



The White Hills Park Trust
A Culture of Excellence

Disciplinary Procedure

Part 1 - Managing the Conduct of School Staff

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DISCIPLINARY PROCEDURE FOR SCHOOL STAFF

Preface

All Schools must have a disciplinary and dismissal procedure in place. The procedure delegates to Governing Boards and to Head Teachers the power to decide all disciplinary and dismissal matters themselves. This guidance has been written bearing in mind the requirements of the current version of the statutory guidance “Keeping Children Safe in Education **2023**” (KCSiE) and other statutory guidance relating to the management of school disciplinary and safer working procedures.

The procedure is set out in two parts:

Part 1 - Managing the Conduct of School Staff

Part 2 - Managing Allegations & Low Level Concerns against School Staff

These procedures meet legislative requirements. Governing bodies/**Head Teachers** must seek advice on individual cases from the HR Director.

In fulfilling staffing responsibilities, the governing body may delegate its staffing functions in accordance with its articles of government. In delegating functions, the governing body must not lose sight of the fact that it retains overall accountability for the decisions made by those to whom the function has been delegated. As a result the governing body should regularly review their arrangements for managing staffing functions and that the right people are fulfilling these roles on its behalf.

Where staff are engaged to work in a school other than under a contract of employment with the Trust e.g. a contract for the provision of services, the employer must be notified immediately of any alleged breach of discipline by their employee. It will then be the responsibility of the employer to take appropriate disciplinary action which may include their withdrawal from the school. However, where the allegations are of a safeguarding nature, then in accordance with Keeping Children Safe in Education **2023**, the Trust/school shall be responsible for ensuring that allegations are dealt with properly and it shall take the lead on this, although the agency will be under an obligation to be involved and to co-operate with all agencies involved

Equalities and Equal Opportunities

The school and governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or trade union membership. The policy will be applied and all decisions will be taken in accordance with relevant equalities legislation, for Employment Relations Act 1999, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

PART 1 - THE CONDUCT OF SCHOOL STAFF

1. INTRODUCTION

1.1 The purpose of Part 1 of the Disciplinary procedures is to provide schools with

- guidance on the management of allegations of staff misconduct
- a recommended disciplinary procedure for use in cases of staff misconduct

Any allegations of misconduct **involving abuse of trust or the physical, emotional or sexual abuse of a child by an employee** must be dealt with in line with Nottinghamshire's child protection procedures which are set out in Part 2 - Managing Allegations & Low Level Concerns against School Staff.

1.2 This procedure recognises that the governing body has the power to consider employees' conduct and warn them with regard to future conduct or dismiss them. The governing body should delegate this responsibility to the Head Teacher and/or members of a committee of the governing body as set out in this procedure. Whilst it is recognised that under education regulations this responsibility can be delegated to the Head Teacher alone, any case involving a potential dismissal should be heard by a panel of governors. This panel could include the Head Teacher where appropriate.

1.3 Where governing bodies have adopted the procedure this will apply to all employees in primary, secondary and special schools where the governing body has a delegated budget and powers of local management. The procedure applies equally to Head Teachers save that in such cases the Chair of Governors or nominated representative, will assume the managerial responsibilities of the Head Teacher set out in this procedure.

GUIDANCE ON MANAGING THE CONDUCT PROCEDURES

2. Roles and Responsibilities

At the outset of any investigation, it will be important to establish who will undertake the necessary roles and responsibilities in line with the school's agreed policy on such matters.

Sections 35 and 36 of the Education Act 2002 and the School Staffing (England) Regulations 2009 give governing bodies the right to delegate initial staff dismissal decisions (with the exception of Head Teacher dismissals) to the Head Teacher. Governing bodies may also delegate such decisions to an individual governor or group of governors, acting with or without the Head Teacher. As DfE guidance emphasises that governing bodies should delegate staffing responsibilities to the Head Teacher, other than in exceptional circumstances, there are implications for any investigation, particularly where dismissal is a potential outcome. The following roles will, therefore, need to be established by the school in the light of current legislation and the Trust's policy on staffing responsibilities under the Education Act 2002.

2.1 Investigating Officer

The investigating officer will be responsible for conducting the investigation and presenting the findings to the Head Teacher and/or disciplinary panel. The arrangements for dealing with a disciplinary investigation will need to be considered within the framework of the

current school staffing regulations, employment law as well as the principle of natural justice. It is not, therefore, possible for the Head Teacher to be the investigating officer as well as the person responsible for deciding whether or not to dismiss the employee or to issue a formal warning. The Head Teacher can only be the investigating officer, therefore, in circumstances where they will not be given delegated responsibility for making any decisions about a potential staff dismissal.

Where the disciplinary decision is delegated to the Head Teacher, either on their own or as part of the Disciplinary Panel, another appropriate member of the leadership team should take on the role of Investigating Officer. In certain cases, for example where the Head Teacher is the subject of the investigation, the school is strongly advised to seek advice from the HR Director regarding how to identify a suitable independent investigating officer to conduct the investigation (for which an appropriate rate will be charged, **if external to the school/Trust**). There is usually one lead Investigating Officer appointed, however in certain cases there may be more than one person appointed. Schools must contact the HR Director for further advice on the role of the Investigating Officer before any action is taken.

The role of the Head Teacher includes consideration of the sensitivity, complexity of the situation and the welfare of the employee involved.

When an employee is notified about formal procedures/dates of hearings they should aim to inform employees at an appropriate time to ensure the employee has the opportunity to contact their union representative or other relevant person for support. It is advisable for Head Teachers to do this, wherever possible, towards the end of the day and that any confirmation letters are sent during the working week to avoid notifications arriving on a weekend or during the school holidays. Where this cannot be avoided due to procedural timescale, Head Teachers are advised to offer to contact the trade union representative and the HR Director to advise them of the content of the letter to enable the trade union representative to contact the employee if necessary.

Please see **Appendix 12** for template investigation report/statement of case. Please note the content will need to be customised according to the specific case.

2.2 Disciplinary Panel

In relation to the 2009 Staffing Regulations, it is advised that dismissal decisions are best made by a panel rather than by one person acting on their own. It is recommended, therefore, that the Disciplinary Panel should normally consist of the Head Teacher supported by two governors or three governors, where the Head Teacher assumes the role of the Investigating Officer. Panel members will usually be made up of appropriate governors from the school in question, however, where this is not possible, appropriate governors from other schools within the Trust can be called upon.

2.3 Appeal Panel

All appeals against dismissal or other disciplinary outcomes must be heard by an Appeal Panel. This should consist of the same number of governors who heard the original case (usually three) and should be governors who have had no previous involvement in the case. The make up of the appeal panel will usually consist of appropriate governors from the school in question, however, where this is not possible, appropriate governors from other schools within the Trust can be called upon. Depending on the circumstances, the Trust may deem it appropriate for Trustees to hear a disciplinary appeal.

2.4 Note Takers

Notes should be taken at all meetings. It is the schools responsibility to make these arrangements and the school will need to arrange a note taker. The note taker must understand the confidential nature of the meetings. Notes are not required to be a verbatim account but are a detailed record of the content and decision of the meeting. It is the school's responsibility to ensure that notes from meetings are provided to those who were present. This does not prevent the individual or their representative from making their own notes, although the employee is not able to bring an additional note taker to meetings. Meetings may be recorded by the Trust/school, using a recording device – however, if this is to be done, it will be made clear to all parties prior to the meeting and a copy of the recording will be made available electronically to all parties. Covert or unauthorised recordings by or on behalf of the employee are not permitted and will be considered as a disciplinary matter.

2.5 Trade union and other representatives

During the process the employee will have the right to be accompanied or represented by one person which could be a trade union official or work colleague. The role of the representative is to support the individual and to provide advice, guidance and representation where appropriate. The right to be accompanied and the right to be represented are different.

- The right to be **accompanied** means that the employee may bring a trade union official/representative or work colleague with them to support them at meetings. The individual employee must represent themselves and should answer and ask any questions themselves. They may wish to discuss their answers with their trade union representative or work colleague before providing them.
- The right to be **represented** means that the employee may ask their trade union representative or work colleague to speak on their behalf. This could include answering and asking questions, or presenting all or part of the case at any hearing.

2.6 Advice, Support and Training

It is the responsibility of the Head Teacher to ensure that all relevant senior leaders understand their role and have access to appropriate support, advice and training in the application of these procedures. The Head Teacher should also ensure, in conjunction with the chair of governors, that in discharging their duties and responsibilities, governors have access to support, advice and training as appropriate.

3. Other Considerations

3.1 Serious Misconduct

Alleged serious misconduct must be notified, as a matter of urgency, to the HR Director who will offer immediate advice. Where the allegations relate to a possible Child Protection issue, the Head Teacher or chair of governors (if the complaint is against the Head Teacher) should immediately seek the advice from the LADO who will undertake any necessary liaison with the police, the HR Director or other agencies as appropriate.

3.2 Safeguarding Children and Young People

Any allegations of misconduct **involving abuse of trust or the physical or sexual abuse of a child by an employee**, or where conduct outside of work may make the person unsuitable to work with children must be dealt with in line with Nottinghamshire's child protection procedures which are set out in Part 2 of this procedure.

3.3 Criminal Offences

An employee should not face disciplinary action solely because they have been charged with or convicted of a criminal offence. The question which needs to be addressed in such circumstances is whether the conduct which has led to such charges or conviction warrants disciplinary action because of its employment implications. In such circumstances, the facts of the matter should be investigated and, if disciplinary action is considered appropriate, the procedures outlined in this document should be followed. Consideration will need to be given to managing the allegations under Part 2 as there may be implications regarding suitability to work with children, (for example if the charges or conviction relate to violence). If it becomes known to the senior leadership of a school that the police are involved in a case involving an employee, the HR Director must be advised of the matter immediately.

In cases involving criminal charges or convictions, if sufficient evidence is not available on which to form a reasonable view on whether or not to hold a disciplinary hearing, advice should be sought from the HR Director on whether action should be deferred until further enquiries have been made or the matter settled by a court.

Where school employees are arrested, cautioned or charged with any offence by the Police they must be aware that their employer must be notified immediately.

3.4 Mandatory duty to report

Teachers are under a mandatory duty to report known cases of Female Genital Mutilation in under 18's to the police. Schools must consider any breach of the duty in accordance with the schools disciplinary procedure.

3.5 Disciplinary action against a Trade Union Official

Disciplinary action against an employee who is a trade union official may lead to difficulties if it is seen as an attack on the union's function. Although normal disciplinary standards will apply to a trade union representative's conduct as an employee, no disciplinary action should be taken following the investigation until the circumstances of the case have been discussed confidentially and with the employee's knowledge, with a senior trade union representative or a full-time officer of the trade union.

3.6 Managing the Media and other School communications

Some potential disciplinary circumstances in school may require the Head Teacher or Chair of Governors to communicate directly with staff, parents, governors and/or the local or national media. This requires extreme sensitivity and advice should be sought from the Trust CEO and where appropriate, the HR Director, prior to making any verbal or written statements.

