to ensure that a fair and balanced view of the evidence in support of and against the allegation(s) is gathered. If an employee fails to co-operate with an investigation, a decision on whether to proceed to a disciplinary hearing will be made on the evidence available.

Employees have a right to be accompanied by a representative as soon as disciplinary action against them is the potential outcome.

Investigation Reports

At the conclusion of an investigation the investigating officer should produce a report/ document which includes (where appropriate) a summary of the case, background/context, key facts, evidence gathered including witness statement/other evidence, mitigation offered and a conclusion/ recommendation of whether there is a case to answer. (Investigatory report format is attached appendix 7)

10.5 Notification of a Disciplinary Hearing

All employees must be notified in writing giving a minimum of **10 working days' notice** of the Hearing (unless varied by mutual agreement) to be held under the terms of the School's Disciplinary Procedure.

The letter should notify the employee of

- The detailed allegation(s)
- Investigation report and all relevant documentation such as signed witness statements, school policies if appropriate,
- Date, time and location of the Hearing
- Their entitlement to be represented by a professional association/trade union representative or a work colleague (see sample letter – Appendix A)
- Enclose a copy of the Disciplinary Procedure

Where there is a potential dismissal i.e. in the case of minor offences / more serious offences after a final written warning or gross misconduct, the employee should also be advised in the above letter of the following:

- They are able to call witnesses if appropriate.
- Confirmation of any witnesses to be called by the Headteacher
- They must send copies of any documents that intend to refer to at the Hearing together with a list of witnesses if appropriate **not less than 5 days before the Hearing** to the Clerk to Governors, copies should also be provided directly to the **Headteacher at the same time**
- That if the misconduct is found to be proven they may be dismissed

A colleague accompanying an employee is entitled to reasonable time off to prepare for and attend the Hearing.

In the case of a potential disciplinary action being conducted with an employee who is an accredited official of a recognised professional association or trade union, consultation should take place prior to the above letter being sent with a senior official of their teacher professional association or trade union. In such cases schools should seek advice from the LA.

In the cases of potential dismissal the Director of Children's Service should be invited to send an appropriate Local Authority officer(s) e.g. HR to attend the Disciplinary Hearing for the purpose of giving advice. The Committee must consider any advice given before reaching a decision.

10.6 Non Attendance at meetings arranged under the disciplinary procedure

There may be occasions when the employee is unable or unwilling to attend a meeting. In such cases the employer may conclude that a decision should be made on the evidence available. In such circumstances the employee should be informed, in writing, that the case may be heard in their absence. If the employee and/or the employee's chosen representative cannot attend they must offer an alternative date within 5 working days of the original date. If the employee fails to attend the postponed hearing, then depending on the circumstances, a decision may be taken in their absence if that is a reasonable course of action.

Possible exceptions

- Where failure to attend was outside the employee's control e.g. illness of child it is reasonable to offer a second opportunity.

- Medical fitness of employee to attend meeting. In such circumstances it would be prudent to obtain a medical opinion from an Occupational Health physician on fitness to attend any meetings.

10.6.1 Recording of Disciplinary Cases

It is the responsibility of the school to ensure that notes of hearings are formally recorded, in the form of minutes, which may be referred at a later date e.g. Employment Tribunal. All official paperwork and records, including electronic records, must be kept in a safe and confidential place detailing:

Investigation

- Letters and correspondence to the employee, including the nature of the disciplinary offence(s).
- Investigating Officer's report, including witness statements, other documentary evidence.
- notes of any meetings

Disciplinary Hearing (in addition to above):

- notes of the disciplinary hearing, both formal minutes and personal notes of Panel members
- the action taken, together with the reasons

Appeal Hearing (in addition to above):

- whether an appeal was lodged and, if so, its outcome
- notes of the appeal hearing, both formal minutes and personal notes of Panel members
- the action taken (whether or not decision is upheld), together with the reasons
- any subsequent developments.

All these records will be required if an employee takes a case of unfair dismissal to an Employment Tribunal.

10.7 Role of Professional Association/Trade Union Representatives or Work Colleague in a Disciplinary Hearing

The procedure to be followed in a disciplinary and appeal hearing is set out in Appendices 1 and 5.

The professional association/trade union representative or work colleague can:

- Present the case on behalf of the employee
- Question, on behalf of the employee, any witnesses called and/or the investigating Officer/Headteacher
- Respond on behalf of the employee to any views expressed, but cannot answer specific questions put to the employee.
- Confer with the employee during the Hearing
- Sum up the employee's case.

