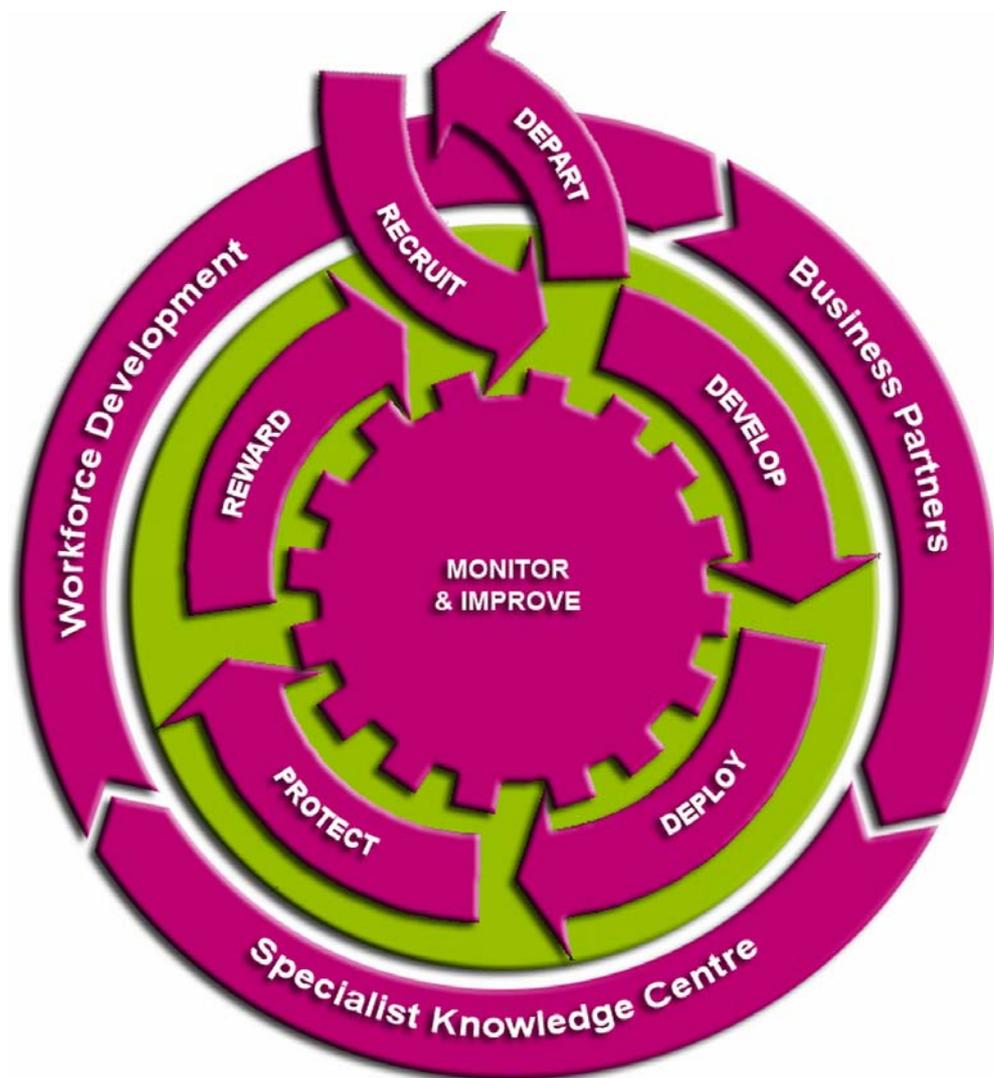




Schools Disciplinary Policy, Procedure and Guidelines – July 2012



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Adoption by Governing Body:
 With/Without Delegation of Authority to dismiss given to the Head Teacher
(delete as appropriate)

School

Signature of Chair of GovernorsSignature of Head Teacher.....

Date of ImplementationReview Date

1. Introduction

- 1.1 The purpose of the School's disciplinary policy and procedure and disciplinary rules is to help and encourage employees to achieve and maintain acceptable standards of conduct, efficient and safe performance of work and to maintain satisfactory relationships between employees and the School.
- 1.2 The policy and procedure has been drafted in line with the ACAS Code of Practice on Disciplinary and Grievance procedures (April 2009), adhering to the basic principles of fairness, reasonableness and transparency.
- 1.3 Template letters are available on the Council's School's Intranet site to complement the procedure. These letters will need to be adapted to individual circumstances and Head Teachers should seek advice from the Council's HR Employment Relations Team.
- 1.4 The Governing Body has a special responsibility to maintain the highest standards of staff conduct. All staff are expected to comply with the conditions of service, the articles of government and appropriate legislation.
- 1.5 Head Teachers have the prime responsibility for the day-to-day management and discipline within their schools. They should consider seeking advice from HR Employment Relations Team.
- 1.6 Governing Bodies and Head Teachers are advised that in order to avoid possible cases of unfair treatment or discrimination, they should seek advice and assistance at all times from the Council on the operation of disciplinary procedures. Where disciplinary action is taken, HR Employment Relations should be informed if they have not been previously involved. The Director of Children's Services or his/her representative shall be entitled to attend all meetings of disciplinary or appeals hearings for Community Schools.
- 1.7 Governing Bodies are required to establish:
 - **A Disciplinary Committee** – for disciplinary hearings in Schools where the Head Teacher does not have delegated authority * (and for hearings where the Head Teacher is themselves the subject of a disciplinary hearing or has had a close involvement in the case).
 - **An Appeals Committee.** The function of the Appeal Committee is to ratify, nullify or reduce the severity of the disciplinary action taken by the Head Teacher.

The quorum for both committees is at least three governors, to be chosen from those appointed by the Governing Body. No governor who has had prior involvement in the case should sit on either Committee.

* The DfE advises that disciplinary and dismissal decisions should be delegated to the Head Teacher unless there is a good reason not to do so. Governing Bodies who choose not to delegate disciplinary decisions (including dismissal) to the Head Teacher should formally record their decision not to delegate authority, when adopting this policy and procedure.

2. Scope

- 2.1 This policy and procedure will apply to all staff, including Head Teachers, appointed to posts in schools which have delegated budgets.
- 2.2 This policy and procedure does not cover issues of poor performance, which should be addressed in line with the School's Capability procedure. Note: For teachers, the Teacher Appraisal and Capability Procedure should be used.
- 2.3 This policy and procedure should not be used where employment is terminated in circumstances other than serious indiscipline such as:
- a) At the end of a predetermined limited or fixed term contract for which an employee has been specifically engaged;
 - b) On the grounds of redundancy;
 - c) Where following a period of probationary service, dismissal arises from unsuitability for confirmation of appointment;
 - d) On the grounds of capability due to ill-health.

3. General Policy Principles

- 3.1 Wherever possible, potential disciplinary issues and minor breaches of discipline will be resolved informally, as part of the day to day management of staff, without recourse to formal action. This should be the normal approach taken, except in cases of serious or gross misconduct or where a series of minor breaches of discipline have occurred, warranting formal action.
- 3.2 Informal discussion and/or counselling may be used to finding solutions to identified problems, so that any shortcomings in conduct can be remedied. A brief note of any meetings should be kept by the Head Teacher or his/her nominee for reference purposes and a copy given to the employee.
- 3.3 At every stage in the procedure the employee will be advised of the nature of the complaint and given the opportunity to prepare and present his or her case before any decision is made.
- 3.4 At all formal stages of the procedure the employee will have the right to be assisted by a representative of a Professional Association, Trade Union or another employee of the School. There is no right to be accompanied during informal discussions.
- 3.5 An employee will have the right to appeal against any formal disciplinary action taken.
- 3.6 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- 3.7 An employee will only be suspended if absolutely necessary (e.g. where the allegations are so serious as to warrant suspension or for the protection of the employee and/or others). Suspension will always be on contractual pay. A suspension should be reviewed at least every two weeks with a view to ending it as soon as possible.

- 3.8 No formal disciplinary action will be taken against a union or staff representative until the circumstances of the case have been discussed with a full-time official of that union.
- 3.9 Where disciplinary action is being considered against a Head Teacher, the Chair of Governors should designate a person to act in the role normally performed by the Head Teacher. All of the provisions of this document will apply, and the early advice of the Director of Children's Services should be sought.
- 3.10 No parties involved in a disciplinary process should disclose any confidential information in relation to the disciplinary case, except as required or permitted in accordance with this procedure. Any person who does so may themselves be subject to disciplinary action.

4. Criminal offences inside and outside of work

- 4.1 Criminal charges or convictions for offences inside or outside of employment are not automatic reasons for disciplinary action or dismissal. ER advice should be sought before any investigation is carried out.
- 4.2 Misconduct should not be referred to the police without the most careful consideration and a genuine and reasonable belief that the allegation, if established, could properly be regarded as criminal. It is important to consider the strength of the allegations. The Head Teacher should contact the Employment Relations Manager before proceeding with a referral to the police.
- 4.3 The member of staff should be written to and given an opportunity to respond. Head Teachers will need to consider whether it is necessary to suspend the member of staff pending the investigation of the allegations.
- 4.4 Court proceedings are separate to the internal disciplinary process. It does not automatically follow that staff found guilty of an offence in court will be subject to disciplinary action. Similarly, staff found not guilty of an offence in court may still be subject to disciplinary action.
- 4.5 It is important to remember that there is a different standard of proof required at court. In court, the matter must be proved beyond reasonable doubt whereas in a disciplinary case, the matter is determined on the facts presented and the balance of probabilities.

Disciplinary cases relating to potential criminal offences including fraud, theft and financial irregularities

- 4.6 Where an employee is suspected of committing a financial irregularity or theft in contravention of the Council's Disciplinary procedure and Financial Standing Orders, the Head Teacher/manager should refer to the [Council's Crime Response Plan](#) for specific guidance on the procedure to be followed. This is to ensure that any subsequent criminal prosecution is not compromised.
- 4.7 Whenever possible, before taking any action, you should consult with the relevant Service Areas, particularly Internal Audit, Human Resources and the Borough Solicitor

& Secretary so as not to breach the relevant legislation or compromise the investigation.

- 4.8 In the event that the person being interviewed confesses or begins to confess to a criminal offence then a caution should be given. Please refer to the [Council's Crime Response Plan](#) for specific guidance on the procedure to be followed, including how and when to give a caution.

Disciplinary cases where ICT Irregularities are suspected

- 4.9 If there are concerns that there has been a serious misuse of ICT facilities, in breach of the Council's [E-mail and Internet Policy](#), the same principles in relation to any potential investigative work apply but there is also a specific procedure to follow. This procedure is part of the Authority's overall [Crime Response Plan](#).