3.7 Suspension of an Employee

At any stage prior to, during or following the investigation, the employee may be suspended. Suspension does not constitute disciplinary action and does not imply any assumption of guilt. The suspension should only occur if one or more of the following applies:

- a) the continued presence of the employee at work may be prejudicial to a fair disciplinary investigation.
- b) there is evidence that the allegations are serious enough to warrant consideration of dismissal and/or may constitute gross misconduct. Where appropriate, this evidence shall be made available to the employee and their representative at the point of suspension.

In some circumstances it may not be possible to share detailed information relevant to the suspension at this time, for example, if there is an ongoing police investigation.

Suspension Meeting

Where a decision to suspend is likely to be made the circumstances of the case will determine how this is managed. Advice should always be sought from the Trust HR Director before making this decision and conducting a suspension meeting.

- In some circumstances it will not be appropriate to alert the employee to this possibility. In these circumstances the Head Teacher should contact the HR Director at the Trust for advice to determine whether it is possible to contact the employees' trade union official, **if known**, to alert them confidentially so that they may support the employee either at the suspension meeting to make sure they get home safely or to provide support afterwards. The involvement of the trade union at this stage, if possible, is intended to be helpful to the employee but the overriding responsibility for the employees welfare rests with the Head Teacher or the chair of governors.
- In other circumstances the employee may be given advance notice of a meeting at which suspension is a possibility and the Head Teacher should strongly advise the employee to seek advice, assistance and support of their professional association or colleague.
- Prior to the meeting, the Head Teacher should consult with the HR Director and the chair of governors and carefully consider alternatives to suspension e.g. redeployment to another post on a temporary basis, deferring a decision until further information is known, or sending the employee home (short term).

At the suspension meeting the Head Teacher will:

- a) Explain the reasons for the decision based on the evidence known up to this point, making reference to a) and b) above.
- b) Explain that suspension is not in itself a disciplinary sanction and does not indicate or presume the outcome of any disciplinary process.
- c) Request that the employee returns school property immediately including computer equipment/documents/mobile phone/keys as appropriate. The employee may need supervised time to locate and take home personal property.

- d) Acknowledge and take into account the emotional impact of the suspension process and ask the employee what support is required. The school may need to consider a referral to ~~the counselling service or~~ occupational health. **The employee should be reminded of the wellbeing resources available via SAS.** In all cases the school should identify a contact person in school who will be expected to regularly update the employee (suggested weekly calls are made), and where necessary their representative or colleague on progress, future actions and timescales. This will usually be the Head Teacher.
- e) Suspension is not a disciplinary sanction in itself, therefore the employee has no right of appeal against the decision

Following the meeting:

- a) The decision will be confirmed in writing to the employee (see Appendix 2) normally the next working day.
- b) The school will notify the employee that suspension is on full pay and will confirm this decision with the schools payroll provider.
- c) The Head Teacher must consult and inform the governing body of the suspension decision on a confidential basis. In the case of the suspension of the Head Teacher, the HR Director will fully support the chair of governors to undertake these actions.
- d) Where the reason for suspension is related to concerns about an employee who has harmed, or who poses a risk of harm, to a child or vulnerable adult the school must consider a referral to DBS as soon as possible, which is normally at the conclusion of the internal disciplinary process in line with statutory guidance.
- e) Where the reason for the concern is related to concerns about an employee who has harmed, or who poses a risk of harm, to a child or vulnerable adult and a decision is taken not to suspend but to redeploy the person to another area of work that is not regulated activity, the legal duty to refer the case to the DBS as soon as possible still exists.
- f) For further information see paragraph 12 Referral to DBS.

Appendix 2 - Notification of Suspension

A suspension can only be lifted by the Head Teacher in consultation with the governing body (or chair of governors in the case of a Head Teacher suspension). The HR Director must be consulted about any decisions regarding the proposed suspension of a school employee in advance of the decision.

Keeping suspension under review

Throughout the course of the investigation, the need for suspension should be reviewed regularly by the Head Teacher and the employee should be kept informed. Where evidence emerges from the investigation that fundamentally changes the needs for suspension, then it should be lifted and the employee should return to work for the remainder of the investigation.

3.8 Frustration of the disciplinary procedure

Other procedures must not be used to frustrate the action already being taken under these disciplinary procedures, for example, by the employee raising a grievance or claiming harassment. In the vast majority of cases, it will be appropriate to deal with the

grievance as part of the original (in this case, disciplinary) procedure. Where the grievance is unrelated to the original procedure the two procedures can run in parallel. Advice should be sought from the HR Director.

4. Investigating Alleged Misconduct

When allegations of misconduct are made, an appropriate person should be appointed to investigate the allegations - the “investigating officer”. This may be the Head Teacher. However, in line with the School Staffing Regulations 2009, the Head Teacher should normally nominate another senior member of the school staff to investigate the allegations. In certain circumstances the Head Teacher may consult with the HR Director to discuss the identification of an independent investigator to investigate the matter on behalf of the school. As a general rule, the investigating officer will present the case at any subsequent disciplinary or appeal hearing.

Any allegation of misconduct should be dealt with as a matter of urgency and no disciplinary action taken until the case has been fully investigated.

4.1 Conducting a Preliminary Investigation and Initial Meeting

The purpose of the preliminary investigation and initial meeting with the employee is to try to establish the facts and gather enough information about what has happened to enable a decision to be made about what course of action to take next.

Depending on the nature of the allegation it may be necessary for the Head Teacher to gather information from other sources or witnesses prior to meeting with the employee. This should not unnecessarily delay meeting with the employee. Any witnesses providing statements as part of the preliminary investigation should sign and date their statements and should be advised that they may be required to support their statements in person at any subsequent disciplinary hearing or professional conduct hearing (i.e. TRA) if required.

At the earliest practical opportunity the Head Teacher should meet with the employee to let them know what has been alleged. The head should also advise the employee to contact their trade union representative or other colleague for support and advice. The employee may request that their trade union or colleague accompany them to this initial meeting if they are immediately available. This meeting should not be postponed if the employee’s chosen person is not available. The Head Teacher should give the employee an opportunity to make an immediate response only if they wish to do so. It may be appropriate to have an adjournment to allow the employee to think over the allegations or if accompanied to discuss the allegations with them. The employee should also be informed that the next stage may involve a formal investigation and they should be directed to the school’s disciplinary procedure for further information.

Notes of the meeting should be made and a copy provided to the employee for them to review and sign.

The Head Teacher should then consider all of the information gathered and the responses provided by the employee to determine the next course of action. Possible outcomes of this initial investigation and meeting include not taking any further action, particularly if the allegations are malicious; proceeding to a formal investigatory meeting or suspension of the employee (see guidance on **suspension of an employee**).

The Head Teacher is strongly advised to seek immediate advice from the HR Director if considering proceeding to a formal investigatory meeting or suspending an employee, so that the employee can be informed of the decision as soon as possible.

Depending on the nature of the allegations a preliminary investigation and initial meeting may not be necessary and the Head Teacher may decide it is appropriate to proceed straight to a formal investigatory meeting. In these circumstances preparatory advice should be sought from the HR Director. Suspension may also need to be potentially considered and planned for at this point (see **suspension of an employee**).

4.2 Conducting the Formal Investigation

If, following the preliminary investigation, the decision is taken to initiate the formal disciplinary process there will have to be a formal investigation. Please see flowchart in Appendix 15(a) and 15(b) for a summary of the process.

Interviewing and obtaining evidence from witnesses

If a formal investigation is required, witness statements obtained as part of an initial investigation should be examined and a decision taken as to whether the witness should be re-interviewed formally to check the facts. If the witness up to this point has only submitted a written statement they must be formally interviewed at this stage. Obtaining evidence and interviews with witnesses should be completed before interviewing the employee against whom allegations are made.

At this stage further consideration may need to be given as to whether or not the employee should be suspended.

Interviewing and obtaining evidence from the employee

A formal investigatory meeting should be arranged which needs to be confirmed in writing to the employee (**see Appendix I**) giving 5 working days' notice of that meeting and informing them of their right to be accompanied by a trade union representative or colleague. There is no right of representation at this stage of the process. The meeting will be minuted. The letter should also confirm the nature of the allegations/investigation. This should be on the clear understanding that the employee is being **accompanied** and not represented as the investigating officer will need to ask questions of the employee at the meeting and will expect answers from **them**.

At the meeting the investigating officer will make clear to the employee exactly what misconduct is being alleged. They must also advise the employee that the matter may result in a formal disciplinary hearing at which meeting they may be represented.

Formal Interviews – General

Investigation interviews with witnesses and the alleged offender should be carefully prepared in advance. This requires providing advance notice, making suitable arrangements, preparing documentation and questions (using the evidence available so far) and arranging for a note taker. (Appendix 1).

It should be acknowledged that formally interviewing the alleged offender and any other relevant witnesses may be a stressful process for all parties. For this reason the alleged

offender should be strongly advised to contact their recognised trade union or colleague for support and to be accompanied by them at all meetings. At the beginning of an investigatory meeting, the investigating officer should explain the purpose of the meeting, and confirm that, as far as possible, confidentiality will be maintained. The purpose and process of the interview should also be explained. When interviewing the alleged offender, the investigating officer should state precisely what the complaint is, outline the case briefly and ask detailed questions based on the evidence available so far in order to establish the facts.

The main purpose of the investigation interviews is to ask detailed questions of witnesses/alleged offender, listen and accurately record what is being said. Facts obtained from other sources/witnesses should be checked and clarified for consistency. When interviewing witnesses it is not necessary to state all the facts of the case, only those on which the witness has something relevant to say. For all such interviews, the tone adopted by the investigating officer should not be accusatory. A list of open questions should have been prepared prior to the interview, which should be followed up with prompts as necessary, e.g. *'And what happened after that?'*, *'I'm not quite sure what you meant when you said'*. The questions should be used to clarify the facts and to check that what has been said is understood by all.

The investigating officer should ensure fairness to both parties in their questioning, which may need, at times, to be direct and probing in an attempt to establish the facts. Listening attentively and being sensitive to silence can be a constructive way of encouraging the interviewee to be more forthcoming. If the interviewee becomes emotionally distressed during the interview a short break should be suggested to allow them to compose themselves before continuing.

At the conclusion of each interview the investigating officer should acknowledge, where necessary, that the process may have been difficult and thank the interviewees for their time and contribution. All parties, including any witnesses, should be told what will happen next and the likely timescales. They should also be told to maintain confidentiality and, therefore, not to discuss the complaint with other parties or work colleagues, other than those providing support as agreed. After the interviews, a witness statement should be prepared and sent to each party under confidential cover to check, sign and date, verifying that it is an acceptable and accurate version of the interview.

All records of meetings with the employee will be made available to them and their trade union representative or colleague. (See **Appendix 1a** - letter regarding Investigation Notes).

Unlike a Court of Law, the disciplinary investigation and any subsequent disciplinary hearing does not need to establish guilt on the basis of "beyond reasonable doubt" but on the lower test of "the balance of probabilities" i.e. *"Is there a reasonable suspicion amounting to a belief in the guilt of the employee of the alleged complaint and are there reasonable grounds for that belief?"*

5. Disciplinary Responses

After establishing the facts through the investigation process, the Head Teacher or investigating officer will need to make a decision on how the case proceeds. Either way, the employee and their representative/colleague should be informed at this stage.