The professional association/trade union representative or work colleague does **not** have the right to answer questions on the employee's behalf, address the Hearing if the employee does not wish it/or prevent the employer from presenting their case.

10.8 Grievances during a Disciplinary Process

The ACAS Code provides that where an employee, who is subject to a disciplinary investigation, raises a grievance during the disciplinary process, the disciplinary process **may** be temporarily suspended, to deal with the grievance when:

- The grievance relates to a conflict of interest that the manager holding the disciplinary meeting is alleged to have.
- Bias is alleged in the conduct of the disciplinary meeting.
- Management has been selective in the evidence they have supplied to the manager holding the meeting.
- There is possible discrimination.

However, where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Pre- Employment Tribunal – ACAS Early Conciliation

Trying to settle a dispute via Early Conciliation is quicker, easier, less time consuming and less expensive than dealing with an employment tribunal claim. Conciliation is a much less formal process too. When an individual makes an Early Conciliation notification the deadline for making their employment tribunal claim is pushed back by up to one month. For more advice please contact the Schools HR Consultancy team or go to the ACAS website <https://ec.acas.org.uk/Submission/EmployerPage>

10.9 Application to an Employment Tribunal

Where an employee has been dismissed an application to an employment tribunal **can only be made** after an employee has contacted ACAS and sought early conciliation (as outlined above)

The Governing Body shall be the respondent in any application to an Employment Tribunal for the dismissal of an employee. This means that the Chairperson and possibly other members of the Staff Dismissal Committee and/or the Staff Dismissal Appeal Committee would be required to give evidence at any Employment Hearing

An Employment Tribunal claim may (subject to certain exemptions) only be made if an employee has been continuously employed for at least two years at the time his or her employment ends. Subject to the satisfaction of certain conditions, employees who feel that they have been unfairly dismissed have a legal right to make a complaint to an Employment Tribunal. Such complaints would normally be received by the Employment Tribunal within 4 months of the employee's last day of work (following ACAS early conciliation outlined above).

Where an employee has been dismissed and exercises his/her right to apply to an Employment Tribunal, the Notice of employment tribunal claim will be sent to the Governing Body, as respondent.

The Clerk to the Governors should inform the Director of Children's Services immediately on receipt of the Notice so that the LA can assist in the Completion of the Response and decide whether it wishes to apply to the Employment Appeal Tribunal to be made an additional party and allowed to take part in the proceedings.

The completed Notice of Response needs to be returned to the Employment Tribunal within the time stipulated by the Tribunal.

Any costs awarded in connection with a decision of unfair dismissal by the Employment Tribunal will be borne by the LA unless the Authority has good reason for deducting the costs from the school's budget share.

Good reason is not defined by law but as a general rule, costs associated with unfair dismissal contrary to the Director of Children's Services' advice, may be a charge to the School's budget.

11. Advice to Governors

In any proceedings the Governing Body would be regarded as the employer and would need to demonstrate, in line with the Birchell Principles, that:

1. A fair procedure had been followed in accordance with the ACAS Code of Practice
2. A robust, balanced and fair investigation had taken place.
3. The employer has formed a view that the employee had committed an act of misconduct and that the employer had reasonable grounds to sustain that belief.

In addition the governing body must ensure that:

- The employee had been given ample opportunities to explain his/her actions during the investigation and any hearing arranged under this procedure
- There was no pre-judgement as to guilt and that the decision to dismiss was reasonable in the light of the evidence before the bodies making the decision.

Any failure to carry out proper procedures would very likely result in a decision of unfair dismissal by the Employment Tribunal.

From 6 April 2009, Employment Tribunals will consider whether a failure to follow the principles in the ACAS Code of Practice on disciplinary and grievance procedures (the Code) was unreasonable. The Employment Tribunal can choose to increase or decrease awards by up to 25 per cent in relation to the level of compliance of either the employee or employer.

**DISCIPLINARY HEARINGS –
SAFEGURDING CASES - CONSIDERATION OF EVIDENCE**

The disciplinary Decision Maker(s) must have regard to all the evidence presented to them and form a view and have reasonable grounds to sustain the belief that:

- (a) Whether the person's behaviour has posed, or could pose, a risk to children to whom the organisation has a duty of care; and/or
- (b) Whether the behaviour has compromised, or could be seen to have compromised, the ability and reputation of the organisation to safeguard children by failure to uphold the standards expected of the employee.