5. Dealing with allegations of abuse against teachers and other staff - resignation

- 5.1 In accordance with the statutory guidance from the Department of Education, allegations of abuse against teachers and other staff should be followed up even when the employee tenders his or her resignation. In all cases of allegations bearing on the safety or welfare of the children, every effort must be made to reach a conclusion, even when the employee refuses to cooperate with the process.
- 5.2 Wherever possible the employee should be given a full opportunity to answer the allegation and make representations about it. However, even if the employee is unable or unwilling to co-operate a disciplinary hearing should still be convened in order to:
- Record the allegation and any supporting evidence.
 - Decide whether the allegation can be substantiated on the basis of all the information available.
- 5.3 It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanction if the employee's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

6. Referrals to the Department for Education and the Independent Safeguarding Authority

- 6.1 When a registered teacher is dismissed or ceases employment for reasons of misconduct or incompetence, or where they resign in circumstances where dismissal was a possibility, the Head Teacher or Governing Body (where the case involves the Head Teacher) is required to notify the Department for Education (DfE) in writing.
- 6.2 In cases where the misconduct involves a risk of harm to children and young people, they are required to refer cases to the Independent Safeguarding Authority (ISA). Please contact your ER Adviser for further information on the process.

7. Raising grievances about disciplinary action and proceedings

- 7.1 Employees cannot raise a grievance to complain about or object to the fact that the School may take disciplinary action, including the fact that the School is commencing, or contemplating commencing the investigation stage of the procedure.
- 7.2 The only exception would be if the grievance is that the disciplinary action amounts to or would amount to discrimination, bullying or harassment. In such cases, consideration should be given to suspending the disciplinary procedure for a short period whilst this is looked into. The decision about whether or not to suspend the disciplinary action, and for how long, is at the sole discretion of the Head Teacher, who should consult HR Employment Relations for advice.

8. Allegations concerning a Trade Union Representative

- 8.1 Where allegations concern a Trade Union representative, the case must be discussed at the earliest opportunity with the Branch Secretary/Convenor or full time official, who should be invited to accompany the individual to any meetings under the procedure. Advice must be sought from the Employment Relations Manager before commencing any investigation or action under the procedure.

9. The disciplinary procedure

Informal stage

9.1 Informal discussion

- 9.1.1 An initial informal discussion is often more effective in dealing with minor conduct issues than a disciplinary hearing. If the employee's manager/Head Teacher has concerns about conduct they should meet with the employee to discuss their concerns.
- 9.1.2 A prompt, informal discussion can often prevent the repetition of minor misconduct and stop it from escalating into more serious misconduct.
- 9.1.3 The employee will be told of the expected standards of conduct required, and given an opportunity to explain their conduct and any mitigating circumstances. They should be advised when the matter will be reviewed again, which should generally be within three months. Should further problems arise before the review date, the manager/ Head Teacher may take further action before the timescale has elapsed. The employee should be made aware that this could happen.
- 9.1.4 Notes of the discussion should be written for reference purposes and retained by the Head Teacher and a copy given to the employee. The notes should detail:
- The nature of misconduct discussed;
 - The required standard of conduct;
 - The employee's comments made at the meeting;
 - Any training, support or additional supervision that is to be provided;
 - The likely consequence of further breaches of conduct.

- 9.1.5 Informal discussions may not always be the most appropriate action. Where a manager/Head Teacher is uncertain as to whether or not informal action is appropriate they should seek advice from their HR Employment Relations Adviser.

Formal stage

9.2 Investigation

- 9.2.1 Where the Head Teacher/manager considers that it is inappropriate to have an informal discussion or where an informal discussion has already taken place, a full and impartial investigation must be undertaken. Note: Where a repeated pattern of misconduct has been clearly established, an investigation may not be required; in this case, Head Teachers/managers should seek advice from their HR Employment Relations Adviser.
- 9.2.2 It is critical that investigations are carried out promptly. It is particularly important to interview witnesses promptly, before memories fade.
- 9.2.3 If an incident occurs or an allegation is made just prior to the end of term, it may not be feasible to undertake an investigation. However, the Head Teacher/manager should at the very least:
- Inform the employee both verbally and in writing of the details of the allegation, that an investigation is pending and that they will be contacted again at the earliest opportunity with further details of the investigation;
 - Take witness statements, wherever possible.
- 9.2.4 If there is an alleged safeguarding incident and the employee concerned is leaving at the end of term, the investigation may be carried out after the end of term, (see also para 5).
- 9.2.5 The investigation will normally be conducted by a senior member of staff, supported by an HR Employment Relations Adviser if necessary.
- 9.2.6 The employee under investigation must be informed, in writing:
- That an investigation is being carried out.
 - The nature of the complaint or allegation under investigation.
 - The name of the person leading the investigation.
 - Their right to be accompanied and/or represented at investigatory meetings by a recognised Trade Union Representative or a work colleague.
 - That notes will be kept of the meeting and if needed will be used at a later stage
- They must also be given a copy of the School's disciplinary procedure and disciplinary rules.
- 9.2.6 The employee will be given 5 school days notice of any investigatory meetings. However with the consent of all parties this period of notice may be reduced as it is desirable that such meetings should take place as soon as possible.
- 9.2.7 The aim of the investigation is to establish the facts. The investigating officer will present the management case in the event that a case proceeds to a disciplinary hearing.

- 9.2.8 The employee and any witnesses will be interviewed separately in the course of investigatory meetings.
- 9.2.9 An investigation meeting may be postponed at the discretion of the investigating officer if the chosen representative is unavailable. The investigating officer shall generally agree such a postponement where a reasonable alternative date and time within 5 school days is proposed by the employee/representative.
- 9.2.10 Any witnesses to be called should be written to in advance to be advised that they may be required to attend an investigatory meeting.
- 9.2.11 Witnesses will not normally need to be accompanied to an investigation meeting. They may however request to be accompanied by a Trade Union representative, a Professional Association representative or a work colleague where there are special circumstances in which they feel that they require such support. For example, this might be where the witness is alleged to have experienced bullying, harassment or discrimination.
- 9.2.12 Where a witness is accompanied at an investigation meeting, it should be made clear that the role of the person accompanying them is to provide support and not to speak on behalf of the witness.
- 9.2.13 Notes of the meeting should be taken by a designated note-taker. A copy of the notes should be provided to the employee, as soon as is reasonably practicable, to be checked for accuracy.
- 9.2.14 Notes of the meeting, witness statements and any supporting documents should be signed and dated and retained as possible evidence at any future disciplinary hearing, if appropriate.
- 9.2.15 The investigating manager will prepare a report of their investigation indicating their findings to the Head Teacher who will determine whether or not a disciplinary hearing is required. If it is decided that it is not appropriate to convene a disciplinary hearing the employee will be informed in writing that no disciplinary action is being taken.

9.3 Refraining from work

- 9.3.1 Where allegations have been made against an employee, the Head Teacher should consider the risks associated with the employee's continuing presence in the school. Where the risk is immediate and significant, the Head Teacher may require the employee to 'refrain from work' for a specified period of time (**no more than 3 school days**), on contractual pay, either
- Whilst a preliminary investigation is carried out prior to a decision whether or not to suspend the employee.
 - Where there has been no opportunity to meet with the employee to advise them of a suspension. (For example, at the end of the week where the Head Teacher feels they should not attend School on the Monday).
- 9.3.2 The Head Teacher should first arrange a private meeting with the employee to inform them of this (or if this is not possible, inform them by telephone conversation) and

then confirm this in writing. The employee should be informed that the request for them to refrain from work is not in itself a disciplinary action.

9.4 Suspension

- 9.4.1 In the case of alleged serious misconduct or gross misconduct a preliminary investigation should be carried out without delay to ascertain whether there is any substance to the allegations.
- 9.4.2 If there appears to be substance to the allegations then it may be necessary to suspend the employee. This should only be used in exceptional circumstances, for example:
- Where the severity/nature of the misconduct means that the employee's presence in the school cannot be tolerated;
 - Where their continuing presence could hinder investigations (e.g. they may influence witnesses or interfere with relevant evidence);
 - Where the employee is being charged with a serious criminal offence that is potentially inconsistent with their position;
 - Where there is a clear and real concern that the employee or others may be placed at risk by them remaining in the workplace.

The examples above are neither exclusive nor exhaustive

- 9.4.3 An employee can only be suspended by the Head Teacher (or another teacher with delegated authority in his/her absence, or in the case of a Head Teacher, by the Chair of Governors).
- 9.4.4 All suspensions in Community Schools must be notified to the Director of Children's services, via the HR Employment Relations Manager.
- 9.4.5 The suspension may be invoked at any stage of the investigation, should new evidence come to light.
- 9.4.6 Wherever possible, alternatives to suspension such as temporary redeployment/relocation or working from home should be carefully considered.
- 9.4.7 In cases of personal harassment or bullying, if suspension or temporary redeployment is deemed appropriate, it will be the alleged harasser who is suspended or moved to a different work location or asked to work from home on a temporary basis. If it is necessary for the alleged victim to take time away from work (e.g. to recover from the stress of the alleged incident) consideration will be given to grant authorised absence. This will not be classed as suspension.
- 9.4.8 Suspension should not be treated or viewed as a form of discipline or penalty for the employee.

The suspension process

Stage 1 – The decision to suspend

9.4.9 When deciding whether to suspend an employee, the Head Teacher should consider all the circumstances and in particular should address the following issues:

- Are there reasonable grounds for the suspension?
- What are the implications of suspension for the employee?
- What is the risk to the school, pupils or other employees?
- Is suspension necessary for a proper investigation of the allegations?
- How long will the suspension last?
- Would moving the employee to other duties remove the need for suspension?

Note: In all contracts of employment, there is an implied term that the employer will act in a way that will maintain trust and confidence. If an employer has not properly considered whether suspension is appropriate, or the manner in which the suspension is imposed is unreasonable, the term could be breached.

9.4.10 The Head Teacher should contact their Employment Relations Adviser for advice on whether suspension is appropriate, giving full details of the alleged misconduct. An employee can only be suspended by the Head Teacher (or another teacher with delegated authority in his/her absence, or in the case of a Head Teacher, by the Chair of Governors).

9.4.11 All suspensions in Community Schools must be notified to the Director of Children's Services, via HR Employment Relations.

Stage 2 - Practical arrangements

9.4.12 If it has been agreed to proceed with suspension and following a preliminary investigation, the Head Teacher should agree with the ER Adviser and the line manager the practical arrangements on how to implement the suspension to include:

- Notifying the employee to attend a suspension meeting;
- Safeguarding of relevant documents, records and other items of school property;
- Handing over keys and other equipment, which may include a work mobile or IT equipment;
- Accompanying the employee back to the workplace/staffroom to collect personal belongings if required;
- Limiting or removing access to IT systems – please see further guidance below;
- Guidance about contact with other employees whilst on suspension e.g. it may be necessary in some circumstances for a suspended employee to be prohibited from contact with particular named employees;
- Escorting the employee off the premises;
- How the employee's absence from work will be communicated to internal and external colleagues, pupils and others.