The investigating officer or Head Teacher may consider that there is no need to resort to the formal procedure and that it is sufficient to manage the outcome through discussion with the employee concerned in a counselling capacity. There must be clarity about the difference between *counselling* of this kind and *an oral or written warning* issued as a part of the formal procedure. The employee should be left in no doubt about which sort of action has been taken.

The investigating officer will need to consider a number of issues before deciding whether to counsel the member of staff or take more formal disciplinary action. It is always important to recognise that the purpose of any counselling or warning is to prevent further misconduct by the employee. In some disciplinary cases, therefore, counselling may achieve the desired outcome without recourse to the formal procedures. Other factors to consider may include: -

- any circumstances outside of the control of the employee which may have been a contributory factor
- personal difficulties or health issues which may have affected the employee's judgement and/or behaviour
- lack of clear procedures, policies or guidance, support and supervision which may have contributed to the situation
- the level of responsibility and/or experience of the employee involved.
- capability issues which need to be addressed separately
- whether the misconduct represents an isolated incident or follows previous incidents which have been addressed with this employee
- the level of seriousness of the offence
- any other mitigating circumstances relevant to the situation
- the School employee Code of Conduct and other appropriate professional standards

5.1 Counselling

Whilst making it clear that the behaviour is inappropriate and must not be repeated, counselling should also be seen as constructive and helpful to the employee. As a means of rectifying unacceptable conduct, other support mechanisms may be implemented as appropriate e.g. a programme of professional support and training, mentoring, referral to occupational health and/or counselling service etc.

Schools are advised to convene a specific counselling meeting at which the employee may wish to be accompanied by their trade union representative or colleague. The Head Teacher may also involve another senior member of staff e.g. deputy head or chair of governors. Although the matter should remain confidential a record of the counselling interview and outcome should be kept on the employee's personal file along with details of any support and guidance given.

5.2 Formal Disciplinary Action

Following the investigation, if the facts indicate that formal disciplinary action should be taken, the employee and their trade union representative/colleague should be informed at this stage. The employee should be told that the investigation is completed and the matter will be referred to a disciplinary panel. A view should be formed on whether or not the conduct is severe enough to warrant dismissal on the grounds of gross misconduct (see **Appendix 11**) or because the offence follows a previous disciplinary warning which has not been “spent”. In certain circumstances the governing body panel may include the Head Teacher providing that they are not the investigating officer and have had no previous involvement with the case. Whichever course of action is pursued, the HR Director will provide advice at the disciplinary hearing. In considering the evidence obtained at any stage it is important to note that the standard of proof in disciplinary procedures is “the balance of probability”.

Where the conduct of a Head Teacher is under consideration and some form of minor warning is felt to be appropriate, the chair of the governing body or a governor nominated by him or her will hear the case, advised by the HR Director. In more serious cases a panel of governors should be convened for the formal disciplinary hearing.

6. Management of a Disciplinary Hearing

The date of the disciplinary hearing should be confirmed in writing to the employee together with the relevant papers to be considered at the hearing, as soon as possible and at least ten working days before the due date. The investigating officer should ensure that the panel receive a copy of all the papers sent to the employee at least ten working days before the hearing. (**See Appendix 3 – Notification of Hearing**) The employee must be notified of their statutory right to be represented at that meeting by their trade union representative or colleague. The employee should be given the opportunity to send any written submission or evidence to the panel which should be received no later than 5 working days prior to the hearing so that it may be circulated and properly considered. A copy of any such submission should also be made available to the investigating officer within the same timeframe.

If their Union representative or colleague is unable to attend on the date of the meeting, the Employment Relations Act 1999 requires that a further date should be set within five working days of the original date. The HR Director will attend in an advisory capacity to the panel.

The procedure for conducting a disciplinary hearing is set out below and the order of events is summarised in **Appendix 4**. The same outline procedure applies to disciplinary hearings conducted by a Head Teacher where the role of the disciplinary panel will be taken solely by the Head Teacher and the role of the Head Teacher in presenting the case to the panel will be taken by the investigating officer. The selection of governors for a disciplinary panel must ensure that there is no conflict of interest which may arise in hearing the case. It is generally considered unwise for staff governors to take part in such a disciplinary hearing.

In view of the sensitivity of the situation, particular consideration will need to be given to the arrangements for the hearing. For example, the venue will need to comfortably accommodate all parties during the course of the meeting with a private meeting room for the employee and their representative/colleague to adjourn and to provide a suitable room for any witnesses waiting to give evidence.

The school should arrange for an appropriately experienced and confidential minuting clerk to take detailed notes of the meeting, or where this is not possible, or it is more appropriate to do so, for a recording device to be used.

6.1 Conducting the Disciplinary Hearing/Appeal

At the hearing the investigating officer will be responsible for presenting the evidence to the disciplinary panel in the presence of the employee and representative/colleague. Witnesses may be called individually by the investigating officer in support of the case. Detailed guidance on conducting the disciplinary hearing is included in **Appendix 4(a), 4(b) and 4(c)**.

The procedure outlined above will also be followed to hear any appeals against decisions to issue oral, formal and written warnings or to dismiss.

7. Outcomes of a Disciplinary Hearing

The formal disciplinary responses available to the disciplinary panel (and also where the governing body has delegated such powers to the Head Teacher) are:-

7.1 An oral warning

In the cases of minor offences the employee should be given an *oral warning* and advised that the warning constitutes the first formal stage of the disciplinary procedure. The oral warning should be confirmed in writing (see **Appendix 5**) and be kept for reference only on the employee's personal file and a copy sent to the employee for his/her retention. A reasonable time limit should be established after which the warning becomes spent (see **Appendix 10** – Review of Disciplinary warnings).

7.2 A written warning

In the case of more serious offences or where there is an accumulation of minor offences, the employee should be given a *written warning*. (See **Appendix 5 – Notification of outcome letter**). A copy of the written warning and any evidence presented to the disciplinary hearing should be kept in a sealed envelope on the employee's personal file. A copy of the warning should be sent to the employee for his/her retention. A reasonable time limit should be established after which the warning becomes spent (see **Appendix 10** – Review of Disciplinary warnings).

7.3 A final written warning

Following an earlier warning for misconduct or in response to serious misconduct, the employee may be issued with a *final written warning* which will contain a statement that any further incidents may lead to dismissal. There may be occasions when misconduct is regarded as being insufficiently serious to justify consideration of dismissal but sufficiently serious to warrant only one written warning which, in effect, is both a first and final warning (**See Appendix 6 - Final Warning**). Again, a copy of the warning and any evidence presented to the disciplinary hearing should be kept in a sealed envelope on the employee's personal file. A reasonable time limit should be established after which the warning becomes spent (see **Appendix 10** – Review of Disciplinary warnings).

7.4 Dismissal

Except for cases of *gross misconduct*, an employee shall not be dismissed for a first breach of discipline. Where potential gross misconduct is being investigated, the school must notify the HR Director at the earliest possible stage and advice sought. The HR Director will provide support throughout the investigation stage and review the investigation and details of the case before the disciplinary panel is convened so that appropriate advice may be given (see **Appendix 11 – Standards of Conduct**) To ensure the decision of the disciplinary panel or Head Teacher is reasonable in all the circumstances of the case, account should be taken of:

- the employee's previous disciplinary record
- the employee's general record, position, age, length of service and state of health
- the penalty imposed in similar cases in the past
- any mitigating circumstances which might make it appropriate to lessen the severity of the penalty

In addition, before any decision to dismiss is finally determined the disciplinary panel or Head Teacher must address the following questions:

- Has there been as much investigation as is reasonable in the circumstances?
- Does the disciplinary panel/Head Teacher genuinely believe “on the balance of probability” that the employee has committed the misconduct? It should be noted that the civil test of guilt on the balance of probability also contains a clause which says that the level of probability should be proportionate to the severity of the sanction being considered i.e. if the recommendation is to dismiss then the level of probability must be proportionately greater.
- Has the disciplinary panel/Head Teacher reasonable grounds on which to sustain that belief?
- Is the misconduct sufficiently serious to justify the disciplinary decision being contemplated?
- Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

(See Appendix 7 – Dismissal)

8. Communication and recording the outcome

Any decision of a disciplinary hearing must be confirmed to the employee in writing within three working days.

8.1 Oral, Written, Final Warnings

Details of any disciplinary action retained in an employee's personal file will normally be reviewed in consultation with the employee and their representative after a minimum period of twelve months with a view to determining whether the warning is 'spent'. If the warning remains current, further reviews should take place at six monthly intervals. Unless exceptional circumstances prevail, the maximum period for regarding a warning as current shall be three years but should be proportionate, for example, 12 months for an oral warning and 18 months for a written warning. Naturally, the decision on the length of time that a warning remains current will be determined by the nature of the disciplinary issue and the likelihood of any re-occurrence of misconduct. The employee should be informed, in writing, of any decision to regard a warning as 'spent'. A copy of the warning should remain in the employee's personal file along with an attached note confirming that, for

disciplinary purposes, the warning is spent. However, the requirements of safeguarding children legislation mean that the school should keep records of any investigations and/or warnings arising from the allegations of abuse indefinitely. Reference should not be made to spent warnings when producing employment references unless they are related to safeguarding issues. Guidance on the process of reviewing warnings is attached at **Appendix 10 - Review of Disciplinary Warnings**.

8.2 Dismissal

Where the governing body determines that an employee should be dismissed in these circumstances it will normally be on the grounds of conduct. The individual should be advised of their right of appeal against such a decision and their right to representation in accordance with the procedures using the template letter at **Appendix 7**.

Where an employee is summarily dismissed their employment will end on the date that the decision to dismiss was made. This will usually be the date of the disciplinary hearing. Should the member of staff choose to exercise their right of appeal and the appeal is upheld the contract will be reinstated. In the case of a teacher the school in conjunction with the HR Director must consider the circumstances of the dismissal to determine whether a referral to a professional body, e.g. TRA is required.

8.3 Appeals

An employee has a right to appeal against any decision to issue an oral, written or final warning or any decision to dismiss. The employee will be advised of this right and this will also be confirmed in writing as part of the outcome letter. The employee will also be advised that he/she has 10 working days from the date of the hearing to lodge an appeal.

Appendix 8 – Notification of Appeal Hearing

Appendix 9 – Outcome of Appeal (Dismissal)

An appeal will be heard by a panel of governors who have played no part in the initial disciplinary hearing. In the case of an appeal against a decision taken by a disciplinary panel of governors, the appeal must be heard **by the same number** of governors as comprised the original disciplinary panel, normally three.

The procedure for hearing an appeal will be determined in the way management deem appropriate under the circumstances, taking advice from the HR Director. Usually, the appeal will take the form of a review of the original decision i.e. it will address the grounds of appeal and will not be a full re-hearing of the case. For example, if the appeal was on the basis that the penalty was too severe, a relevant point was not given enough consideration, or there is new evidence to consider which was not reasonably available at the original hearing.

Exceptionally, if the Trust deem it necessary and appropriate, a full re-hearing of the case will be convened.

Every effort should be made for the appeal hearing to be convened as soon as possible and timescales for hearing an appeal may be reduced if agreed by all parties. Should an appeal against a dismissal be upheld the contract of employment will be reinstated. There are no further rights of appeal against the decision other than to an Employment Tribunal, should an employee have the qualifying employment rights.