The absence of any criminal investigation, charge or conviction is not an adequate defence for the adult who is subject to a disciplinary hearing. There may be evidence contained within the disciplinary investigation which leads the employer to question the suitability of the person to continue to work in a position of trust within the organisation even when no criminal activity has been identified or a criminal investigation has not led to a charge or a case has been brought before a court but there has been no conviction.

Children **should not** be expected to attend a disciplinary hearing. In some cases a young person may clearly express a wish to contribute by giving evidence in person, and in such cases should be accompanied by a responsible adult whose role will be to ensure that his or her rights are observed.

The burden of proof in disciplinary proceedings requires that the evidence provided demonstrates that, on the **balance of probabilities**, there is a **strong likelihood** that the individual is **unsuitable for his or her current position**. (refer to note 1 below)

The panel's decision should not be influenced by concerns about whether, at a later stage, the individual may or may not be barred from working with children. Neither should concerns about any possible appeal process influence its decision.

The disciplinary decision makers should:

- Always act reasonably and in good faith in the interests of the child and the employee.
- Have no prior involvement that might prejudice their ability to hear the case fairly.
- Adjourn for further information or advice where necessary.
- Reach a decision based on a full consideration of all evidence with sufficient regard having been given to any explanation offered by the employee for his/her behaviour.
- Understand that the organisation must have a priority to safeguard children.

Disciplinary Hearing Procedure
(For minor offences to be investigated and heard by Headteacher)

1. The Headteacher will introduce the Hearing, explain its purpose and how the meeting will be conducted.
2. The Headteacher should put the case to the employee.
3. The employee should be allowed to put his/her case to the Headteacher with the assistance of his/her representative if he/she so wishes.
4. The Headteacher should then sum up.
5. The employee (or his/her representative) to sum up.
6. Following the summing up the Headteacher should ask the employee and his/her representative to withdraw in order for him/her to deliberate on the case.
7. On completion of his/her deliberations the Headteacher should ask the employee and his/her representative to return to hear his/her decision and the disciplinary action, if any, to be taken.
8. The decision of the Headteacher should be one of the following:
 - a) To confirm to the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find that the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) Impose a recorded oral warning.
9. The Headteacher should also give an explanation for that action and should explain the employee's right of appeal under the procedure.
10. The Headteacher should confirm the recorded oral warning in writing within 7 working days to the employee (copy to a teacher professional association/trade union representative and the Director of Children's Services), detailing the complaint(s) and the action taken plus the employee's right of appeal.
11. If a recorded oral warning has been imposed the employee should be asked to acknowledge, in writing, that an oral warning has been given.

Disciplinary Hearing Procedure
(For disciplinary matters delegated to Headteacher)

NB. Normally for more serious offences or repeated minor offences

1. The Headteacher will introduce the Hearing, explain its purpose and how the meeting will be conducted.
2. The investigating officer to put the case and to call witnesses if appropriate.
3. The employee (or his/her representative) to ask questions of the investigating officer and witnesses.
4. The Headteacher to ask questions of the investigating officer and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The investigating officer to ask questions of employee (and/or his/her representative) and witnesses.
7. The Headteacher to ask questions of the employee (and/or his/her representative) and witnesses.
8. The investigating officer to sum up.
9. The employee (or his/her representative) to sum up.
10. The Headteacher may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.
11. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. **Note: Witnesses should only be present when giving evidence and should withdraw immediately afterwards.** If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled.
12. On completion of his/her deliberations the Headteacher should ask the employee and his/her representative to return and should announce his/her decision and the disciplinary action, if any, to be taken. The decision of the Headteacher should be one of the following:
 - a) To confirm with the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) Impose a recorded oral warning or a written warning or in the case of serious misconduct or misconduct after a warning a final written warning. Where a

final written warning is issued and still 'live' then the employee may ultimately be dismissed. In such cases the employee would be entitled to notice pay.

NB if the governing body have given delegated powers the Headteacher may also dismiss and employee with or without notice.

13. The Headteacher should confirm the decision in writing within 7 working days to the employee (copy to professional/trade union representative and the Director of Children's Services) detailing the complaint(s) and the action taken plus the employee's right of appeal. If a warning has been imposed the employee should be asked to acknowledge, in writing, that a warning has been given.