Access to IT systems and networks

9.4.13 When a decision to suspend has been taken, the Head Teacher should also consider the implications of maintaining the individual's access to their e-mail account and the School IT systems and networks. There may be instances where it is advisable to restrict or remove access to these IT systems. For example:

- Staff who have administration rights to Council IT systems;
- Instances of child\vulnerable adult abuse where employees have access to client information systems;
- Where soft copy evidential documents may be deleted or tampered with;
- Instances of harassment\bullying where cyber bullying may continue or witness intimidation may take place;
- Where an employee works from home and therefore may have the access to continue to work from home.

Preparing a suspension letter

9.4.14 A suspension letter will need to be prepared by the Head Teacher, with guidance from an Employment Relations Adviser. A template letter is given in [Appendix 8](#).

The letter should include:

- A statement confirming that suspension is not a disciplinary action
- The reason for suspension
- The length of the suspension and arrangements for reviewing
- Actions that will be taken during the suspension
- That suspension will be on full contractual pay
- Details of who the employee may contact within the School and/or Council and for what purpose
- Support available

Stage 3 – Advising the employee of suspension

9.4.15 When the above arrangements are in place, the Head Teacher should convene a suspension interview as soon as possible after the alleged misconduct. The employee has the right to be accompanied by a recognised Trade Union representative, a Professional Association representative or a work colleague. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself.

9.4.16 Under normal circumstances, the Head Teacher should ask the employee to attend a suspension interview, giving a brief outline of the reasons for the interview, advising the employee that they have the right to have a recognised Trade Union representative, Professional Association representative or work colleague present at the suspension interview and also remind the employee that suspension is not a disciplinary action. This should be confirmed in writing (see [Appendix 8](#) for template letter)

Stage 4 – Meeting to advise of suspension

9.4.17 The Head Teacher should chair the meeting, and state from the outset that suspension is not a disciplinary action and does not itself imply any presumption of guilt on the part of the employee.

9.4.18 The employee should be advised that brief notes of this meeting will be made by the Head Teacher.

9.4.19 Where the meeting takes place without an employee representative present (either because the employee declined this right or because no representative was available),

the Head Teacher/line manager should inform the employee why the suspension is proceeding without such representation. The Head Teacher should note these reasons for the record.

9.4.20 The Head Teacher should inform the employee:

- The reason for the suspension
- The likely duration of the suspension and that it will be reviewed every 2 weeks with a view to them returning to work as soon as possible
- That suspension will be on full pay
- Of the conditions of the suspension, which should include:
 - No access to school premises.
 - No use of school equipment or resources.
 - No contact with school staff, parents or pupils.
 - The requirement to be contactable and available for work and to attend meetings during normal working times.
 - The requirement to notify any periods of sickness during the suspension, in the normal way.
 - The requirement to return all school property for the duration of the suspension

9.4.21 The employee should be given a named contact at the school with whom they may communicate for the purposes of obtaining information in order to prepare his/her case. Such access may be reasonably restricted or denied, but a decision should be given within one working day.

Note: Employees will not generally be prevented from using Council facilities as a member of the public, (e.g. libraries) or be prevented from social contact outside of a work context with fellow employees who may be friends or relatives of the suspended employee.

9.4.22 The Head Teacher should also discuss with the employee what will be communicated to internal & external colleagues and pupils to explain their absence from work, and how the School will respond to any enquiries from the media about the employee's absence from work.

9.4.23 During the suspension interview, the Head Teacher should allow the employee the opportunity to comment on the alleged misconduct and the decision to suspend, and any comments made by the employee will be noted for the record.

9.4.24 At the conclusion of the meeting, the Head Teacher must give or send the original copy of the suspension letter to the employee and inform them of their right to representation at any further meetings which may occur as a result of the investigation into the alleged offences.

9.4.25 If the employee is a member of a recognised Trade Union, he/she will be responsible for forwarding a copy of the suspension letter to their Trade Union representative.

9.4.26 The Head Teacher needs to be sensitive to reactions from the employee including shock, stress or distress and may need to consider offering the employee support either to their home or a place of safety. Even at this stage it may be still be feasible to

consider alternatives to suspension. If suspension is not initiated then any pre-prepared documentation not subsequently used should be destroyed.

Impact on Pay

9.4.27 Suspension will be on contractual pay. However, the Council reaffirms that suspension is not a disciplinary action, and therefore will seek to avoid the employee suffering any short term unexpected financial loss as a result. An employee's pension will not be affected by suspension.

Sickness and Holiday

9.4.28 If the employee becomes ill during the suspension the normal sickness absence procedure will apply (i.e. notification, monitoring of absence and trigger points etc.) The normal contractual sick pay entitlements will come into force for the period of the illness. However, the suspension rules remain unchanged. Annual leave entitlement, where appropriate will continue to be accrued throughout the suspension and the employee may request annual leave in the normal way

Suspension Reviews

9.4.29 The Head Teacher and ER Adviser should review the suspension every 2 weeks whilst the investigation is carried out, keep a written record of each review, and ensure that the Director of Children's Services is kept up to date.

9.4.30 The review should:

- Assess whether the conditions for suspension are still met
- Consider whether the suspension can be lifted and the employee allowed to return to work in their substantive post, or whether they could work in a different location or capacity (only after full discussion and agreement with the employee).

9.4.31 The Head Teacher or a nominated manager will keep the employee informed of each review. Records of suspension will be written by the Head Teacher and forwarded to the Director of Children's Services when either the suspension is lifted or a hearing arranged.

Support during Suspension

9.4.32 Throughout all stages of the suspension process the employee will be given as much information as possible about the allegations or issues of concern, subject only to protecting the interests of any other party.

9.4.33 Suspended employees may experience significant levels of stress and sensitivity must be shown throughout the suspension. For example, Head Teachers should be sensitive about dispatching letters to suspended employees which will arrive on a Friday or Saturday where employees may have no opportunity to contact anyone at the School or within the Council.

9.4.34 The Head Teacher/manager should also ensure that a support officer is identified and that this person maintains regular contact with the employee. The employee should be made aware of the availability of the [Employee Helpline Service](#).

- 9.4.35 Although suspension should not lead to social isolation it may be necessary in some circumstances for a suspended employee to be prohibited from contact with particular named employees (e.g. witnesses).
- 9.4.36 The School should ensure that all employment matters relating to an individual employee remain confidential. Should there be a press enquiry or other request for a statement regarding the position of any employee, the Head Teacher should first inform HR Employment Relations and then the individual employee of this enquiry. The Council's Marketing and Communications Service is available to assist with any press enquiries.

Ending the suspension

9.4.37 Suspension can only be ended by the School's Governing Body. If the Head Teacher wishes to end a suspension, he/she must write to the Chair of the Governing Body stating:

- Why they feel it is no longer necessary for the employee to remain on suspension.
- That there are no safeguarding risks if the employee returns to work.

If the Governing Body agrees to the suspension being lifted, the Head Teacher should write to the employee to confirm this.

9.5 Disciplinary Hearing Panel and Chair

9.5.1 Where it is believed that there is a disciplinary case to answer a formal disciplinary hearing will be convened.

9.5.2 In Schools where the Head Teacher has delegated authority to dismiss, s/he will convene and chair the hearing and issue correspondence accordingly as set out below.

9.5.3 In Schools where the Head Teacher does not have delegated authority to dismiss (and in cases where the Head Teacher is the subject of the disciplinary hearing), the hearing will be convened by the Chair of Governors and heard by the Disciplinary Committee..

9.5.4 The disciplinary panel (i.e. Head Teacher or the Disciplinary Committee) will be assisted by an HR representative, who will provide guidance on the procedural aspects of the process.

9.5.5 The disciplinary panel members should have had no prior involvement in the case.

9.6 Notification of a formal hearing

9.6.1 The Head Teacher (or in the case of a Head Teacher, the Chair of Governors) will notify the employee in writing, of the intention to hold a disciplinary hearing. The letter instructing the employee to attend the disciplinary hearing should:

- Give the employee at least 10 school days notice of the hearing;
- Set out the date, time and place of the hearing and the name/s of the members of the disciplinary hearing panel;

- Confirm the nature of the alleged offence, conduct or complaint. This should be set out as one or more disciplinary charges specifying in each case the allegation and the Disciplinary Rule which it is alleged that the employee has breached;
- Advise the employee of their right to be represented at the hearing by either a recognised Trade Union representative, representative of a Professional Association or a workplace colleague;
- Advise of the names of any witness intended to be called and copies of any documents or statements which will be produced. This will include the investigation report;
- Advise that the offence, if proven may result in formal disciplinary action being taken;
- Where there are allegations of gross misconduct or where the employee already has a live final warning, the letter should indicate that the outcome could be dismissal;
- Advise of the requirement that the employee advise the Head Teacher of the name of their representative and the names of any witnesses to be called at least 5 school days before the hearing;
- Advise of the requirement to provide copies of any documentation material at least five school days prior to the hearing. (NB. A disciplinary panel shall have discretion to consider documentation submitted after this deadline where they consider it to be relevant to the disciplinary charge(s).

9.6.2 Where possible, the letter should include as an attachment any documents that the manager will present at the hearing, although these can be sent under separate cover provided they arrive no later than 5 school days before the hearing. These should include any conclusions and recommendations to the panel.

9.7 Attendance at a formal hearing

9.7.1 The following may attend a disciplinary hearing:

- The employee facing disciplinary action;
- The panel who will hear the case;
- An HR representative who shall act as an impartial Adviser to the panel;
- The employee's representative;
- The Head Teacher;
- The investigating officer;
- A note taker;
- Any witnesses invited to attend, (who shall remain only for the duration of their evidence.

Note: Where there is a requirement for other representatives/employees to attend for training purposes, this may be granted with the consent of the Chair of the panel.

9.8 Requests for postponement

9.8.1 At the request of the employee the hearing may be postponed on one occasion. The reasons for the postponement must be explained to the Chair of the panel, who will decide whether to agree or not to the postponement. If agreed, the employee must give an alternative date, no more than 5 school days after the original date for the hearing.

9.8.2 The hearing will not normally be re-arranged more than once. Further requests for postponement of a hearing will be considered on their merits by the Chair of the panel but may not always be agreed. Following one postponement the hearing may proceed in the absence of the employee.

9.9 Conducting the disciplinary hearing

9.9.1 The order of business at a disciplinary hearing will normally be as follows:
The Head Teacher/Chair of the panel will:

- Introduce those present and explain their role;
- Explain the purpose of the hearing and how it will be conducted;
- State precisely what the complaint or series of complaints is;
- Ask the investigating officer to detail the case by presenting the evidence, calling witnesses if appropriate;
- Giving the employee and/or their representative the opportunity to question the witnesses and any evidence presented;
- Ask any questions of the witnesses and the investigating officer;
- Give the employee and/or their representative the opportunity to state their case, present evidence and call witnesses. The employee should be encouraged to explain any mitigating circumstances which exist;
- Give the presenting officer the opportunity to question witnesses and any evidence presented;
- Ask any further questions necessary to establish the facts and clarify any points of doubt;
- Give the presenting officer the opportunity to sum up their case;
- Give the employee and/or their representative the opportunity to sum up their case;
- Adjourn the hearing to give proper consideration to the matters raised before reaching a decision. In certain circumstances further information may need to be gathered, in which case this should be undertaken as quickly as possible and the hearing reconvened to consider any new evidence before a decision is reached;
- The decision will be communicated to all parties and confirmed in writing, as soon as possible, giving the reasons for the decision;
- If the decision is not made within 10 school days, the employee will be notified in writing and given an expected date for the decision.