9. Employment Tribunals

Employment tribunals hear complaints lodged against employers on the grounds that they have discriminated against individuals or failed to respect their rights under employment law.

The governing body will be the respondent in relation to an application to an employment tribunal alleging unfair dismissal although, in law, the Trust remains the employer. The first that a school may know of a referral to an employment tribunal will often be the receipt of a document from the employment tribunal numbered ET1. This ET1 document is the originating application which will set out the applicant's grounds of application to an employment tribunal. The respondent then has fourteen days in which to fill in the form ET3, the notice of tribunal appearance. Schools must act urgently and seek immediate advice from the HR Director.

Given the timescales, even though an extension of time may be granted by a tribunal, it is essential that as soon as an ET1 is received by a school, a copy should be passed to the HR Director. **It is vitally important that this procedure be followed strictly, since in the event of default an applicant may obtain judgement without either the Trust or the school having the opportunity of defending the matter.**

A tribunal can order an employee to be re-instated and they can award compensation.

Where the school have taken and followed Trust advice, the Trust will usually be primarily responsible for the payment of any compensation order by an employment tribunal in respect of a finding of unfair dismissal for employees in Trust Schools.

Governors will need to give very careful consideration to the nature of the evidence before an employment tribunal. Evidence may have to be given by witnesses and other members of staff and members of the governing body, particularly those governors who chaired the disciplinary panel and the appeal panel.

The law relating to dismissals has been complicated in recent years by the emergence of a large body of case law. There are many pitfalls, but provided a fair procedure is adopted and followed it should be possible for a governing body to defend a decision to dismiss provided it relates to grounds for dismissal which are recognised by law.

Where dismissal is a possibility, the HR Director will attend and will arrange for appropriate legal advice to be available to the Head Teacher/disciplinary panel if necessary.

Whilst it is anticipated that disciplinary issues coming before the governing body will be the exception rather than the rule, there is nevertheless a clear need for training of both governors, Head Teachers and other senior staff in this complex area. The HR Director will, therefore, continue to incorporate such training into its overall programme for governors and senior leaders.

10. Settlement Agreements

Settlement Agreements are legally binding contracts which can be used to end an employment relationship on agreed terms. Academy schools must comply with the Academies Financial Handbook if they are considering a settlement agreement.

Settlement agreements include a confidentiality clause but this cannot be used to prevent someone from making a protected disclosure e.g. whistleblowing complaint. They must not be used to prevent an allegation being followed up and/or a decision on whether a referral should be made to DBS or TRA.

Settlement agreements should only ever be used in certain circumstances and Trust schools must seek and follow the advice of the HR Director at all times. They cannot be used in cases where allegations are related to safeguarding.

11. Teaching Regulation Agency (TRA)

Where a teacher is dismissed for reasons of misconduct, or would have been dismissed had they not resigned first, all schools have a legal duty to consider making a referral to the TRA. The school should work closely with the HR Director to consider this immediately following a disciplinary decision.

The TRA is required to review such cases and consider whether they should be referred to a Professional Conduct Panel. Where a teacher is found by such a Committee to have fallen short of the standards expected, the TRA may issue a disciplinary order.

Detailed guidance issued by the DFE is available here:

<https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>

It should be noted that the Trust may directly dismiss school staff in its employment where the Secretary of State has prohibited further employment of any member of staff because of their previous conduct or capability.

12. Referral to DBS

Schools have a legal duty to refer to the DBS any member of staff who has harmed or poses a risk of harm to a child, or vulnerable adult where :

1. The harm test is satisfied in respect of that individual;
2. The individual has received a caution or conviction for a relevant offence, or if there is a reason to believe that the individual has committed a listed relevant offence; and
3. The individual has been removed from working in regulated activity (paid or unpaid), or would have been removed had they not left.

The legal duty to refer applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended. Referrals should be made as soon as possible, and ordinarily on conclusion of an investigation, when an individual is removed from working in regulated activity, which could include being

suspended, or is redeployed to work that is not regulated activity. Please refer to KCSIE 2023 paragraph 346.

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their service had they not left first, they must consider whether to refer the case to the Secretary of State. The Secretary of State may investigate the case and decide whether to make a prohibition order in respect of that person.

Before making a referral to either the DBS and TRA cases where there is alleged serious teacher misconduct involving harm or risk of harm to a child please see Part 2 – Managing Allegations & Low Level Concerns against school staff and seek advice from the HR Director.

Appendix 1: Formal Investigatory Meeting

Private and Confidential

Name

Address

Date

Dear

Schools Disciplinary Procedure - Conduct Formal Investigatory Meeting

Further to our recent discussion regarding the allegations made against you, I wish to inform you that you are now required to attend a formal investigatory meeting within the remit of the schools disciplinary procedure.

This meeting will be held with (*Name*) in (*Office*) at (*location*) on (*date*) at (*time*). You are advised to be accompanied at this meeting by a representative of your Recognised Trade Union or a colleague – please remember that this is a confidential process and should only be discussed with the aforementioned.

Specifically, the meeting will address the following issues:-

(List each allegation (as known at this point in time), include information such as date, time, place of incident etc.)

I must inform you that this meeting will be minuted (or recorded) and, depending on the outcome, a decision will be taken on whether formal disciplinary action will be taken under the school's Disciplinary Procedure.

Please confirm with me by (*date*) that you are able to attend and who will be accompanying you.

Yours sincerely

Head Teacher/Investigating Officer

Copies to: HR Director
Trade Union Representative/colleague

Appendix 1a: Letter regarding Investigation notes

STRICTLY CONFIDENTIAL

*
*
*
*
*

Date

Dear *

Schools Disciplinary Procedure - Conduct Outcome of Investigatory Meeting

Further to our meeting on * I enclose for your information two copies of the notes taken.

I should be grateful if you would read the notes carefully and return to me a signed copy of the notes indicating that this is a true record of the meeting. If you have any comments or alterations to the details of these please indicate in red pen.

Please remember that this is a confidential process which should not be discussed with anyone other than your chosen Trade Union representative/support colleague.

Please return these notes to me by (date + 5 days) and retain the second copy for your personal reference.

Thank you for your co-operation.

Yours sincerely

Copy to: HR Director
Trade Union Representative/colleague

Appendix 1b – Outcome letter, no formal action or no action

Private & Confidential

Name

Address

Date

Dear

(Name of) School - Disciplinary Procedure

Further to the preliminary / formal investigatory meeting held on (date) my decision is that no formal action / no action will be taken in respect of the following allegations:

(List allegations)

(If informal action or recommendations have been made or taken please explain these here).

Yours sincerely

Head Teacher

Copy to: HR Director
TU Representative/colleague

Appendix 2: Notification of Suspension

Private and Confidential

[Name]

Address

Date

Dear

Schools Disciplinary Procedure – Confirmation of Suspension

Further to our recent discussion, I confirm that in view of the incident(s) which has/have come to light (*give reasons*) *regarding your alleged inappropriate behaviour towards a pupil*, you are suspended from your post as * at this school, with immediate effect. As suspension is not a disciplinary measure you have no right of appeal against this decision. However, you will remain on full pay pending the outcome of the investigation into the alleged incidents outlined above.

Whilst I cannot confirm at this stage when the investigation will be completed, I can assure you that I am aware of how difficult this situation must be for you and the investigation will take place without delay. However, I consider that by the nature of your employment, i.e. supervision of children/seriousness of the allegations (*or other reason*), your continued presence at work may be prejudicial to the situation. I must advise you that during the period of your suspension you should refrain from entering the school premises and communicating directly with anyone involved in the case. However, this does not prevent you from communicating informally with friends or colleagues about issues not connected with the case. The school will treat this matter with complete confidentiality and will expect you as an employee of the school to do the same.

If you should wish to contact the school for any reason, you can do so through a number of channels:

- [name & post of link officer] [telephone number xxxx] has agreed to act as your link officer during your suspension
- you can also contact [name of line manager] [telephone xxxx]
- In addition you can also contact [name and post of contact in HR] [telephone xxxx]. If [name of HR person] is unavailable another member of the HR team will be able to assist you.

If, at any point, you wish to speak to me personally about your situation or the procedures then please do not hesitate to contact me. Further support can also be obtained from your Trade Union or colleague [change as appropriate]

[Add in any other support arrangement in place – including the offer of counselling and OHU referral if applicable].

[If there is any school property to be returned add in here]

For School Support Staff only add this information on taking annual leave:

During your period of suspension annual leave should be taken in accordance with the normal procedures and should be approved in the normal way. You should be aware that there is no provision for the carry-over of annual leave from one leave year to the next.

Yours sincerely
Head Teacher

Copy to: HR Director
Trade Union Representative/colleague

Appendix 3: Notification of Hearing

[NB: It is most important that the school seeks advice on the wording of allegations based on the investigation for each case]

Private & Confidential

Name & Address

Date

Dear

(Name of) School Disciplinary Procedure – Conduct of staff

Further to our recent discussions, I wish to inform you that you are required to attend a meeting within the framework of the school's disciplinary procedure. A copy of this procedure is available in school in *(place)* for your information. (A copy of this procedure is enclosed – *if suspended*). Please confirm receipt of this letter by *(date and time)*

The meeting will be with myself as investigating officer and the governors' disciplinary panel and will be held in *(place)* at the school on *(date)* at *(time)*. The meeting will be minuted or recorded. Specifically, the meeting will consider your conduct relating to *(carefully word each allegation, include information such as date, time, place of incident etc.)*

(The following paragraph needs careful wording - If dismissal is a possible outcome of the hearing, i.e. as a result of gross misconduct or following previous warnings, this must be clearly stated in letter).

I must advise you that one possible outcome of the hearing is that you may be dismissed from your post as *(job title)*, for gross misconduct *or* as you already have a final written warning.

Within the provisions of the school's disciplinary procedure you are entitled to receive copies of the documents which will be considered at the hearing. I attach, for your information, copies of the following documents:- *(List the appendices in order, starting with statement of case)*

You have the right to present evidence to support your case. If it is your intention to submit evidence to the panel you must let me have this by *(date)* so that I can circulate copies prior to the meeting. Otherwise any documents you wish to rely on may not be considered by the panel. As part of the presentation of the case, I will be calling the following witnesses *(include name and post title/other)*:

You will, as part of the presentation have an opportunity to question the witnesses on the evidence they have provided.

You are strongly advised to be represented at the meeting by your trade union representative or a colleague. You may, if you wish, call witnesses to support your case and, if this is your intention, please let me know in advance of the meeting so that arrangements can be made to accommodate them. Please confirm by *(date)* the names of any witnesses you intend to call and that you and your representative are able to attend this meeting on the date and times given.

I will assume that you will be attending the hearing unless I hear from you by (5+ days time (date) to the contrary. You should be aware that the hearing is likely to proceed in your absence unless you provide appropriate notice and explanation for your non attendance.

A copy of these papers have been sent to (name of representative/colleague).