Disciplinary Hearing Procedure
(Staff Dismissal Committee)

NB normally only for Gross Misconduct or Dismissal for further and/ or different offences (after a Final Warning)

Introduction

The Staff Dismissal Committee may consist of up to 3 but not less than 2 members of the Governing Body (excluding the Headteacher) who have not previously been involved in the case, or have any other involvement, e.g. relationship to the employee subject to disciplinary action.

Documentation from both parties should be given to the Staff Dismissal Committee 3 working days prior to the disciplinary Hearing in order for the Committee to be better informed about the issues of the case.

Disciplinary Hearing Procedure

1. The Chairperson of the Staff Dismissals Committee and the Director of Children's Services (or his nominated officer(s)) will introduce the Hearing, explain its purpose and how the meeting will be conducted.
2. The Headteacher/investigating officer to put the case and call witnesses if appropriate.
3. The employee (or his/her representative) to ask questions of the Headteacher /investigating officer and witnesses.
4. The members of the Staff Dismissal Committee to ask questions of the Headteacher/investigating officer and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The Headteacher/investigating officer to ask questions of the employee and/or his/her representative and witnesses.
7. The members of the Staff Dismissal Committee and the Director of Children's Services (or his/her nominated officer(s)) to ask questions of the employee and/or his/her representative and witnesses.
8. The Headteacher/investigating officer to sum up.
9. The employee (or his/her representative) to sum up.
10. The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.
11. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. **Note - Witnesses should only be present when giving evidence and should withdraw immediately afterwards.** If it is necessary

to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or his nominated officer, should remain during the Staff Dismissal Committee's deliberations.

12. On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and his/her representative to return and should either announce the decision of the Staff Dismissal Committee and the disciplinary action, if any, to be taken or inform the employee that the decision will be conveyed in writing to him/her. The decision of the Staff Dismissal Committee should be one of the following:
- a) To confirm with the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find that the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) To impose a recorded oral warning; a written warning; a final (or combined first and final) written warning or a final written warning as an alternative to dismissal.
 - d) To determine that the employee shall cease to work at the school on the grounds of Gross Misconduct or Dismissal for further and/ or different offences (after a Final Warning)
 - e) The Chairperson should also give reasons (either orally or in writing) for that action and should explain the employee's right of appeal under the procedure
 - f) The Staff Dismissal Committee should confirm the decision in writing as soon as is reasonably practical to the employee, detailing the findings and the action taken plus the employee's right of appeal to the Staff Dismissal Appeal Committee of the Governing Body.

Where the decision of the Staff Dismissal Committee is that an employee should cease to work at the school, a copy of the written notification to the employee setting out the reasons for the decision must be sent to the Director of Children's Services.

The employee such be given notice terminating his contract with the Authority as is required under that contract; or, terminate that contract without notice if the circumstances are such that it is entitled to do so by reason of his/her gross misconduct

Disciplinary Appeals Procedure

Introduction

The employee has the right of appeal to the Staff Dismissal Appeals Committee of the Governing Body against any decision to take disciplinary action.

The employee should send a written appeal (pro forma Appendix 8), giving grounds for the appeal, for the attention of the Clerk to the Governors within 10 days of receiving confirmation of the sanction with a copy to the Director of Children's Services

The size of the appeal committee can be no less than the original relevant committee (where relevant). The staff dismissal appeals committee can decide an appeal against any decision taken by the Headteacher or the Staff Dismissal Committee, and can decide to confirm that decision, to impose a lesser penalty or to dismiss the case.

NB in the case of **Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools** the Director of Children's Services or nominated representative should be invited to give advice and/or attend the Hearing and should be sent copies of all documents to be considered during the Hearing.

Appeal Hearing Procedure

- a. The Headteacher/ Investigating Officer or Chair of the Staff Dismissal Committee to put the case and call witnesses if appropriate.
- b. The employee (or his/her representative) to ask questions of the Headteacher /investigating officer or Chair of the Staff Dismissal Committee and witnesses.
- c. The members of the Staff Dismissal Appeal Committee and the Director of Children's Services (or his nominated officer) to ask questions of the Headteacher/Investigating Officer or Chair of the Staff Dismissal Committee and witnesses.
- d. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
- e. The Headteacher/investigating officer or Chair of the Staff Dismissal Committee to ask questions of the employee and/or his/her representative and witnesses.
- f. The members of the Staff Dismissal Appeal Committee and the Director of Children's Services (or his nominated officer(s)) to ask questions of the employees and/or his/her representative and witnesses.
- g. The Headteacher / investigating officer or Chair of the Staff Dismissal Committee to sum up.
- h. The employee (or his/her representative) to sum up.
- i. The Chairperson of the Staff Dismissal Appeal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for

the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.