9.10 Deciding the outcomes of a disciplinary hearing

9.10.1 Having considered everything they have heard at the disciplinary hearing, the disciplinary panel shall consider first of all whether the procedure has been correctly applied and, if so, whether the disciplinary charges have been proven on the balance of probabilities.

9.10.2 Where the disciplinary charges have been found proven the panel shall consider whether or not to apply any disciplinary sanction. In deciding on the appropriate disciplinary sanction, no account should be taken of any lapsed warnings.

9.10.3 The possible outcomes of hearing are:

- No further action
- Written warning
- Final written warning

- Dismissal with notice
- Summary dismissal (i.e. without notice)

Note: If the outcome is 'no further action' or a written warning this may be supplemented by management advice, guidance and/or recommendations for counselling, development as appropriate.

9.11 No further action

- 9.11.1 If no further action is to be taken, this must be clearly indicated in the letter confirming the decision. The panel may feel it is appropriate to set out for the employee expected standards of behaviour in order to avoid further allegations or incidents which may lead to disciplinary action. This does not, however, constitute a written warning.
- 9.11.2 If the panel recommends development activities, these should include a monitoring period for reviewing progress.

9.12 Written warning

- 9.12.1 A written warning will be issued for serious matters or repetition or continuation of an offence which previous informal discussions have failed to curtail or resolve. A written warning will generally be given for a first offence of misconduct (other than gross misconduct).
- 9.12.2 The Head Teacher or Governing Body has the authority to determine the appropriate duration of the warning having regard to the seriousness of the offence and any mitigating circumstances. This will normally be from 1 to 2 years, but in any case no more than 3 years.
- 9.12.3 The letter, signed by the Head Teacher will include the following:
- Details of the complaint and the improvement required (if required) within a given time.
 - Details of the warning and its expiry date.
 - The likely consequences of further misconduct would be further disciplinary action which could lead to a further sanction, up to and including dismissal.
 - The employee's right of appeal, the procedure for lodging an appeal and the time limit for doing so.
- 9.12.4 The letter should be sent to the employee within 5 school days and copied to the Employment Relations Adviser. A copy should be retained on the employee's personal file. The employee is responsible for forwarding a copy to their Trade Union or Professional Association representative.
- 9.12.5 Once the duration of the warning has expired, it must not be considered as part of any future disciplinary action or referred to for the purposes of employment references. However, where the case involves safeguarding issues the letter will remain on the employees personal file and may be referred to.

9.13 Final written warning

9.13.1 A final written warning will be issued if:

- A written warning has already been issued and another offence has occurred, or
- Where the conduct is of such a serious nature that a first written warning is not deemed appropriate, or
- Where the offence could have warranted dismissal but the panel decides that this is not appropriate in all the circumstances (including having regard to any mitigating circumstances).

9.13.2 The Head Teacher or Governing Body has the authority to determine the appropriate duration of the warning having regard to the seriousness of the offence and any mitigating circumstances. This will normally not exceed 3 years. However, in exceptional circumstances where the misconduct verges on gross misconduct, the final written warning may be retained indefinitely and any recurrence of similar serious misconduct may lead to dismissal proceedings. The Head Teacher should seek advice on this from their Employment Relations Adviser.

9.13.3 The letter, signed by the Head Teacher will include the following:

- Details of the complaint (and the improvement required) within a given time.
- Details of the warning and its expiry date.
- The likely consequences of further misconduct would be dismissal.
- The employee's right of appeal, the procedure for lodging an appeal and the time limit for doing so.

9.13.4 The letter should be sent to the employee within 5 school days and copied to the Employment Relations Adviser. A copy should be retained on the employee's personal file. The employee is responsible for forwarding a copy to their Trade Union or Professional Association representative.

9.13.5 Once the duration of the warning has expired, it must not be considered as part of any future disciplinary action or referred to for the purposes of employment references. However, where the case involves safeguarding issues the letter will remain on the employees personal file and may be referred to.

9.14 Dismissal

9.14.1 Where the Governing Body has delegated dismissal decisions to the Head Teacher, he/she will hold a hearing before reaching any decision to dismiss an employee. The employee shall have the right of appeal to the Governor's Appeals Committee (see paragraph 9.15 below). In cases where the Head Teacher has been directly involved in the events leading to dismissal or is the subject of disciplinary proceedings the case will be heard by the Governor's Disciplinary Committee.

9.14.2 Where the decision is made that an employee should be dismissed this decision will be reported to the next meeting of the full Governing Body.

9.14.3 The letter to the employee confirming dismissal must be authorised and signed as follows:

- Community Schools (i.e. where employees are employees of the Council) – by the Director of Children's Services

- Foundation and Voluntary Aided Schools – by the Head Teacher

9.14.4 Dismissal will normally be with notice but where gross misconduct is found, it should be summary dismissal (without notice). Gross misconduct is defined as serious enough to constitute a fundamental breach of the contract of employment.

9.14.5 When a teacher is dismissed for reasons of misconduct or incompetence, or where they resign in circumstances where dismissal was a possibility, the Head Teacher or Governing Body (where the case involves the Head Teacher) is required to notify the Department for Education (DfE) in writing.

9.15 Appeals against disciplinary action

9.15.1 An employee may appeal against any disciplinary action taken against him/her by giving notice in writing within 5 school days (or 10 school days in the case of dismissal) to the Chair of Governors, who will arrange for a meeting of the Appeal Committee to be convened as soon as reasonably practicable (and normally within 15 school days) and inform all concerned of the date, time and place of the hearing at least 10 school days beforehand.

9.15.2 At an appeal hearing, the appellant and the Head Teacher shall each be entitled to appear and to be assisted, (by a representative of a Professional Association, Trade Union or a work colleague).

9.15.3 The purpose of the appeal is to review the decision taken by the Head Teacher/Governing Body, not to re-hear the case. The Appeal Committee may ratify, nullify or reduce the severity of the disciplinary action taken by the Head Teacher/Governing Body. The comments of the Appeal Committee may be recorded alongside any warning it ratifies, nullifies or reduces.

9.15.4 The employee should be notified by the Chair of the Appeal Committee, in writing, of the outcome of the appeal within 10 school days. If this is not possible, the Head Teacher or Chair of Governors should write to the employee and give them an indication of when they will be notified of the outcome.

9.15.5 The Appeal Committee's decision will be final and may be either to uphold or reject the appeal.

9.15.6 If the Appeal Committee upholds the appeal it may either nullify or reduce the severity of the disciplinary sanctions (for example, a successful appeal against dismissal may result in the employee being reinstated, with a final warning).

Disciplinary Rules

1. Introduction

- 1.1 The disciplinary rules are set out so that all School staff understand the standards of conduct expected of them. The rules also give an indication of action and/or behaviour which is considered unacceptable. The aim is to specify those rules which are necessary for the safe and efficient performance of work and to maintain satisfactory working relationships. The rules required may vary according to particular circumstances.
- 1.2. The lists below are not exhaustive and the School reserves the right to take action for matters not listed or alluded to. Employees should also refer to other School policies and procedures and the relevant national Scheme of Conditions of Service, where other rules and standards are implied. In addition, employees are required to work in accordance with relevant statutory obligations, professional standards, health and safety regulations and other rules governing their profession or working environment.
- 1.3 Breaches of these rules may lead to disciplinary action being taken in accordance with the Disciplinary procedure. Employees may be suspended from work as part of the Disciplinary procedure. Misconduct may lead to dismissal, although the employee will be entitled to appropriate notice. Gross misconduct, however, may lead to dismissal without notice. The form of disciplinary action taken will vary depending on:-
- The seriousness and nature of the offence;
 - The employee's previous record;
 - Mitigating circumstances; and
 - In some instances - the nature of the job.
- 1.4. In considering individual offences, the level and severity of misconduct will be a key element in deciding upon the action to be taken. Some misdemeanours, which would normally result in a warning, could in extreme circumstances warrant summary dismissal.

2. Examples of misconduct offences

- 2.1 Misconduct will not normally warrant dismissal without a previous warning (please also refer to Gross Misconduct, section 3 below).

General Conduct

- Failure to carry out a reasonable management instruction;
- Abuse of authority in relation to a colleague or a member of the public;
- Rudeness towards or conduct likely to cause harm or offence to a parent, colleague, member of the public or a fellow employee;
- Refusal to comply with appropriate standards of appearance and / or personal hygiene acceptable to management;
- Behaviour at work likely to offend decency;
- Failure to wear the appropriate uniform provided by the school;
- Sleeping on duty;
- Unauthorised absence from duty;

- Failure to notify line manager of absence from duty, and reasons, including non-attendance at an approved course of training;
- Failure to provide a medical certificate as required by the appropriate sick leave procedures;
- Persistent lateness;
- Persistent absenteeism;
- Neglect of Duty;
- Failure to discharge obligations in accordance with a statute or contract of employment;
- Negligent or inadequate standards of work.
- Acceptance of gifts or gratuities (where an employee is offered a gift or gratuity this must be reported to the Head Teacher). In this particular area there needs to be a good deal of common sense and reasonableness, and it will be left to the Head Teacher's discretion in each case, having regard to all the circumstances; However, as an example it is not expected that inexpensive promotional tokens (e.g. pencils, calendars etc.) would come within this category;
- Failure to hand lost property to an appropriate member of staff;
- Conduct prejudicial to the school's interest whether committed at work, or committed outside working hours (depending on the nature of the offence, the duties of the employee's post and any damage to the reputation and integrity of the school). This includes activities via the internet, on social networking sites and personal blogs.

Health and Safety

- Failure to wear the appropriate protective clothing provided by the school or Authority for particular duties;
- Failure to comply with the accident reporting procedure(s);
- Failure to follow safety instructions and codes of practice and safety policy statements issued from time to time by the School, the Council and Service establishments;
- Failure to comply with hygiene requirements;
- Failure to obey a lawful and reasonable instruction, including deliberate failure to observe any operational regulations and rules of the school;
- Dangerous or reckless behaviour involving risk of injury to other persons or oneself;
- Being under the influence of drugs, including alcohol, during working hours, so that performance of duties is detrimentally affected;

Deliberate Misuse and Falsification of Information

- Making false and / or deliberately misleading statements, whether verbally or in writing, in respect of official business;
- Failing within a reasonable period of time to report any matter which it is a duty to report;
- Deliberate destruction or damage to any documents required for the purposes of the school;
- Unauthorised disclosure of confidential information relating to the business of the school, its employees, or the public with whom it has dealings;

Unauthorised Private Work

- Engaging in employment, including self-employment, during off-duty hours when such employment conflicts with, or is detrimental to the interest of the school or in any way weakens public confidence in the conduct of the school;
- Private work which might involve any dealings with the school must be disclosed and can only be undertaken with the Head Teacher's approval.