Yours sincerely

Head Teacher

Copy to: HR Director
Governors Panel

Appendix 4a - Disciplinary

Order of events

1. The Investigating Officer, which may be the Head Teacher (or senior leader nominated by the Head Teacher) or chair of governors (in the case of Head Teacher) will present the case. The purpose of the disciplinary hearing/appeal is to establish the facts and determine an appropriate way forward, including, where required, the disciplinary sanction determined by the panel.
2. The Investigating Officer will present their report, including any witnesses. Witnesses may be asked to attend the meeting to support their evidence.
3. The employee, supported by their trade union representative or colleague, will be provided with an opportunity to respond to the evidence, to make their own case in relation to the concerns about their conduct and to make any relevant representations, supported as appropriate by their trade union representative or colleague.
4. The hearing/appeal will be conducted in line with the Order of Events after which there will be an adjournment, during which the Head Teacher (or their nominated senior leader) or chair of governors or disciplinary panel will consider the evidence and confirm their decision.

Appendix 4b – Disciplinary Procedure - Governors Hearing Procedure

DISCIPLINARY PROCEDURE – CONDUCT OF SCHOOL STAFF

GOVERNORS' HEARING Order of Events

1. Investigating officer presents the case to Head Teacher/Panel¹.
2. Questions from employee and/or employee representative.
3. Questions from Head Teacher/Panel.
4. Employee (or representative) presents their case to Head Teacher/panel².
5. Questions from investigating officer.
6. Questions from Head Teacher/Panel.
7. Investigating officer sums up.
8. Employee (or representative) sums up.
9. Both parties withdraw.
10. Head Teacher / Panel reviews evidence/makes decision.
11. All parties reconvene. Decision given to employee.
12. Decision confirmed to employee in writing within 3 working days (including notice of right to lodge appeal within 10 working days – if appropriate).

N.B.

- Where a senior leader is the Investigation officer, s/he will present the case to the Head Teacher/governors panel.
- If the Head Teacher assumes the role of investigation officer he/she will present the case to a panel of 3 governors who will decide on the outcome. Should an appeal be required, a different panel of 3 governors will be required.
- Where the Head Teacher is subject to these procedures the Chair of governors must discuss with the HR Director an appropriate person to investigate and present the case to a panel of 3 governors who will determine the outcome.

¹ Where the Head Teacher/investigating officer calls a witness to support the management case, the following procedure applies :

- The witness will be asked questions by the investigating officer
- The witness may be asked questions by the employee or his/her representative or colleague.
- The witnesses may then be asked further questions by the Head Teacher/investigating officer.
- Members of the Disciplinary Panel may ask questions of the Head Teacher/investigating officer and witnesses on the evidence submitted.

² Where the employee or representative/ colleague calls a witnesses in support of his/her case, the following procedure applies :

- The witnesses will be asked questions by the employee / representative or colleague.
- The witness may then be asked questions by the investigating officer.
- The witnesses may then be asked further questions by the employee, representative or colleague.
- Members of the Disciplinary Panel may ask questions of the employee and her/his representative or colleague and witnesses on the evidence submitted.

Note: *After completion of the above stages any witnesses will be:*

- a) *Instructed not to discuss the case in any way until after the hearing has been determined*
- b) *Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*

Appendix 4c – Guidance on Governors’ hearing and appeals

DISCIPLINARY PROCEDURE – CONDUCT OF SCHOOL STAFF

GOVERNORS’ PANEL HEARING

1. It is recommended that the Disciplinary Panel should normally comprise three governors drawn, where possible, ~~from the school’s governing board. from the Pupils and Personnel Committee.~~ In line with the 2009 School Staffing Regulations, the Head Teacher is also able to take disciplinary decisions, if s/he is not acting as the investigating officer. In relation to disciplinary decisions, schools are advised that dismissal decisions are best made by a panel rather than by one person acting alone. It is therefore recommended that the panel should also include two governors in cases so that where the Head Teacher is not the investigating officer they form one member of the three member panel convened to consider dismissal. The selection of governors must also ensure that there is no conflict of interest which may arise in hearing the case. Staff governors should not be involved, where there is a potential conflict of interest.
2. The date of the disciplinary hearing should be agreed with the employee as soon as possible and at least 10 working days before the due date, unless an earlier date is mutually agreed between the parties. The employee should be given the opportunity to send any written submission of evidence to the Panel prior to the hearing. A copy of any submission should also be made available to the investigating officer. The Investigating officer should submit their report, the letter setting out the allegations and supporting evidence setting out the facts of the case in writing to the panel with a copy to the employee. This must be sent in time to ensure this is received by the employee at least 10 working days before the date of the hearing, unless an earlier date is mutually agreed between the parties.
3. The date of the disciplinary hearing should usually be determined in consultation with the employee, their representative or colleague, witnesses and the HR Director to ensure that (a) the HR Director is available to attend and advise the panel on any procedural aspects or matters of employment law, (b) the employee’s trade union or colleague is available to attend.
4. At the hearing the investigating officer will be responsible for presenting the evidence to the disciplinary panel in the presence of the employee and their trade union representative or colleague. Witnesses may be called individually by the Investigating officer in support of the case and to provide evidence and/or support their written statements or formally recorded interview.
5. The Head Teacher/investigating officer and any witnesses called may be asked questions by the employee or his/her representative or colleague.
6. The witnesses may then be asked further questions by the Head Teacher/ investigating officer.
7. Members of the disciplinary panel may ask questions of the investigating officer and witnesses on the evidence submitted.

Note: *After completion of the above stages the witnesses will be:*

- a) *Instructed not to discuss the case in any way until after the hearing has been determined*
- b) *Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*

8. The employee or representative will state **their** case in the presence of the investigating officer. Witnesses may be called by the employee in support of **their** case.
9. The employee and any witnesses called may then be asked questions by the investigating officer.
10. The witnesses may then be asked further questions by the employee or their representative/colleague.
11. Members of the disciplinary panel may ask questions of the employee and **their** representative and any witnesses called. **Note:** *After completion of the above stages the witnesses will be:*
 - a) *Instructed not to discuss the case in any way until after the hearing has been determined*
 - b) *Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*
12. The investigating officer shall then have the opportunity to sum up the case against the employee.
13. The employee or **their** representative shall have the opportunity to sum up on **their** behalf and offer the disciplinary panel details of any mitigating circumstances **they** would wish to be taken into account.
14. The employee, trade union representative/colleague and investigating officer shall then withdraw.
15. The disciplinary panel (together with the HR adviser and any other officer(s) acting as clerk/secretary to the panel) will then deliberate in private, only recalling the employee (and **their** representative) and the investigating officer to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return, notwithstanding that only one of them is concerned with the point giving rise to doubt.
16. After deliberating, the disciplinary panel will announce the decision to the employee, representative and investigating officer personally. Any right of appeal against the decision will also be explained. The panel will formally write to the employee within three working days confirming the decision and any appeal rights.

APPEALS

The appeal process will not normally be an opportunity for a re-hearing of the original submission but to consider the grounds of the appeal. This could be to determine if previous decision was fair, consider any new facts/evidence and judge the reasonableness of the procedure to date. (At such an appeal, the chair of the original disciplinary hearing panel will respond to the grounds of appeal and present the case).

1. The employee will be invited to present their case, during which they should direct the Appeal panel to the issues that they would like them to consider ie their grounds of appeal and any new evidence which was not available at the original hearing.
2. Only where previously agreed with the Chair, may witnesses be called (the Chair may decide that the original statements and minutes are sufficient).

3. The original chair of the disciplinary panel may ask questions of the employee and any witnesses they present.
4. The Appeal Panel may ask questions/seek clarification as necessary of the employee and any witnesses they present.
5. The original chair of the disciplinary panel, responding to the appeal, will be given an opportunity to reply to each of the points raised by the employee and make representation to the panel. They may bring witnesses (eg the investigating officer) only where previously agreed with the Chair (the Chair may decide that the investigation report, statements and original minutes are sufficient).
6. The employee may ask questions of the original chair who is responding to the appeal and any witnesses.
7. The Appeal Panel may ask questions/seek clarification from the original chair responding to the appeal, and any witnesses.
8. The employee will be given an opportunity to make a closing statement.
9. The original chair responding to the appeal will be given same opportunity.
10. The Panel will adjourn for the Appeal Panel to consider the decision.
11. The Appeal panel will deliberate in private and if it is necessary to recall any parties for clarification of evidence, all parties will be asked to return.
12. After deliberating the panel will recall all parties and inform the employee of their decision. The panel will confirm the decision to the employee in writing within three working days.
13. If the Appeal panel require further time for deliberation, to take advice or require further investigation they may communicate this to the employee and all parties, with a time to reconvene.
14. Once the outcome is provided, there is no further right of appeal, other than to an employment tribunal.

NB If, exceptionally, a decision has been taken for the appeal by the Trust to take the form of a re-hearing, then the procedure will be the same as for a Hearing (see running order on pages 28-30).

Appendix 5: Notification of Outcome – Oral/Written Warning

(NB: Advice must to sought about the specific working for each case)

FIRST CLASS

PERSONAL

Name

Address

Dear

(Name of) School - Disciplinary Procedure - Conduct

I wish to confirm the outcome of your hearing with the Disciplinary Panel/Head Teacher on (date) in the presence of ((name) HR Director) and **either** your representative (name, T.U.)/**or** (despite being advised of your right to representation you chose not to exercise it). The meeting was arranged within the framework of the school's disciplinary procedure.

At this hearing reference was made by the investigating officer (name) to (details of disciplinary issues). Having fully considered the evidence the governors' disciplinary panel/Head Teacher decided to issue an *oral/written warning* in respect of your conduct. This *oral/written warning* will remain on your personal file for a period of 12 months, after which time it will be reviewed. I must also warn you that any further problems which occur concerning your conduct or capability will be viewed very seriously ~~indeed~~ and may result in further disciplinary action.

If employee was suspended include following paragraph

Your period of suspension will end on (date) and you should contact (person) before this date to discuss your return to work.

At the hearing you were notified of your right to appeal this decision and a provisional date was set for (date) and (time).

If you wish to appeal against this decision you may do so in writing to me at the above address within 10 working days stating briefly the grounds of your appeal. You will be offered the opportunity to be heard in person by the governors' Appeal Panel accompanied, if you so wish, by your trade union representative or a person of your own choosing.

It is recognised that any such procedure is inevitably difficult and I would therefore like to remind you of the wellbeing services which are available via SAS.

Should you require any support following this process please contact SAS or alternatively you may contact (name of support person in school or HR team).

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 5a: Notification of Outcome – No sanction

Private & Confidential

Name

Address

Date

Dear

(Name of) School - Disciplinary Procedure - Conduct

I wish to confirm the outcome of your hearing with the Disciplinary Panel/Head Teacher on (date) in the presence of ((name) HR Director) and **either** your representative (name, T.U.)/**or** (despite being advised of your right to representation you chose not to exercise it). The meeting was arranged within the framework of the school's disciplinary procedure.

At this hearing reference was made by the investigating officer (name) to (list the allegations). Having fully considered the evidence the governors' disciplinary panel/Head Teacher decided not to issue a warning in respect of your conduct.

The following recommendations and expectations were made by the panel / Head Teacher (list these here)

(recommendations made about conduct only – do not use if no case to answer)
Although no sanction has been issued on this occasion any further problems which may occur concerning your conduct or capability will be investigated in line with the appropriate procedure.