- j. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. **Note: Witnesses should only be present when giving evidence and should withdraw immediately afterwards.** If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services (or his nominated officer(s)) and the Head of Legal Services (or his nominee) should remain during the Staff Dismissal Appeal Committee's deliberations.
- k. The Staff Dismissal Appeal Committee may announce its decision to the Headteacher and/or the employee and his/her representative personally or subsequently in writing. Whichever method is chosen both parties should be informed in a like manner. A decision notified orally should be confirmed in writing by the Clerk to the Governors.
- l. The outcome of any appeal should be confirmed in writing with the employee within 10 working days of the appeal
- m. If the Appeal is upheld, the Appeals Committee may order the Authority to reinstate the employee with pay (if he/she has been dismissed) with or without a final or written or oral warning or if the sanction has been a warning (of any kind) the Appeals Committee may order that the warning be annulled or be replaced by a warning which carries with it a lesser sanction.

**SAMPLE LETTER - ALLEGATIONS OF MINOR OFFENCES / MORE SERIOUS
OFFENCES /GROSS MISCONDUCT**

Dear

**Allegations of Misconduct/Gross Misconduct
(delete as appropriate)**

I write to confirm the disciplinary allegation(s) that
I will be investigating
or
appointing an investigation officer to investigate

The allegation(s) are

- 1)
- 2)
- 3)

NB Where appropriate If allegations relate to gross misconduct, please refer to examples of gross misconduct contained within the disciplinary procedure and specify the detail of the allegations such as

- *Inappropriate use of social networking sites in that you made inappropriate and abusive comments on facebook about pupils and teachers in the school*

You will be given the opportunity to respond to the allegation(s) and will be invited to an investigatory meeting, and you will be sent a letter providing details of the date, time and venue of the investigatory meeting.

At the investigatory meeting you will have the right to be accompanied by trade union/ professional association representative or work colleague.

Please find attached a copy of the Schools Disciplinary Procedure

SAMPLE LETTER - INVITATION TO INVESTIGATORY MEETING

Dear xxx

I require you to attend an investigatory meeting with the investigation officer (**Name**) on

Date:

Time:

Venue

At the Investigatory meeting the investigating officer will be seeking your response to the following allegation(s)

- 1)
- 2)
- 3)

NB Where appropriate If allegations relate to gross misconduct, please refer to examples of gross misconduct contained within the disciplinary procedure and specify the detail of the allegations such as

- *Inappropriate use of social networking sites in that you made inappropriate and abusive comments on facebook about pupils and teachers in the school*

You are entitled to be represented by a recognised trade union representative or work colleague if you so choose.

In the meeting the investigating officer will be seeking your responses to questions relating to the allegation(s), please note that your representative may not answer questions on your behalf.

It is important for you prepare your response to the allegations outlined above, so that the investigating officer can consider all relevant information.

If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Headteacher

SAMPLE LETTER – REQUIREMENT TO ATTEND A DISCIPLINARY INTERVIEW

Dear

DISCIPLINARY PROCEDURE – ALLEGATION OF MISCONDUCT

I require you to attend in my office at on
regarding the following allegation (add
details)

This is being considered as an act of misconduct under the school's disciplinary procedure a copy of which is enclosed. At the interview I will be considering the allegation including the statements attached to this letter.

If you are found responsible for the alleged incident this may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a recognised trade union representative or work colleague if you so choose. You are also able to call witnesses should you so wish. Please advise names of any witnesses you will be calling. *(The Committee will be calling as witnesses). (If appropriate)*

It is important for you and your representative to prepare your response to the allegation carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

.....(Name)
Headteacher

Encs

SAMPLE LETTER – OUTCOME OF DISCIPLINARY INTERVIEW

Dear

DISCIPLINARY PROCEDURE – ALLEGATION OF MISCONDUCT/SERIOUS MISCONDUCT

I refer to your Disciplinary Hearing with on
when your representative was present (when you chose not
to have a representative present) about an allegation of (add
details)

In response you stated that Having
considered all the details and circumstances of the event I am now satisfied that you

a) did not committed an act of *misconduct/serious misconduct in that you and I am
now issuing you with a recorded *Oral Warning/Written Warning/Final Written Warning
under the school's disciplinary procedure.

b) did not commit an act of misconduct/serious misconduct and I have decided that *there
is no case to answer/ to deal with this matter through a pre disciplinary management
instruction i.e. xxxxxxxxx

If you again commit a similar act or commit a further act of indiscipline you may ultimately
be dismissed. It is hoped however that there will be no further action on the school's part.
This warning will last for a period of _____ months.

