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DISCIPLINARY PROCEDURE

**Policy and Procedure for Use by
Maintained Schools, PRUs, Academies and Others**

**September 2023
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DISCIPLINARY PROCEDURE

Policy and Procedure for Use by Maintained Schools, PRUs, Academies and Others

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DISCIPLINARY PROCEDURE

Policy and Procedure for Use by Maintained Schools, PRUs, Academies and Others

SECTION A: POLICY

IMPORTANT NOTE RELATING TO TERMINOLOGY USED IN THIS DOCUMENT

This procedure may be adopted and used by maintained schools, PRUs, Academies and/or other schools. Therefore, where the words 'Headteacher', 'Governing Body', 'Governors', 'school', 'PRU Management Committee' or PRU are used in this document, this should also be interpreted (and can be adapted) to mean, or read, 'Principal', Chief Executive, Head of School, 'Proprietor', Members, Directors, Board of Trustees, Local Governing Body, Governing Board, 'Academy' or 'Academy Trust' etc., as relevant to type of school and structure in place.

1. INTRODUCTION

Governing Bodies of Schools with delegated budgets are required, under the School Staffing Regulations 2009 and any subsequent amendments, to establish procedures for the regulation of the conduct and discipline of staff at the school. This requirement also applies to PRU Management Committees who must adhere to relevant sections of the School Staffing Regulations. Academies and other types of Independent school are bound by any requirements set out in the Education (Independent School Standards) Regulations 2014, their Funding Agreements and Articles of Association.

In any event, all employers should have disciplinary rules and procedures as the law requires all employers to act reasonably when dealing with disciplinary issues. Employers are also strongly advised to have regard to the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice when handling disciplinary matters in the workplace. Employment Tribunals are legally required to take the Code into account when considering relevant cases. They are able to adjust any compensatory award made in these cases by up to 25 per cent for unreasonable failure to comply with any provision in the Code.

This *School/PRU* is committed to ensuring that the Disciplinary Procedure contained within this document follows all the principles of natural justice, as highlighted in the ACAS Code and associated guidance.

2. THE REASONS FOR A DISCIPLINARY PROCEDURE

This Disciplinary Procedure is designed to be corrective, rather than punitive. The aim is to promote a systematic, consistent and fair approach to all disciplinary matters.

The procedure should not be viewed primarily as a means of imposing sanctions (other than in cases of proven gross misconduct), but rather as being designed to identify shortcomings and to encourage improvements in the conduct or performance of an employee. The procedure should be an aid to effective staff management. It is recognised that, in many cases, improvement in the employee's conduct (or performance where relevant) can be brought about by the use of informal reprimands by the employee's immediate supervisor, by discussion, by counselling, or by agreed training and support.

Where the conduct or performance of an employee is in question, it is expected that Headteachers and/or designated senior members of staff will take the following steps before implementing the formal procedure:

- the matter will be drawn to the employee's attention;
- the employee will be informed of what is required to achieve a satisfactory standard of conduct/performance, as relevant;
- there will be an assessment of the employee's need for training and support and this shall be provided if appropriate;
- the employee will be given a suitable period of time within which to obtain a satisfactory standard of conduct/performance.

This ensures that potential issues are dealt with informally, at an early stage, with a view to resolving problems as quickly as possible outside of the scope of formal procedures.

If an employee's performance/capability is, or may be, affected by illness or injury, a medical opinion will be sought from the *School's/PRU's* Occupational Health Service, as appropriate. Medical opinions will take into account any report from the employee's medical adviser.

The formal disciplinary procedure is the means by which management ensures that rules are observed and standards are maintained. When informal measures have failed to bring about an improvement in conduct or performance, or are inappropriate, formal disciplinary action may be necessary where:

- Appropriate rules, regulations, codes of practice and/or the code of conduct have not been adhered to;
- An employee's conduct/performance is prejudicial to staff relations or the maintenance of the service;
- An employee fails to maintain an acceptable standard of behaviour or performance;
- An employee refuses to perform properly allocated duties.

Details of Acts that May Constitute 'Misconduct' and Acts that May Constitute 'Gross Misconduct' are attached at Appendix 1 and Appendix 2 to this document respectively.

3. APPLICATION OF THE DISCIPLINARY PROCEDURE

This Disciplinary Procedure relates to those employees for whom the *Governing Body/PRU Management Committee* has a direct responsibility.