The matter is now considered as concluded. It is recognised that any such procedure is inevitably difficult for the employee and I would therefore like to remind you of the wellbeing services which are available via SAS.

Should you require any support following this process please contact SAS or alternatively you may contact (name of support person in school or HR team).

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 6: Final Warning

Private & Confidential

Name

Address

Date

Dear

(Name of) School - Disciplinary Procedure - Conduct

I wish to confirm the outcome of your hearing with the Disciplinary Panel/Head Teacher on (date) in the presence of ((name) HR Director) and your representative (Name, Trade Union)/or (despite being advised of your right to representation you chose not to exercise it). The meeting was arranged within the framework of the school's disciplinary procedure.

At this hearing reference was made by the investigating officer (name) to (details of disciplinary issue).

Having fully considered the evidence, the (name) Disciplinary Panel/Head Teacher decided to issue a **final warning** in respect of your conduct. This warning will remain on your personal file for a period of (state period – minimum 12 months), after which time it will be reviewed. I must warn you that any further instances concerning your conduct/capability may lead to further disciplinary action which could result in your dismissal.

If employee was suspended include following paragraph

Your period of suspension will end on (date) and you should contact (person) before this date to discuss your return to work.

At the hearing you were notified of your right of appeal and a provisional date was set for (date, location and time).

If you wish to appeal against this decision you may do so in writing to me at the above address within 10 working days stating briefly the grounds of your appeal. You will be offered the opportunity to be heard in person by the governors' Appeal Panel accompanied, if you so wish, by your trade union representative or a person of your own choosing.

It is recognised that any such procedure is inevitably difficult and I would therefore like to remind you of the wellbeing services which are available via SAS.

Should you require any support following this process please contact SAS or alternatively you may contact (name of support person in school or HR team).

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 7: Dismissal

(NB - Advice must be sought about specific wording for each case)

Private & Confidential

Name

Address

Date

Dear

(Name of) School - Disciplinary Procedure - Conduct

I wish to confirm the outcome of your hearing with the Disciplinary Panel/Head Teacher *on (date) together with ((name) HR Director)* and **either** your representative (*Name, Trade Union*)/ **or** (*despite being advised of your right to representation you chose not to exercise it*). The meeting was arranged within the framework of the school's disciplinary procedure.

At the hearing, reference was made by the investigating officer (named) to (*details of disciplinary issues*) (**Advice must be sought about specific working for each case*).

I confirm the decision that in view of the circumstances (*e.g. the Panel considered that your behaviour constituted gross misconduct or/and in view of the fact that you had already received a previous warning/final warning*), the governors' Disciplinary Panel/Head Teacher decided that you should cease to work at the (*name*) school with effect from..... Your employment terminates today (in cases of gross misconduct) *or* with appropriate notice (*please insert notice period and termination date in such cases*). This letter is notice of dismissal from your employment with this school.

At the hearing you were notified of your right to appeal and a provisional date was set for (date and time)

If you wish to appeal against this decision you may do so in writing to me at the above address within 10 working days stating briefly the grounds of your appeal. You will be offered the opportunity to be heard in person by the governors' Appeal Panel accompanied, if you so wish, by your trade union representative or colleague. If your appeal is upheld, the Trust will be informed and, where appropriate, will re-instate your contract of employment.

Please confirm receipt of this letter by.....

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 8: Notification of Appeal Hearing

Private & Confidential

Name

Address

Date

Dear

(Name of) SCHOOL DISCIPLINARY PROCEDURE - CONDUCT

Further to the disciplinary hearing held on * and to my letter dated * informing you of the governors' Disciplinary Panel's/Head Teacher's decision, I understand from your letter dated * that you now wish to appeal against the decision *to issue you with a * warning / dismiss you from your post as * at the School*).

In accordance with the school's disciplinary procedure, I wish to inform you that I have arranged a meeting to consider your appeal. A copy of the disciplinary procedure is available in school (*state where available*) for your information. (*If the person is suspended include the following sentence - A copy of the disciplinary procedure is attached for your information*).

The meeting will be with myself and an Appeal Panel of the Governing body and will be at * on *. The meeting will be minuted or recorded. Specifically the meeting will consider your grounds for appeal against the allegations against you, (list allegations)

Within the provisions of the school's disciplinary procedure you are entitled to receive copies of the documents relating to the case which will be considered at the Appeal. I attach for your information, copies of the following documents:-

- a) *list and send all of the information as previously sent out for the initial hearing including documents previously submitted by the employee*
- b) *list and send any information submitted by the individual either before the initial hearing or at the hearing.*

If there is any further information relating to this case that you would like to submit to the Governors for their consideration, will you please arrange for this to be sent to me as soon as possible and by * at the latest. I can then circulate copies to members of the Appeal Panel in plenty of time for their consideration before the meeting.

I would like to take this opportunity to inform you that you are strongly advised to be represented at this meeting by your Trade Union representative or colleague and you may, if you wish, call witnesses to support your case. Please let me know if you are intending to do this so that arrangements to accommodate your witnesses can be made. ~~I have enclosed an additional copy of this letter and accompanying details for you to give to your Union Representative.~~ Please confirm with me by (date/time) + 5 days time) that you are able to attend this meeting on the date and times given.

I will assume that you will be attending the hearing unless I hear from you to the contrary. You should be aware that the hearing is likely to proceed in your absence unless you

provide appropriate notice and explanation for your non attendance.

Yours sincerely

Head Teacher/Investigating Officer/Chair of Original Disciplinary Panel

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 9: Outcome of Appeal - Dismissal

Private & Confidential

Name

Address

Date

Dear

(Name of) School Disciplinary Procedure – Appeal Hearing

I wish to confirm the outcome of your appeal hearing with the Disciplinary Appeal Panel of the Governing body on (*date*) in the presence of the investigating officer, together with ((name) HR Director and either your representative (*Name, Trade Union*) or (*despite being advised of your right to representation you chose not to exercise it*). The meeting was arranged within the framework of the school's disciplinary procedure.

At the hearing, reference was made to (*details of disciplinary issues*). (Explain what the panel found in relation to each allegation) Having fully considered the evidence, the decision of the Appeal Panel was that you should cease to work at the ** school and that the Trust be asked to dismiss you from your post of * *with effect from * / with immediate effect on the grounds of*

As you were dismissed from your post at your disciplinary hearing on (date) I have previously notified the Trust of the decision of this Panel and s/he has written to you to formally terminate your contract of employment with the Trust. I will inform him/her that the Appeal Panel have not decided to re-instate your contract with the Trust.

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 9a: Outcome of Appeal against warning

Private & Confidential

Name

Address

Date

Dear

(Name of) School Disciplinary Procedure – Appeal Hearing

I wish to confirm the outcome of your appeal hearing with the Disciplinary Appeal Panel of the Governing body on (*date*) in the presence of the investigating officer, together with (name) HR Director and either your representative (*Name, Trade Union*) or (*despite being advised of your right to representation you chose not to exercise it*). The meeting was arranged within the framework of the school's disciplinary procedure.

At the hearing, reference was made to (*list allegations here*).

Explain what the panel found in respect of each allegations

The panel's decision therefore was to uphold the *oral / written / final written* warning that was issued to you on (*date*) and confirmed in writing on (*date*), as the panel consider that this is an appropriate and reasonable form of action due to the (*serious*) nature of the case. This warning will remain on your personal file for a period of (*number (minimum 12 months)*) months, after which time it will be reviewed.

OR

The panel's decision therefore was to overturn the *oral/written/final written warning* that was issued to you on date and confirmed in writing on (*date*). The panel decided to issue you with *no sanction / oral / written /final written warning, (If issued a warning)* This warning will remain on your personal file for a period of (*number*) months, after which time it will be reviewed

The notes from the meeting will be sent to you as soon as they are available.

It is recognised that any such procedure is inevitably difficult and I would therefore like to remind you of the wellbeing services which are available via SAS.

Should you require any support following this process please contact SAS or alternatively you may contact (name of support person in school or HR team).

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 10: Review of Disciplinary Warnings

Introduction

Although it is usual for formal warnings to be issued for a period of 12 months, this will vary depending on the circumstances of each case. It will be necessary for Head Teachers to formally monitor and review such warnings in accordance with the appropriate disciplinary procedure with a view to regarding the warning as “spent”. Advice on methods of monitoring warnings can be obtained from the HR Director.

The purpose of reviewing disciplinary warnings is to consider the continued validity of the warning rather than its physical removal from the personal file. Such information should never be removed as it may be required as evidence later, if disciplinary problems re-occur which result in an Employment Tribunal. If the warning has been reviewed and confirmed as “spent” (this should be clearly recorded along with the original warning), it will not be taken into account if further disciplinary sanctions are being considered. However, it is acceptable evidence at an Employment Tribunal to look at the history of employment in deciding whether an employer has acted reasonably in all the circumstances, hence the need to retain documentary evidence of a spent warning. In addition it is essential that any information regarding disciplinary action relating to allegations of abuse against employees is retained as required by legislation, currently indefinitely. Even where such warnings have expired, this information may be required in relation to any further allegations or for recruitment procedures (see Part 2).

Oral warnings

Whilst there is no specific requirement to review oral warnings, the disciplinary document implies that all warnings should be reviewed. Therefore, it is necessary for oral warnings to be reviewed on the same basis as written warnings. As oral warnings should only be given for minor offences, it is unlikely they would survive after a year.

Written warnings

The key questions that a review should address are:-

- Has the conduct of the individual improved?
- Is there likely to be re-occurrence of the offence?
- Was the original offence deemed to be a serious matter by the governing body?

To answer these questions, it would seem appropriate that the Head Teacher and/or the appropriate committee of the governors should review the warning with the employee and their representative. Technically, of course, it is a matter for governing bodies to determine this matter, but in such cases it may be appropriate to consult with the HR Director, who could provide a wider perspective to the matter.

The review should be initiated by the Head Teacher, who would make a recommendation to the appropriate governors’ committee, and would also advise the individual in writing as to whether the warning is regarded as 'spent', extended, or otherwise.

There is no appeal against the outcome of a review. However, both the individual and the Head Teacher could raise a grievance on any matter including the outcome of the review.

Appendix 10a: Confirmation of outcome of review of warning

Private & Confidential

Name

Address

Date

Dear

(Name of) School Disciplinary Procedure – Review of warning

I wish to confirm the outcome of the review of the *oral / written / final written* warning that was issued to you on *(date)* for a period of *(number)* months.

Option 1 – conduct satisfactory

The warning has been reviewed by (head / governors) and confirmed as spent, it will not be taken into account if further disciplinary sanctions are being considered.

Option 2 – conduct not satisfactory

The warning has been reviewed by (head / governors) and confirmed as not spent. The warning will remain on your record for a further (number) months due to (explain why here). The warning will then be reviewed again. It will continue to be taken into account if further disciplinary sanctions are being considered.

You are not able to appeal against this decision.