Your conditions of service give you a right of appeal against this decision to the Staff
Dismissal Appeal Committee of the Governing Body. If you wish to exercise this right you
may do so either individually or through your trade union by notifying the Clerk to the
Governors in writing, giving grounds for the appeal, within 10 days from the date you
receive this letter. You have a right to appear before the Appeals Committee with or
without a representative of a recognised trade union or work colleague.

Yours sincerely

.....(Name)

Headteacher

*** or: Written Warning**

*** or: Final Warning**

Oral Warning – 6 months
Written Warning – 12 months
Final Warning – 2 years

ALLEGATION OF GROSS MISCONDUCT – SAMPLE LETTER
SUSPENSION ON FULL PAY

Dear

DISCIPLINARY PROCEDURE – ALLEGATION OF GROSS MISCONDUCT

I refer to your meeting with me on (...date...) regarding an allegation of gross misconduct in that you (include appropriate reason from list of gross misconduct incidents – use exact words from the list outlined in para. 6.9(d)).

I confirm that in view of the serious nature of the allegation you have been suspended on full pay pending investigation. You should, therefore, not return to school or contact your colleagues. Please be aware that this includes discussion of the matter in any capacity including phone, e-mail and social networking sites.

If you do not understand anything or if you have any queries or wish to gain access to school to retrieve items you should contact me.

Please find enclosed a copy of the school's Disciplinary Procedure. You are entitled to be represented by a recognised trade union representative or work colleague if you so choose.

Yours sincerely

.....(Name)
Headteacher

**SAMPLE LETTER – ALLEGATION OF GROSS MISCONDUCT
REQUIREMENT TO ATTEND A DISCIPLINARY INTERVIEW**

Dear

**DISCIPLINARY PROCEDURE – ALLEGATION OF GROSS MISCONDUCT OR
MISCONDUCT AFTER A FINAL WRITTEN WARNING**

Further to my letter of I require you to attend in my office at
..... on regarding the following
allegation.....

This is being considered as an act of gross misconduct/misconduct after a final written warning under the school's Disciplinary Procedure a copy of which is enclosed. At the interview I (or the Staff Dismissal Committee) will be considering the allegation including the investigatory report by the Deputy, (or other nominated person) a copy of which is attached.

If you are found responsible for the alleged incident this may lead to your dismissal as set out in the procedure. You are entitled to be represented by a recognised trade union representative or work colleague if you so choose. You are also able to call witnesses should you so wish. Please advise names of any witnesses you will be calling. *(The Committee will be calling as witnesses).(If appropriate)*

It is important for you and your representative to prepare your response to the allegation carefully so that I (or the Staff Dismissal committee) can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

.....(Name)
Headteacher

Investigatory Report Format

Name of employee

Job Title

Allegations

Name of investigating Officer

Date

Contents Page

Summary of the case – Chronology of events

Background/context of the case

Detailed Findings

Conclusions

Summary Recommendations

e.g. case to answer or no case to answer and considered level of misconduct

Appendices including

- Witness statements
- Statement from employee
- Other evidence gathered
- relevant policies and procedures
- Copies of relevant correspondence

Format for Investigatory Interview/Witness Interviews

Name	
Job Title/ role	
Date	
Present	
Introduction	Purpose of the meeting Asked to sign statement as true and accurate account
Q1	What did you
Q1	Response from employee/ witness
Q2	What did you
Q2	Response from employee/ witness
Q3	What did you
Q3	Response from employee/ witness
Q4	What did you
Q4	Response from employee/ witness ETC
Follow-up questions/Areas probed further	
Signed	
Date	

Disciplinary Appeal Form

<u>Name</u>			
<u>Job Title</u>			
<u>School</u>			
<u>Will you be represented at the appeal?</u>	<u>Y/N</u>	<u>By Whom</u>	
<u>State reason(s) for appeal</u>			
<u>Sign</u>			
<u>Date</u>			

cc Trade Union or other representative