3. Examples of Gross Misconduct Offences

- 3.1 Gross misconduct is misconduct that is so serious that it destroys the relationship of trust and confidence that the School needs to have in an employee and the dismissal of the employee is a reasonable sanction to impose notwithstanding any lack of history or conduct. A dismissal for gross misconduct is justified at the first offence and, depending on the circumstances, the employee may be dismissed without notice (i.e. summary dismissal).
- 3.2 It is not usually the number of offences, but rather the nature of a single disciplinary offence that determines gross misconduct. However, repeated disciplinary offences which, individually might otherwise have amounted to misconduct might, when aggregated, amount to Gross Misconduct.
- 3.3 This may include acts committed outside working hours as well as those committed at work, depending on the nature of the offence, the duties of the employee's post, and any damage to the reputation and integrity of the school.
- 3.4 The following are examples of offences which may be deemed gross misconduct and may lead to summary dismissal without any previous written or verbal warnings having been given.

Dishonesty, fraud and corruption

- Failure to disclose a conviction for a criminal offence (unless under the terms of the Rehabilitation of Offenders Act 1974 the conviction is "spent"), and the post is exempt;
- Undertaking private work during hours when contracted to work for the school- this includes unpaid voluntary work, unless it has been approved;
- Falsification of any information used in support of or connected with an application for a post with the school, including failure to disclose any known relationship with a Governor or senior member of the school's staff;
- Improper use of official position for personal and/or financial advantage or for the private advantage of some other person or organisation including soliciting or accepting bribes;
- Misrepresentation as to status, qualification, experience and health;
- Deliberate falsification of time sheets, bonus sheets, claim forms, sickness self-certification forms, invoices, receipts, accounts etc;
- Theft or misappropriation of, or malicious damage to, property of school, parents, pupils or other employees;
- Theft or misappropriation of school materials or equipment.

Note: In case of fraud or financial irregularities Head Teachers are reminded of their particular responsibilities under paragraph G20 of the Accounting Regulations and of the need to consult the Chief Finance Officer.

Harassment, bullying and discrimination etc.

- Acts of harassment, victimisation, intimidation, incitement or discrimination against any individual or group (e.g. includes colleagues, visitors, pupils and parents) Note this includes misuse of the internet and social media)

Improper use of equipment etc.

- Unauthorised use of school vehicles, whether during or outside the working day;
- Unauthorised use of any school equipment and / or facilities for private purposes;
- Use of school labour for private purposes;
- Use of wasted school materials and/or equipment without express authority;
- Unauthorised interference with a computer (e.g. misuse of a password to gain entry to a computer for the purpose of extracting information to which the employee is not entitled and /or deliberate corruption of computer records).

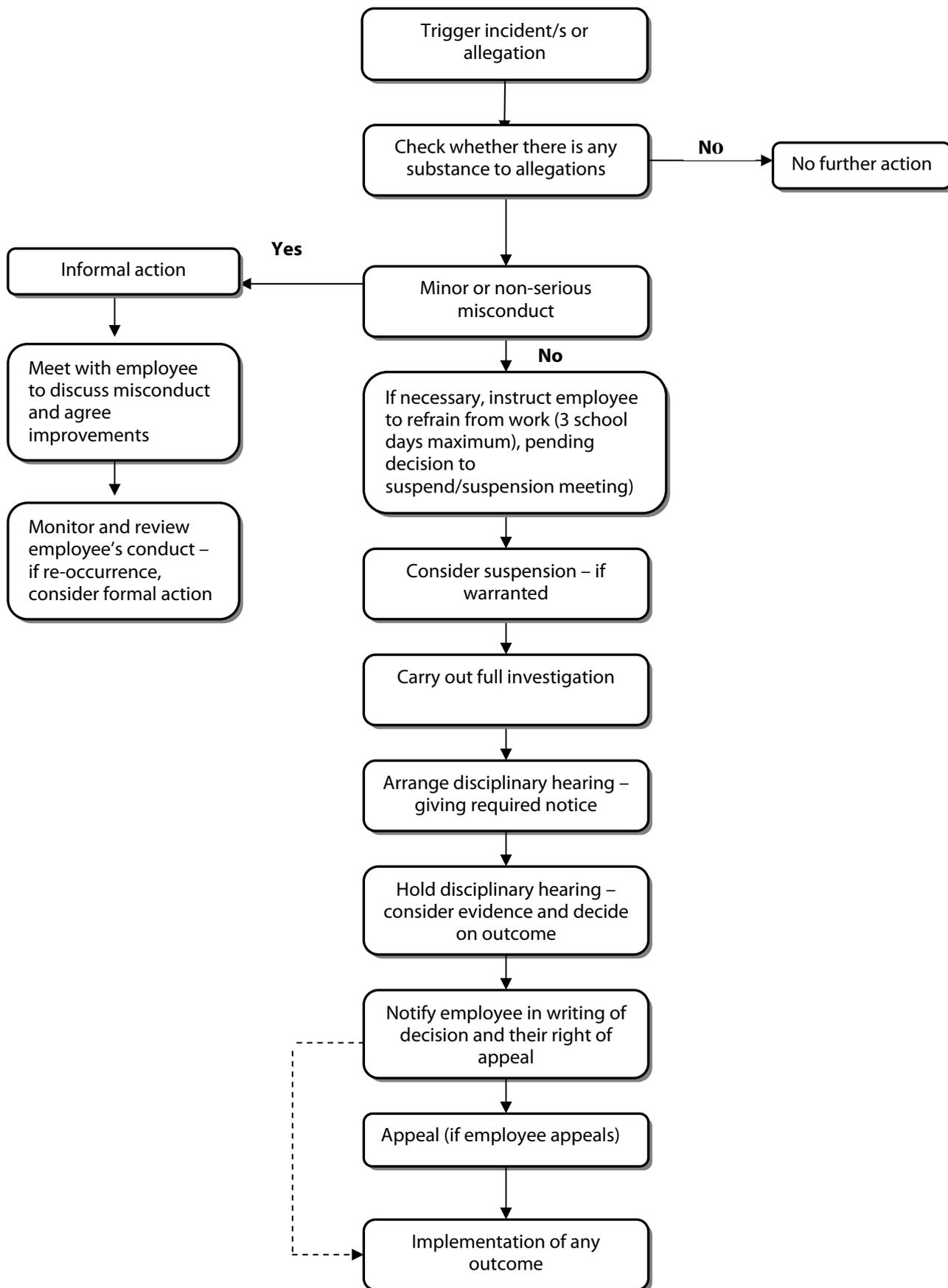
Neglect of Duty

Gross negligence and / or dereliction of duty.

Other Gross Misconduct

- Fighting with or physical assault on fellow employees, supervisors or members of the public, including maltreatment of pupils of the school or educational establishment;
- Gross indecency, sexual offences or grossly offensive behaviour or language;
- Misuse of the Internet (including social media, e-mail) such that it is of a sexual, racist or other serious matter, or is potentially a criminal act;
- Non compliance with a safety code such as to endanger life or cause injury;
- Malicious damage to school property and causing waste, loss or damage to school property.

Overview of Disciplinary Process



Guidelines on Informal Disciplinary Action

1. Wherever possible, try to resolve potential disciplinary issues and minor breaches of discipline informally, as part of day to day management and supervision. This should be the normal approach taken, except in cases of serious or gross misconduct.
2. You can use informal discussion and/or counselling to find solutions to identified problems, so that any shortcomings in conduct can be remedied. However, serious breaches of discipline, and particularly those involving alleged gross misconduct, must be dealt with formally.

3. Preparing for an informal discussion

Before meeting with the employee for an informal discussion, you should be as well prepared as possible. The following steps will help:

- Make sure you are clear about the problem/behaviour/misconduct and the changes you expect from the member of staff. Write this down if necessary.
- Consider the possible outcomes you want from the meeting and how you will state these to the member of staff.
- Gather all the facts and ensure you have copies of any written standards of conduct/behaviour and/or the disciplinary rules concerned.
- Think about the member of staff and how they are likely to react and behave. Think of the questions you need to ask to seek their views and to find a solution to the problem.
- Book a suitable venue and make sure you clear your diary of all other commitments at the time of the meeting.
- When notifying the member of staff of the meeting, make sure that they understand its purpose. Note: as this is informal action, they do not have the right to be accompanied at the meeting and the action will not be recorded on their personal file.

4. The informal discussion

The following will help you to make the discussion more productive:

- Try to put the member of staff at ease, but come to the point quickly and clearly. Remind them of the purpose of the meeting and that it is an informal discussion at this stage.
- Tell them you will be taking notes, but this is for reference only if you need to follow up any agreed action and that no note will be put on their personal file.
- Describe clearly and simply the behaviour/conduct you have asked to see them about, and state dates/times wherever possible. Then explain why this contravenes

the expected standards. If necessary, re-iterate the expected standards and refer to any written examples you have brought to the meeting.

- If the employee states they are/were unaware of the standards, then you will need to state that regardless of this, these are the standards you expect from now on and that everyone is expected to maintain them. Do not get drawn into discussion about other colleagues.
- Invite the employee to state their understanding of the situation and check that they acknowledge the issue. Wherever possible, summarise what they have said to check your understanding.
- Once they have acknowledged the issue, discuss methods of improving. Make suggestions where you can, but encourage the employee to suggest how they can improve. If the staff member is unable or unwilling to suggest improvements then clearly state your expectations and seek their agreement. (Note: if the staff member refuses to acknowledge there is a problem, make a note of this, but clearly state your views and the improvement/changes you expect.)
- Agree specific actions where you can and a date by which you expect to see an improvement (this may be immediately or over a reasonable length of time).
- Make clear to the staff member the consequences if they do not improve or meet the standards, i.e. formal action might be taken.
- Make it clear the date you will review this with them.
- Close the meeting by summarising the discussion and the actions agreed.

5. **Following up the discussion**

- Follow up by making a record of the discussion, highlighting the particular issue, key points of discussion, actions and dates for review. If necessary, confirm this in writing to the staff member.
- Keep your own note of the meeting and diarise the dates for reviewing improvements.
- If the staff member has met the required standards/improvements, acknowledge this to them.
- Notes of the discussion should be kept by the Head Teacher or his/her nominee for reference purposes and a copy given to the employee.