Yours sincerely

Head Teacher

Copy to: (name) HR Director
(name) Representative/colleague

Appendix 11: Standards of Conduct Relating to School Employees

1. General Standards of Conduct

The public expects the conduct of teachers and other staff working in schools to be of the highest standard. All employees of the Trust should be aware of their duty to:

- maintain conduct in keeping with the interests and standards of the school and the Trust.
- be honest, trustworthy and beyond the reach of suspicion and dishonesty
- maintain at all times a high standard of integrity and conduct
- not put **their** private interest or those of relatives or friends before **their** duty to the school/ Trust
- not use **their** position to further private interests or those of relatives or friends
- faithfully perform the duties specified in **their** contract of employment, to observe the school's policies, values and regulations

2. School employee Code of Conduct

Keeping Children Safe in Education (KCSIE) requires the governing body of all schools to adopt an Employee Code of Conduct. This Code should be read and considered in conjunction with the Staff Induction Policy, the Whistleblowing Policy and the disciplinary procedures.

The code sets out the standards of personal and professional conduct including the standards relating to safeguarding children.

3. Professional Standards

Teachers Standards

[Teachers Standards Preamble](#)

[Teachers Standards \(full\)](#)

[Teachers Standards - Guidance on how to use them](#)

These standards published by the Secretary of State for Education set the minimum requirements for teachers' practice and conduct introduced in September 2012. They apply to teachers in maintained schools who are covered by the 2012 appraisal regulations.

Use of the standards in academy and free schools depends on the specific establishment arrangements in that school. Teaching staff working for the White Hills Park Trust are expected to uphold these standards.

Teachers are subject to the framework of professional standards established by the Teaching Regulation Agency (TRA). When considering cases of serious misconduct, the

TRA, acting on behalf of the Secretary of State for Education must have regard to the personal and professional standards set out in the Teachers' Standards.

4. Gross Misconduct

Gross misconduct will normally result in dismissal after the appropriate hearings and will be without notice. Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms. It is not possible to specify all possible or potential acts of gross misconduct but they may include:

- Theft, fraud and deliberate falsification of records.
- Falsification of examination papers or assessment data.
- Physical violence.
- Serious bullying or harassment.
- Improper conduct with children and young people.
- Deliberate damage to property.
- Refusal of a reasonable instruction.
- Misuse of the school/Trust's property or name.
- Bringing the school/Trust into serious disrepute.
- Serious incapability whilst on duty as a result of the use of alcohol or illegal drugs.
- Serious negligence which causes or might cause unacceptable loss, damage or injury.
- Serious infringement of health and safety rules.
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).
- Conduct which fails to uphold public trust in the profession; fails to have proper and professional regard to the ethos, policies and practices of the school; or fails to act within the statutory frameworks which set out their professional duties and responsibilities, as set out in the Teachers' standards and other relevant professional standards

In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, certain issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

Appendix 12

[This report is very important to concluding the case and should only include allegations supported by evidence]

Strictly Private and Confidential: INVESTIGATION REPORT

**REPORT FOLLOWING AN INVESTIGATION UNDER
DISCIPLINARY PROCEDURE**

NAME OF EMPLOYEE

Job Title:

Name of school:

Subject of Allegations:

Investigating Officer(s):

Date of Report:

CONTENTS

Page Number

1. Introductions and background
2. Allegations
3. Investigation Process
4. Analysis of Evidence
5. Conclusion
6. Recommendations
7. Summary of APPENDICES

1. **Introduction and background to investigation**

- 1.1 [This report has been compiled following a request by [Head Teacher] to investigate allegations that [xxx]].
- 1.2 [The purpose of this investigation is to determine whether there is a case to answer in respect of the allegations that (*name of employee*) has.....]
- 1.3 [name] is a (job title) employed at (name of school). Include any relevant structural/line management/complaint/witness details
- 1.4 Explain
 - How potential irregularity came to light, and when; describe each incident in detail
 - Explain detail
 - Accurate dates and times
 - Action taken by the school as a result (i.e. suspension, investigation)
 - Format of investigation (who you spoke to, what evidence you considered etc.)
 - The relevance of any previous concerns and warning relating to conduct

2. **Allegations**

This report considers the investigation into the following allegations: (carefully word allegations which should clearly set out the misconduct and where applicable which school or statutory procedures have been breached)

3. **Process of Investigation**

- 1.1 Who interviewed and when
- 1.2 Other documentary evidence considered
- 1.3 Involvement of other agencies including the Police or LADO
- 1.4 Process of suspension

4. **Analysis of Evidence**

This section should draw all the evidence together under each specific allegation and analyse it in order to demonstrate how you have reached conclusions.

This is usually done in chronological order of events.

The above should make specific reference to numbered appendices setting out the evidence from the witnesses, and other relevant documentary evidence, including specific reference to named school policies and statutory requirements, explaining how these have been breached and evidenced by the investigation.

This analysis should be balanced and factual, based on the evidence obtained and should make reference to the detail of the investigation highlighting where evidence is/ is not corroborated.

Highlight the impact on the school, including reputational impact if applicable, impact on children/parents

5. Conclusion

- This section should conclude whether each separate allegation is proven making reference to the original allegations and policies/ procedures or expectations breached.
- Has the employee offered any mitigation/ or are there other factors to be taken into account in determining the sanction
- Are there any other conclusions you have drawn from the evidence?

6. Recommendations

The report should be specific in this section about what is recommended

*(a) That the report should be considered by a panel of the governing body to determine whether the alleged misconduct warrants formal disciplinary action **

(b) anything else which has been uncovered (e.g. better communication of procedures, or changing system, or changing policy, or training needs, etc.).

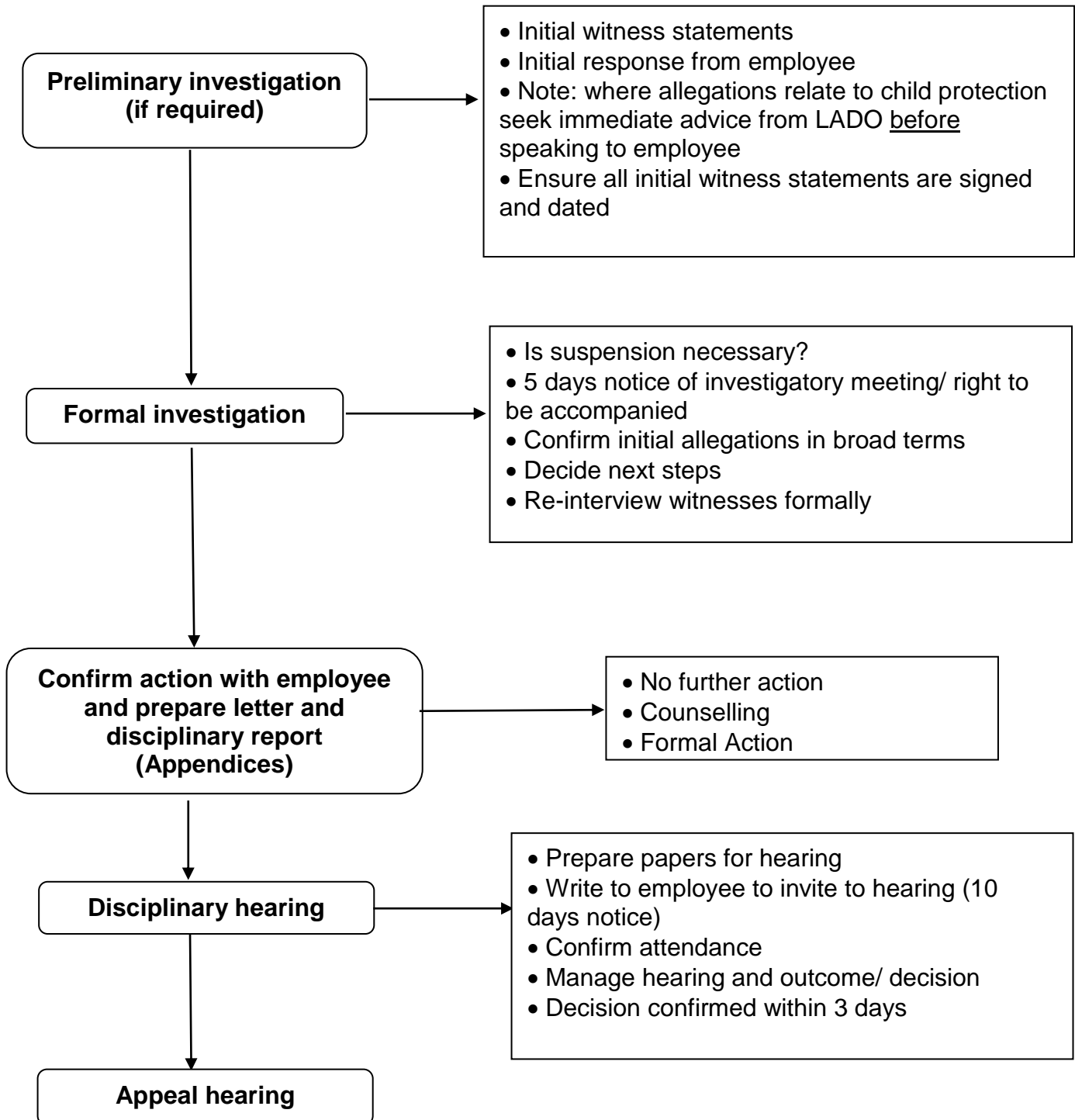
*(Please note): If the employee is suspended and the allegations are considered serious enough to warrant consideration of dismissal on the grounds of gross misconduct or by notice this must be stated so that the employee is warned.

APPENDICES

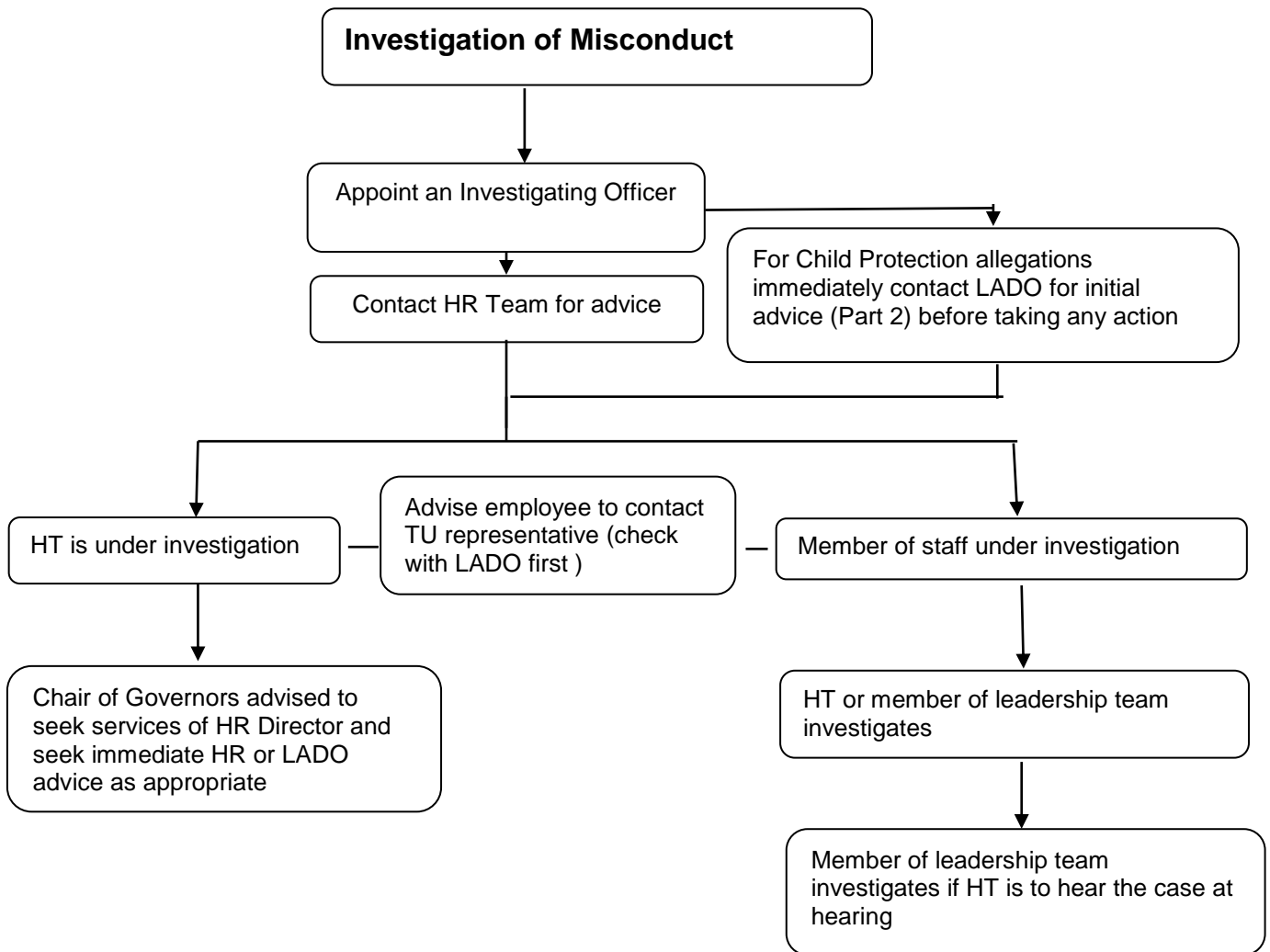
Appendix 1 - [xxx]