Undertaking a Disciplinary Investigation: Guidance for Investigating Officers

1. Introduction

Your responsibilities

As investigating officer your responsibilities are to:

- Gather all the relevant facts promptly before employees' memories fade
- Establish the exact nature of the allegations and the evidence to substantiate these
- Summarise your findings in an investigation report
- Recommend whether or not the allegations should be considered at a disciplinary hearing
- Present evidence at any disciplinary hearing and answer questions as required
- Attend any appeal hearing as a witness, where required
- Follow the procedure

In carrying out an investigation you should:

- Ensure the investigation is carried out as quickly as possible
- Ensure you have adequate time away from the workplace to conduct the investigation (which may reallocation of normal duties)
- Be thorough and fair
- Remain impartial and objective, do not make assumptions
- Consider whether there are any mitigating circumstances
- Maintain confidentiality as appropriate
- Talk to staff and, where appropriate, pupils/visitors/others concerned with the incident as appropriate to establish the full facts
- Seek supporting evidence, including any that is favourable to the employee
- Obtain statements from witnesses and keep notes of investigation meetings
- Compare statements and notes and attempt to resolve any discrepancies
- Follow the procedure

2. The Process

Step 1 - Preparation

- Plan your investigation before you begin – consider what information you need to gather. Before meeting with the employee and other witnesses, plan the questions you should ask.
- Throughout the investigation you may contact an HR Employment Relations Adviser for advice, for example, in the preparation of questions.
- Decide how best to conduct the investigation. This will depend on the complexity of the case. For example, you may decide, in some circumstances, a witness statement will suffice. In other circumstances, you may decide to meet with witnesses, but ask them to produce a statement before the meeting. Or, you may choose to meet the witness / employee in person in the first instance.

- Decide the order in which you will meet witnesses and the employee. You can meet with them more than once if necessary.
- Plan where to hold investigation meetings - this should be in a private place that will be free from interruptions.
- Witness notes should be signed by both the witness and the person conducting the interview and the date and time should be recorded.
- You should take notes of key points raised at the meetings. The notes do not need to be verbatim. You should give a copy of the notes to the employee/witness following the meeting and ask them whether he/she would like to add anything to them. Where the employee/witness provides alternative notes of the meeting both versions should be included in the evidence supporting your investigation report.

Step 2 - Meeting the employee /s under investigation

- If there is more than one employee under investigation, meet each employee separately.
- Where the matter under investigation is particularly sensitive, it may be advisable, to have another manager present.
- Introduce yourself (and if someone else is taking notes, explain their role) and remind them of the purpose of the meeting – i.e. to ascertain the facts.
- Advise the employee that in order for a full and thorough investigation to take place, information will have to be disclosed and shared to appropriate individuals at appropriate times during the process.
- Encourage all parties not to disclose to others, any information about the investigation.
- Ensure all parties are aware that you will only disclose to others, information relating to the investigation, on a “need to know” basis.
- Confirm that all records and notes will be kept secure and viewed only by individuals involved in the current process or later when appropriate action may need to be taken.
- Remind the employee of their right to be accompanied by a Trade Union representative or work colleague. Ensure that the employee understands the allegations that have been made. Ask him/her to respond to these allegations and produce evidence to support his/her response.
- Ask questions to find out exactly what happened (include a diagram or drawing if necessary). Use open questions to gain information, clarify the issues e.g. ‘what happened then?’ and to check your understanding of what has been said.
- Find out if there are any witnesses and establish their names and job roles.

- Summarise the content of the discussion (checking with the note-taker, if there is one) and check that the employee understands what is being recorded.
- Send the typed statements to the employee for them to sign their confirmation that it is a true and accurate record of the events.

Remember when interviewing the employee:

- Be sensitive to their feelings but remain detached and do not get emotionally involved
- Remain neutral and do not be drawn into giving your opinion
- Check the accuracy of your understanding (summarise before moving on to a new point or question)
- Focus on facts

Step 3 – Meeting witnesses

Note: You may decide it is not necessary to interview every witness, and a written statement will suffice. Witness statements should contain the following:

- The name (and job title if an employee) of the person giving the statement
- Details of the date, place and time of the incident being investigated
- Confirmation of the names and job titles of all those present
- The reason for the witness being able to comment on the incident
- Position in which the witness was able to see the incident
- Full details of what was witnessed, the sequence of events, names of other persons present, facts
- Sketch or plan if appropriate
- Date, time and place the statement was taken
- The signature of the witness

If you interview witnesses:

- You may wish to ask witnesses to write a personal statement prior to meeting with them. Where appropriate you could ask them to respond to certain questions.
- Where a witness provides a written statement you need to be happy that you have got all the information that you require from them and that there are no unanswered questions. If you are not satisfied you can re-interview the witness.
- Discuss with HR Employment Relations if a witness is unwilling to get involved.
- Witnesses will not normally need to be accompanied to an investigation meeting. They may however request to be accompanied by a Trade Union representative, a Professional Association representative or a work colleague where there are special circumstances in which they feel that they require such support. For example, this might be where the witness is alleged to have experienced bullying, harassment or discrimination.
- Ask them to explain what happened, or where you have asked for a written statement in advance, to gain clarification and/or further information about points that they have made.

- Use open questions to gain information, clarify the issues e.g. 'what happened then?' and to check your understanding of what has been said.
- Don't lead the witness, but do encourage them to concentrate on the main facts.
- Advise witnesses that their statements and responses to questions will be made available to the employee and to the management side if the investigation results in a disciplinary hearing. Witnesses also need to be made aware that they may be called to give evidence at a disciplinary hearing.

Step 4 - Gather other evidence

- Ask and seek supporting evidence to substantiate information provided by witnesses and/or the employee. Keep copies to use as supporting documentation.
- You may need to look at documents such as :
 - work rotas
 - curriculum timetable
 - attendance reports
 - shift/handover notes
 - incident reports
 - minutes of team meetings
 - one to one records
 - performance management documentation,
 - emails, letters
 - training records, development plans.
 - lesson plans
 - school procedures
- You may need to visit other sites or locations if necessary
- Look at the employee's background and employment record as well as any special circumstances that need to be taken into account.
- Ensure that the information you gather is appropriate, compatible and proportionate.
- Ensure that information is not obtained by deception
- Be mindful of the employee's right to access records held about them under the Data Protection Act 1998.
- Contact other services such as School Improvement, ICT, Audit etc. for advice where necessary

Step 5 - Preparing an investigation report:

Once you have completed the investigation you will need to write a report, which you should give to HR Employment Relations, to be included in the documentation used at any subsequent disciplinary hearing.

The summary and recommendation section of your report should be given to the Head Teacher so that he/she can confirm whether the allegations should be heard at a disciplinary hearing. It is important that you do not discuss the full details of the case with the Head of Service/Head Teacher as this could prevent them from hearing any subsequent appeal.

Your report should be clear, concise and presented in a logical format. It should:

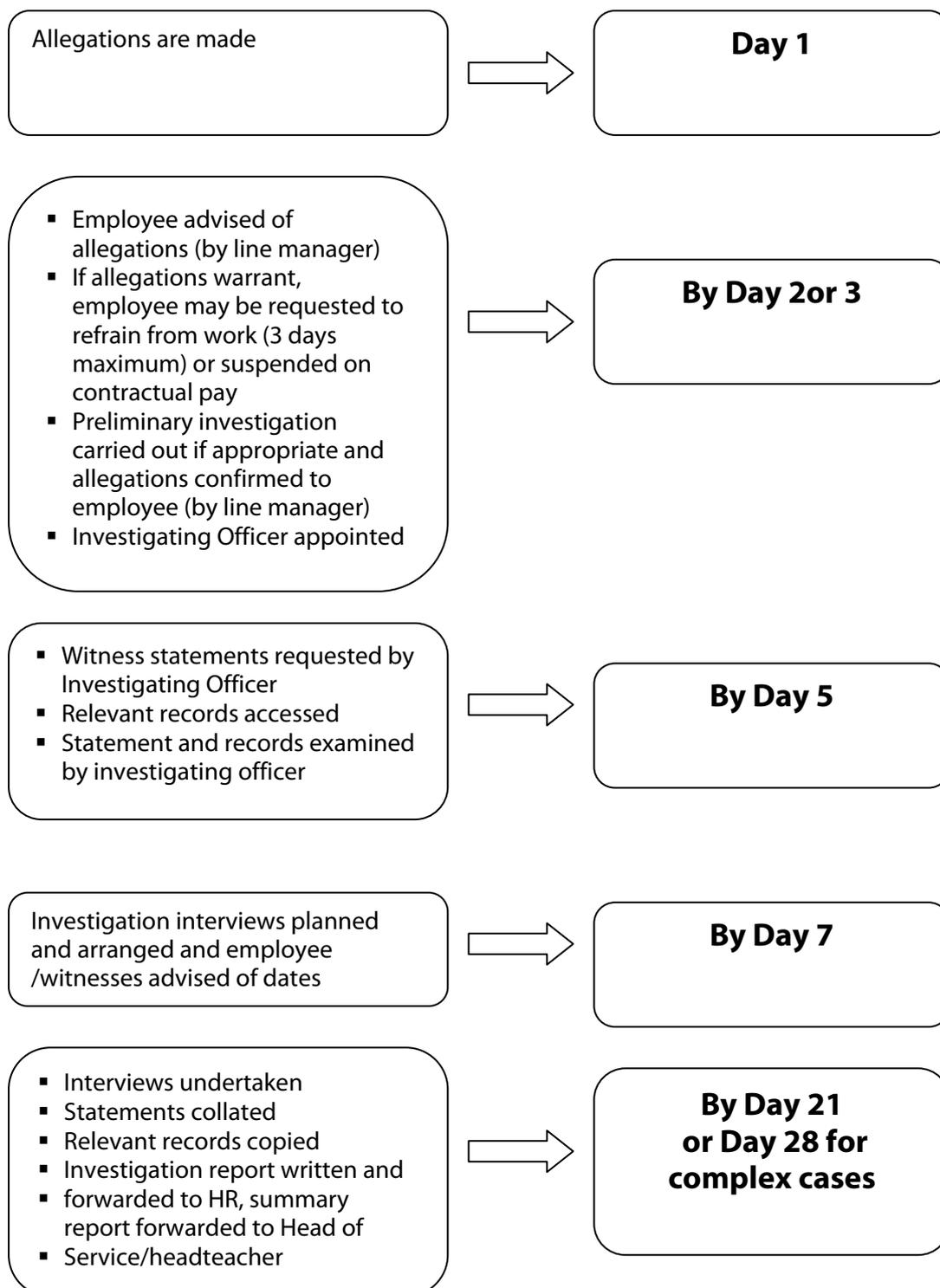
- Outline the allegations
- Analyse the evidence against the allegations
- Provide full supporting evidence. Make sure you include all the relevant facts so that it would make sense to someone unfamiliar with the case. Include those facts favourable to the employee.
- Contain a summary of events as evidenced by your investigation, referring to supporting evidence in the appendices as appropriate.
- Make recommendations – based on the findings of your investigation you can recommend that the case is:
 - Withdrawn
 - Handled informally (which may include management guidance)
 - Considered at a disciplinary hearing

[Appendix 6](#) provides a suggested format for the investigation report.

Guidelines on timescales for an investigation

To ensure a fair process, the investigation must be carried out promptly. As investigating officer it is important you treat the investigation as a priority.

All cases are different and timescales will vary from case to case depending upon the complexity of the allegations, but the following provides a guide as to the duration of each stage of the investigation. If timescales are slipping, contact HR.



CONFIDENTIAL

SCHOOL INVESTIGATION REPORT

DISCIPLINARY INVESTIGATION

NAME, JOB TITLE, SCHOOL

Date investigation started	
Date investigation completed	
Date report submitted to Head Teacher	
Investigator(s)	

1. INTRODUCTION

- 1.1 Provide brief details of the 'subject' of the investigation, their employment history, current role and how long held etc.
- 1.2 Provide brief outline of how the concerns arose.
- 1.3 Note if suspended and when, whether redeployed for duration of investigation or if there are any specific changes in place to allow the investigation to take place ie. line management responsibility removed, budget responsibility suspended, taken off usual duties but still within department etc.
- 1.4 If there are specific allegations record them at this point.

2. SCOPE AND COVERAGE

Investigation objectives should be recorded as defined within the investigation brief

All interviews should be minuted - the initials should be inserted after each name as these will be the initials used throughout the report

If the list of interviewees is long consider including it as an appendix

If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section (including reasons e.g. character reference only)

List of files and documents inspected

If the list is long consider including it as an appendix

- 2.1 Investigation objectives:

To establish whether: [summarise from original allegations against the employee]:

-
-

- 2.2 Interviews were held as follows:

Name	Job title	Also in attendane:	Date of interview

2.3 The following records were examined:

- Letter of complaint
- Personal file
- [List other relevant documentation]

2.4 Appendices:

Appendix 1	
Appendix 2	
Appendix 3	

3 BACKGROUND

Include brief details of the service area / location / work environment

Key responsibilities of the 'subject' of the investigation

Include anything else to 'set the scene' for the reader - there is every chance that the reader will not have any knowledge of the service

If the service area uses many acronyms, consider the use of a small glossary at this point or including it as an appendix

Aim to keep this section approximately half a page in length or a full page for more complex cases

3.1

3.2

3.3

3.4

4. FINDINGS

Organise the findings under each main allegation

- *Avoid pages and pages of continuous text - break up with headings e.g. 'Working Relationships', 'Service Complaints', 'Performance Management', 'Shouting Incident - 31 May', 'Previous Management Action', etc... This makes the report easier to read.*
- *Avoid using vast extracts from statements - only quote directly from the statements where it is necessary, for example, to illustrate the use of language or if the response to a question shows a particular disregard for policy or respect for others. It is the investigator's responsibility to analyse all the statements and draw out all corroborative*

evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.

- *Investigators are not just fact finders - it is the investigator's responsibility to explain what the evidence means. Avoid 'he said, she said' reports - the reader should not be left trying to establish what all the facts mean.*
- *If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. The lead manager wants to know whether there is any evidence to support the allegations - it is also the investigator's responsibility to explain how significant the evidence is - this should come across throughout the report.*
- *It is important to note any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation.*
- *Using full names throughout the report can be very repetitive - use initials e.g. Joe Bloggs (JB) - always quote full name and job title the first time they are mentioned within the report - initials thereafter.*
- *In addition to the specific allegations the report should include any patterns of behaviour that may have some relevance.*
- *If specific actions demonstrate a breach of Council policy or service procedures - these should be noted throughout the report, where appropriate.*

ALLEGATION 1:

SUB HEADING

4.1

4.2

4.3

4.4

SUB HEADING

4.5

4.6

ALLEGATION 2:

SUB HEADING

4.7

4.8

4.9

5. SUPPLEMENTARY ISSUES

5.1 There are no supplementary issues to this report **OR**

Cover issues which you have identified but are not directly related to the allegations or objectives of the investigation (could be system issues, management or policy weaknesses or matters which relate to the individual but were not part of the original brief – e.g. patterns of behaviour)

6. CONCLUSIONS

This is where the investigator provides an overall fact based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.

Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.

Identify to the reader the strengths and weaknesses in the evidence - emphasising the importance of any issues and where evidence can be open to different interpretation / scenarios.

Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Dignity at Work, Financial Regulations, School policies & procedures etc.

If there are any mitigating factors ensure that they are clear within the conclusions and it is important to explain their significance.

6.1

6.2

6.3

7. RECOMMENDATIONS

7.1 The report is sent to the Head Teacher and HR representative. A meeting with the Head Teacher, HR representative and investigator should be held to help clarify any points of fact or evidence. The Head Teacher decides, in consultation with HR Representative and Investigating Officer, what the next steps will be. The possible outcomes are:

- No further action
- Counselling / Management Action or
- A formal discipline hearing is required.

7.2 *If the investigator believes there is sufficient evidence to warrant consideration by a disciplinary hearing, this should be indicated here.*

7.3 Organisational Learning

Any recommendations relating to system, policy, procedural or management weaknesses should be reported separately using the Action Plan Template. It is the lead manager's responsibility to ensure that these recommendations are discussed, agreed (with the investigating officer or Audit Manager, if necessary) and the Action Plan completed with agreed action, responsible officers and timescales for completion.

The implementation of Action Plans completed by management investigators should be monitored by the relevant Head Teacher..

NB. These Action Plans should not make any reference to the individuals involved in the investigation.

END OF REPORT

Data Protection in Relation to Disciplinary Records

Security of Sensitive Data

1. Disciplinary records are subject to the requirements of the Data Protection Act 1998 and because of the nature of their content are deemed to be sensitive data.
 - All records relating to the case should be password protected on IT systems and any paper files should always be locked away, when not being used. Such records should never be available to casual scrutiny.
 - The Head Teacher should decide which colleagues within the School really need access to information before discussing details or sharing information on the case.

Access to Records during the Investigation

2. The Subject Access Rights Data Protection Act 1998 gives employees a right of access to information held about them. However, during a disciplinary investigation information should not be provided until it is clear that this will not lead to a criminal investigation.
 - If an investigation takes only a couple of weeks, it would be reasonable to wait until it is concluded before sharing the information with the employee.
 - If the investigation is not concluded within a couple of months, then by that time it should be possible to judge whether it relates to a criminal offence and therefore non-disclosure is still legitimately available. If the case is still deemed to be non-criminal, then reasonably staged disclosures could be made to the employee.

Access to Records during the Disciplinary Action

3. There are some further restrictions on employees' access to their records, other than the above-mentioned criminal investigations. However, Head Teachers need to be aware that, in general, even during disciplinary action employees are entitled to copies of the information held about them.
 - All documents, letters, reports, emails and notes about the employee held in the School (whether in one file or grouped by subject e.g. Leave cards, Performance Management Reviews) on paper or electronic format, form part of the employees distributed personal file. These records are available to an employee via a Subject Access Request (SAR).
 - Any records created by the School, or for the School, as result of the disciplinary action whether retained on file or in an IT system are also available, even during the disciplinary process, to the employee upon receipt of a written SAR (This could be an email request to the Head Teacher or to the Human Resources Service).
 - There are three possible exemptions to the disclosure of information to the employee during the disciplinary process:

- If there is a strong possibility that the case will lead to a criminal prosecution. In that event, the School will be working closely with Internal Audit and they will advise what information can be released and when, so as not to prejudice a criminal investigation.
 - The identity of anyone acting as a 'whistleblower', possibly employees interviewed during the investigation process, or external parties not employed by the School. However, the information supplied by 'whistleblowers', or external parties and the content of reports must be supplied, whilst retaining the anonymity of these vulnerable staff and third party data.
 - The details of the School's negotiation position. These details may be withheld to the extent to which access would be likely to prejudice any negotiations between the employer and employee.
- The School has to comply with a SAR within 40 days. By law, the School is obliged to supply as complete a record as it can manage. The Act does not require the employee to state which part of their personal file they wish to see, where it is stored or why they want to see it. However, some employees only request to see specific parts of their personal file.
 - If the request has come via the HR Service, they will be seeking a swift response, a copy of the specified records or for all records on this employee, as they will be co-ordinating a response from all the areas that hold parts of the employee's distributed personal record.
 - The Head Teacher may not remove or change any data in the personal file at the time of a SAR, in order to make the information acceptable to the employee. It is a criminal offence to change the contents of a record, because of a Subject Access Request.
 - Head Teachers are strongly advised to filter all records and remove non-essential notes and files, as soon as the Appeals Period has closed. The details of the School's negotiation position will of course, no longer be exempt from disclosure, by this stage. Any paper records must be disposed of via shredding or use of the School's confidential waste disposal facility.
 - As soon as a Warning Period is complete, the Head Teacher should check with their ER Adviser that the disciplinary record has been transferred to the Employment Events Record and destroy all 'spent' documentation held within the School. In the past, the Information (Data Protection) Commissioner has taken a very dim view of 'spent' records being retained in departments/schools.
 - Once the duration of the warning has expired, it must not be considered as part of any future disciplinary action or referred to for the purposes of employment references.

Template Letters

The following template letters have been prepared for you to use at various stages of the process. They may be adapted to suit the particular circumstances. However, please consult with your Employment Relations Adviser before sending any of these letters.

Letter	When to use
<u>Refrain From Work (No.1)</u>	when asking employee to refrain from work pending a preliminary investigation before
<u>Refrain From Work (No. 2)</u>	when asking employee to refrain from work and giving notice of suspension
<u>Notification of Suspension</u>	when asking employee to attend a meeting, which will result in their suspension from work
<u>Confirmation of Suspension</u>	following the suspension meeting, to confirm the meeting
<u>Notification of Investigation</u>	following an allegation being made to the Head Teacher – employee has not been suspended
<u>Notification of Hearing</u>	to notify employee of their requirement to attend a Disciplinary Hearing
<u>Outcome of Hearing (Written Warning)</u>	to notify employee of their warning issued, following a Disciplinary Hearing
<u>Outcome of Hearing (Final Written Warning)</u>	to notify employee of their final warning issued, following a Disciplinary Hearing
<u>Outcome of Hearing (Dismissal)</u>	to notify employee of their dismissal, following a Disciplinary Hearing

[Refrain From Work No:1 - Letter to be used when asking employee to refrain from work]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private & Confidential

[NAME & ADDRESS]

[DATE]

Dear [NAME]

I am writing to confirm our conversation of [DATE] when I instructed you to refrain from work with effect from [DATE]. You will receive your full contractual pay throughout the period.

This follows an allegation that you [ALLEGATION].

I am making preliminary enquiries into this and you will be contacted within the next 3 school days regarding the progress of the enquiries.

In the meantime you are advised to contact your *Trade Union / *Professional Association.