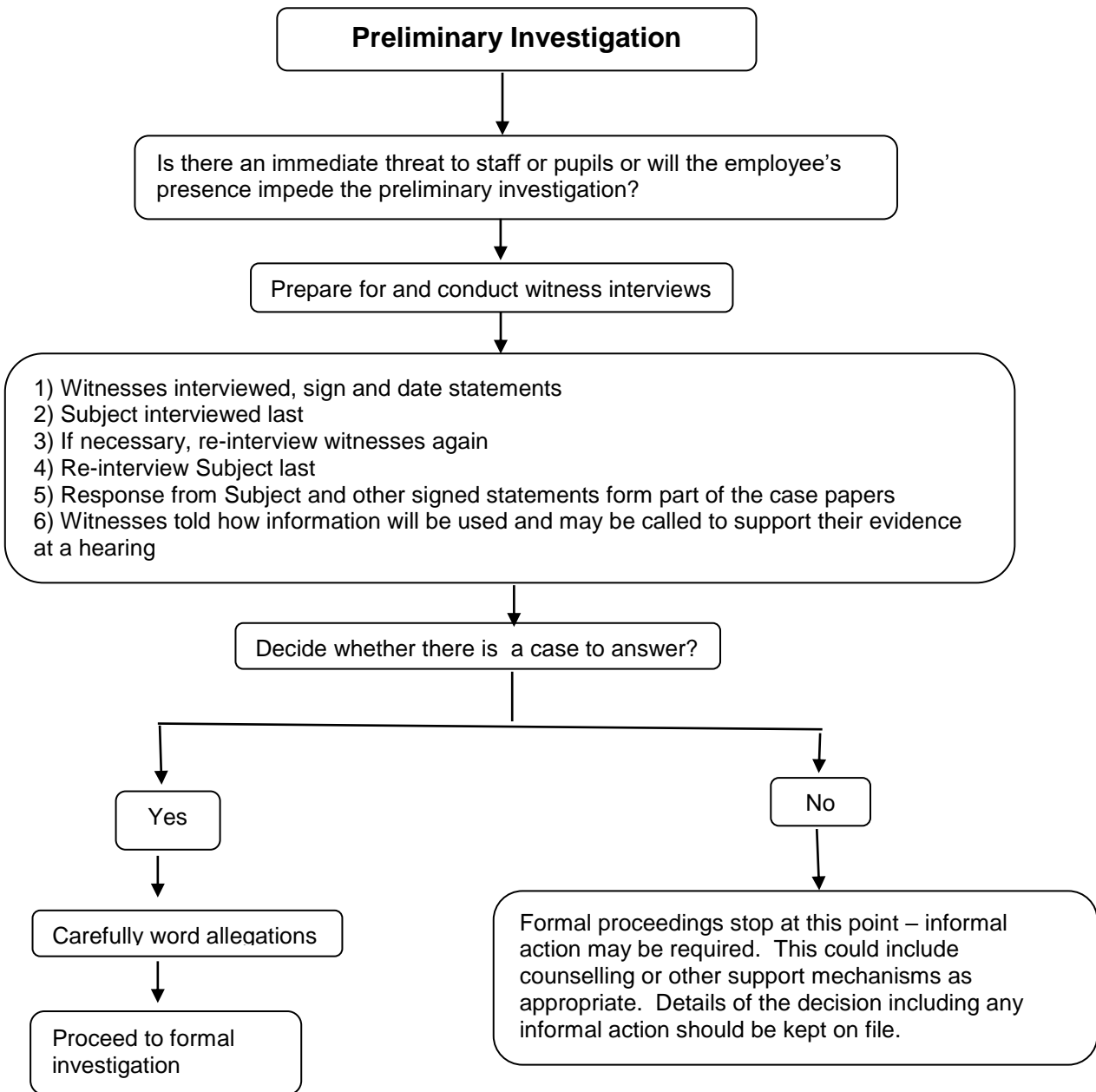
Appendix 2 – [xxx]

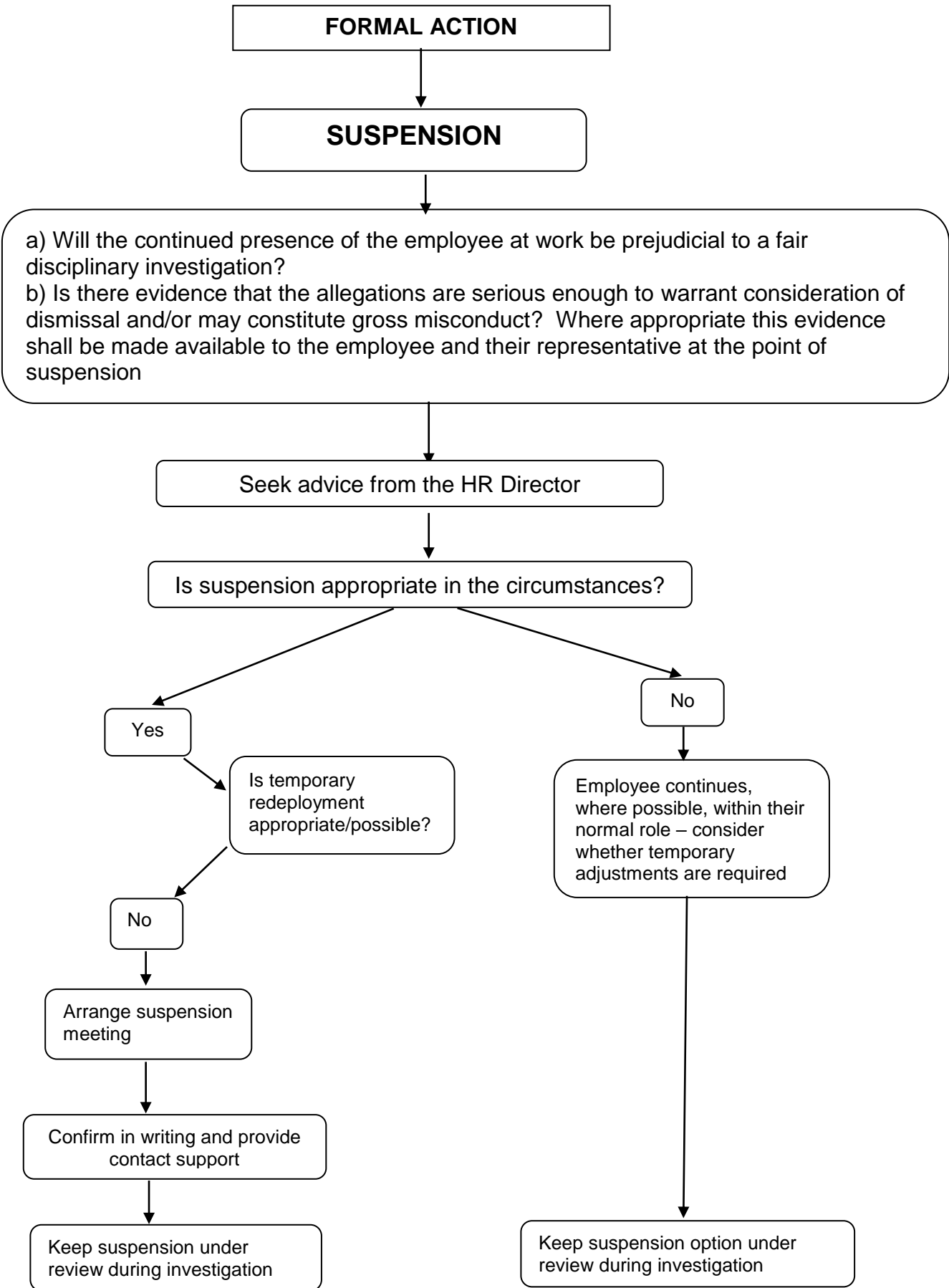
Appendix 13: Summary of formal procedure – conduct of employees



The following flowchart outlines the key points to consider when investigating the misconduct of school staff.







Formal investigation

Obtain full witness statements and any other material evidence/documentary evidence relevant to the allegations

Carefully plan and prepare questions for witness interviews

Interview witnesses and ensure that the statements are signed and dated

Arrange formal investigatory meeting with the Subject

Advise of the right to be accompanied by a representative of the Recognised Trade Union or colleague and confirm the nature of the allegations(s). Ensure that 5 working days notice is given.

Undertake investigatory meeting with Subject employee (Remember it may be necessary to re-interview witnesses based on subsequent information from other witnesses or employee). If this is required you must re-interview employee to seek their response to additional evidence prior to concluding the investigation

Consideration of the Evidence

On the basis of the evidence available is there still a case to answer?

Yes – Proceed to formal action

Disciplinary Action

Investigating Officer to arrange for case to be heard

Prepare statement of case and disciplinary paperwork including letter /appendices, ensuring all documents are signed, dated and numbered

Witnesses – inform witnesses of this decision and requirement to support statements at hearing

Arrange disciplinary hearing (10 working days' notice to those involved including paperwork and Statement of Case). HR Director and governors involved to be advised. Arrange for the meeting to be minuted. Advise the individual of their right to representation.

No – Conclude process

No further formal action, other than to inform those concerned. Provide support if required eg counselling
Is informal action now required?
Are there any actions/learning points for the school?
Is there any remedial action that the school or any institution should take?

Matter resolved

Decision made by Head Teacher/Panel of governors