You are not permitted under any circumstances to visit the School without my prior permission nor to discuss this matter with colleagues, pupils or parents. If any of your possessions still remain on site, you should telephone [NAME OF CONTACT] in order to arrange a convenient time to come and collect them.

Yours sincerely

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[Refrain From Work No:2 - Letter to be used when asking employee to refrain from work and giving notice of suspension]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private and Confidential
[NAME & ADDRESS]

[DATE]

Dear [NAME]

I am writing to confirm our conversation of [DATE] when I instructed you to refrain from work with effect from [DATE]. You will receive your full contractual pay throughout the period.

You are required to attend a meeting in my office on [DATE] at [TIME].

The purpose of the meeting is to formally suspend you on full pay, pending an investigation into an allegation of potential misconduct.

During the meeting I will inform you of the exact nature of the allegation made against you, and give you a copy of the School's Disciplinary procedure.

You are entitled to be accompanied at the meeting by a representative of your *Trade Union / *Professional Association or a work colleague. I will be accompanied by [NAME OF ER ADVISER] from the London Borough of Redbridge's Human Resources Service.

You are not permitted under any circumstances to visit the School without my prior permission, nor to discuss this matter with colleagues, pupils or parents. If any of your possessions still remain on site, you should telephone [NAME OF CONTACT] in order to arrange a convenient time to come and collect them.

Yours sincerely

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[*Notification of Suspension* - Letter to be used when asking employee to attend a meeting, which will result in their suspension from work]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private and Confidential
[NAME & ADDRESS]

[DATE]

Dear [NAME]

I am writing to confirm that you are required to attend a meeting in my office on [DATE] at [TIME].

The purpose of the meeting is to formally suspend you on full pay, pending an investigation into an allegation of potential gross misconduct.

During the meeting I will inform you of the exact nature of the allegation made against you and give you a copy of the School's Disciplinary procedure.

You are entitled to be accompanied at the meeting by a representative of your *Trade Union / *Professional Association or a work colleague. I will be accompanied an Employment Relations Adviser from the London Borough of Redbridge Human Resources Service.

Yours sincerely

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[Confirmation of Suspension - Letter to be used following the suspension meeting, to confirm the outcome]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

STRICTLY PRIVATE AND CONFIDENTIAL

[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Notification of Suspension

Further to our meeting on [DATE], at which you attended accompanied by your *Trade Union / *representative from your Professional Association [NAME] / * work colleague [NAME], it is with regret that I write to confirm that you have been suspended from your post of [JOB TITLE] at [NAME OF SCHOOL] with effect from [DATE]. You will receive full pay throughout the period of your suspension.

You are being suspended because of the need to investigate the allegation that you [ALLEGATION].

This is a serious allegation, which if proven would constitute gross misconduct and could result in your dismissal.

This suspension is not, in itself, disciplinary action and does not imply that any decisions have been taken regarding the allegation made against you. Please note that only the Governing Body has the power to end a suspension. The period of your suspension will be as brief as possible.

You were given a copy of the School's Disciplinary procedure at the above meeting.

I have asked [NAME], [JOB TITLE] to undertake the investigation and *he / *she will be in contact with you to arrange a meeting.

You are not permitted, under any circumstances to visit the School without my prior permission and you must not discuss this matter with any colleague other than your union representative or a colleague who may be accompanying you at meetings. You will be expected to make yourself available for any meetings, which may be arranged as part of the investigation.

Would you please telephone me to arrange for the collection of/handing over of the following items of School property [LIST ITEMS e.g. KEYS].

If any of your personal possessions still remain on the site, you should telephone me in order to make appropriate arrangements for them to be returned to you.

Yours sincerely

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[Notification of Investigation - Letter to be used following an allegation being made to the Headteacher – employee has not been suspended]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Notification of an investigation into an allegation of [ALLEGATION]

I regret to inform you that I have been informed of an allegation that you [ALLEGATION].

I am arranging for [NAME AND JOB TITLE] to undertake the investigation. Once I have considered the evidence resulting from this investigation I will decide whether any further action needs to be taken; [NAME] will write to you shortly with details of a meeting.

This process will be conducted in accordance with the Disciplinary procedure for Schools, a copy of which is enclosed for your reference.

You have the right to be accompanied to the investigation meeting by a Trade Union representative, professional Association representative or a work colleague.

Please note that this is a confidential matter and should not be discussed with colleagues, pupils or parents (except if a colleague will be accompanying you to the investigation meeting).

Yours sincerely

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

Enc:

[Notification of Hearing - Letter to be used to notify employee of their requirement to attend a Disciplinary Hearing]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private and Confidential

[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Disciplinary Hearing on [DATE]

As a result of investigations undertaken, I require you to attend a disciplinary hearing on [DATE]. The hearing will take place in [ROOM] at [NAME OF SCHOOL].

The hearing will consider the evidence concerning the allegation that you [ALLEGATION] and any disciplinary action that should be taken, in accordance with the terms of the Disciplinary procedure for Schools..

You have the right to be accompanied at the meeting by a representative of your *Trade Union / *Professional Association or a work colleague. I would strongly advise you to exercise this right.

I enclose copies of documentation that will be referred to at the hearing. The following will be called as witnesses [NAMES OF WITNESSES, IF APPLICABLE].

If you have any written evidence or relevant statements that you wish to be considered at the hearing, these should reach me at the School, by [DATE, usually about 5 school days before the Hearing date], at the latest. You also have the right to request the attendance of witnesses, names of whom should be given to me by the same date. If it is your intention to call witnesses, it will be your responsibility to arrange their attendance.

You should be aware that the outcome of this hearing could be * a charge of misconduct, which could result in a warning being issued / * a charge of gross misconduct, which could lead to your dismissal.

I shall be chairing the meeting and will be advised by [NAME], Employment Relations Adviser. [NAME] will present the case. Minutes will be taken by [NAME]. The proceedings and the outcome of the hearing should remain confidential to those who need to be involved.

Please confirm by [DATE as above, usually about 5 school days before the Hearing date] that you will be attending this hearing and the name of the person who will be accompanying you.

Yours sincerely

Headteacher

Copy: [NAME] – Employment Relations Adviser (LBR)

Encs:

[*Outcome of Hearing (Written Warning)* - Letter to be used to notify employee of their warning issued, following a Disciplinary Hearing]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private and Confidential
[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Written Warning

I refer to the formal disciplinary hearing that you attended on [DATE] at which you were * present but unaccompanied / * accompanied by your *Trade Union / *Professional Association / work colleague [NAME]. The notes of the meeting * are attached / * will be sent to you shortly.

As you know, the meeting was held to consider the following allegation:

[ALLEGATION]

I confirm that you have been issued with a written warning for [REASON]; such behaviour is not acceptable, especially within a school setting. In considering what sanction should be exercised, I took into account the following:

-
-

You have the right to appeal against my decision to issue you with this written warning. If you wish to appeal, you must write to the Clerk to the Governing Body c/o [NAME OF SCHOOL], within five school days of receipt of this letter.

The written warning, unless successfully appealed against, will remain active on your file for a period of * one / * two / * three year(s). You must be aware that any further misconduct of a similar nature could render you liable to further disciplinary action, which could lead to dismissal from your post. I sincerely hope that this will not be the case.

In future I expect you to [EXPECTATIONS OF HEADTEACHER].

Headteacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[Outcome of Hearing (Final Written Warning) - Letter to be used to notify employee of their warning issued, following a Disciplinary Hearing]

NB: Please consult with your Employment Relations Adviser, before sending this letter.

[* Delete as applicable, where highlighted]

Strictly Private and Confidential
[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Final Written Warning

I refer to the formal disciplinary hearing that you attended on [DATE] at which you were * present but unaccompanied / * accompanied by your *Trade Union / *Professional Association / work colleague [NAME]. The notes of the meeting * are attached / * will be sent to you shortly.

As you know, the meeting was held to consider the following allegation:

[ALLEGATION]

I confirm that you have been issued with a final written warning for [REASON]; such behaviour is not acceptable, especially within a school setting. In considering what sanction should be exercised, I took into account the following:

-
-

You have the right to appeal against my decision to issue you with this written warning. If you wish to appeal, you must write to the Clerk to the Governing Body c/o [NAME OF SCHOOL], within five school days of receipt of this letter.

The final written warning, unless successfully appealed against, will remain active on your file for a period of * one / * two / * three year(s). You must be aware that any further misconduct of a similar nature will lead to dismissal from your post. I sincerely hope that this will not be the case.

In future I expect you to [EXPECTATIONS OF HEADTEACHER].

Head Teacher

Copy: [NAME] – Employment Relations Adviser (LBR)

[Outcome of Hearing (Dismissal) - Letter to be used to notify employee of their dismissal, following a Disciplinary Hearing]

NB: Please consult with your Employment Relations Adviser, before sending this letter.
[* Delete as applicable, where highlighted]

Strictly Private and Confidential
[NAME & ADDRESS]

[DATE]

Dear [NAME]

Re: Dismissal Notice

I am writing to confirm to you the decision of [NAME], Head Teacher of [NAME OF SCHOOL], which *he / *she reached following the disciplinary hearing held on [DATE].

At the hearing on [DATE], at which you were * present but unaccompanied / * accompanied by your *Trade Union / *Professional Association / work colleague [NAME]; [NAME AND POSITION OF INVESTIGATING OFFICER] presented details of *his / *her investigation.

The allegation made against you was [ALLEGATION].

You were given the opportunity to question [NAME OF INVESTIGATING OFFICER] and to present your response to *his / *her case.

[NAME OF HEAD TEACHER] took full account of the evidence, both verbal and written, before reaching *his / *her decision. In particular, *he / *she took the following into account:

-
-
-

The Head Teacher's decision was that you should be * summarily dismissed from your post of [JOB TITLE] at [SCHOOL], with effect from the date of the hearing – [DATE] / * dismissed from your post of [JOB TITLE] at [SCHOOL], with the appropriate notice being given of [NUMBER] weeks. Your dismissal is on the grounds of [GROUNDS].

[The following paragraph is to be used, when an employee is dismissed with notice]

* I am therefore writing to formally advise you that your last day of service will be [DATE] and you will receive full pay for the period [FROM DATE] to [TO DATE] inclusive.

In accordance with the School's Disciplinary procedure, I must also inform you that you have the right to appeal against the Head Teacher's decision and that if you should wish to do so, you must write within 10 school days of receipt of this letter, to the Clerk of the Governing Body, [SCHOOL NAME AND ADDRESS].

If you are in possession of any property belonging to the School, please arrange for it to be returned as soon as possible.

The minutes from the hearing * are enclosed / * will be sent to you shortly for your approval/information.

Yours sincerely

* Pat Reynolds

Director of Children's Services /

* Head Teacher (if voluntary aided or foundation school)

cc: [NAME] – Head Teacher (if applicable, see above *)

[NAME] - Employment Relations

HR Pay and Contracts