Where an employee is not the direct responsibility of the *Governing Body/PRU Management Committee*, for example, an unattached teacher or centrally employed member of staff, an alternative Corporate procedure is likely to apply.

Any action to be taken against a worker employed by an Agency or external company would need to be addressed by that Body. In any such circumstances, further advice should be sought from the *Schools' Personnel Service (or HR provider, as appropriate)*.

This procedure applies to **teaching staff and support staff** in respect of disciplinary (conduct) issues. The procedure will also apply in relation to performance/capability issues in circumstances where there is no separate capability procedure in place.

4. THE SCOPE OF THE DISCIPLINARY PROCEDURE

The formal disciplinary procedure applies to cases where there is a complaint or allegation about the conduct, or performance/capability*, of an employee of the school which cannot be resolved by informal means.

The procedure aims to:

- Outline the rights and responsibilities of management, employees and employees' representatives, when disciplinary action is contemplated, and to ensure that the practice of management is in line with the duties imposed by legislation and guidance;
- Protect the employee against unfair disciplinary measures, whilst enabling managers to fulfil their responsibility to manage the service in accordance with its stated aims.

In general, the procedure is intended to ensure that no employee is subjected to disciplinary action without:

- The matter having been subject to proper investigation;
- Having first been given details of the alleged complaint(s);
- Attempts having been made to resolve matters informally, where appropriate. (It should be noted, in particular, that informal resolution will never be appropriate in cases of gross misconduct);
- Being given the opportunity to respond to that complaint and to state his or her case before decisions are reached;
- Being afforded the opportunity of being accompanied by an appropriate professional association/ trade union representative or a work colleague to speak on their behalf;
- Being afforded the right of appeal against the proposed disciplinary decision;
- Being given an explanation for any penalty imposed.

The disciplinary procedure does not apply where an employee's services are proposed to be terminated for one of the following reasons:

- The end of a temporary or pre-determined fixed term contract;
- Redundancy;
- Where continuation of employment would contravene a duty or restriction imposed by statute, e.g. expiry of permission to work in the UK or any other statutory bar, prohibition or disqualification;
- *Performance/Capability where there is an alternative capability procedure in place for addressing such matters.

5. CONSIDERATION OF A DISCIPLINARY CASE

(a) Delegation of Authority

Regulations allow the *Governing Body/PRU Management Committee* to delegate many of its functions relating to staff employment to:

- the *Headteacher*;
- one or more *governors (or members of the PRU Management Committee, as appropriate)*; or
- one or more *governors (or members of the PRU Management Committee, as appropriate)* and the *Headteacher*.

With the exception of decisions relating to the *Headteacher*, this includes disciplinary and capability decisions up to and including dismissal. The *Governing Body/PRU Management Committee* may delegate any such decisions relating to the *Headteacher* to one or more *governors (or members of the PRU Management Committee, as appropriate)* nominated by the Chair.

In terms of this procedure:

- **For decisions relating to all staff except the Headteacher - the Governing Body/PRU Management Committee will normally delegate functions relating to all disciplinary and dismissal decisions to the Headteacher**, unless there are particular circumstances where it considers that this would be inappropriate. Where the latter is the case, functions relating to disciplinary and dismissal decisions will be delegated to one *governor/member of the PRU Management Committee* nominated by the Chair.

- **The *Governing Body/PRU Management Committee* will also consider and agree at the relevant time, whether the delegation of functions should continue in the event of an *Acting Headteacher* being in place or if a *Deputy Headteacher* is asked to undertake the duties of the *Headteacher* in the event of his/her long term absence.**
- **Subsequent appeals will be delegated to one or more *governors/members of the PRU Management Committee* not involved in the original determination** in order to provide a greater degree of impartiality. However, the intention is that appeals will normally be heard by a Panel of **three *governors/members of the PRU Management Committee* unless** there are not enough *governors/members* who have not been involved in any previous action or decision connected with the disciplinary/dismissal, or there is otherwise a conflict of interest.
- **For such decisions relating to the *Headteacher* - functions relating to disciplinary action and dismissal will be delegated to a Panel of one or more *governors/members of the PRU Management Committee*.** (At this stage, when determining numbers, the *Governing Body/PRU Management Committee* will need to ensure that there will be a sufficient number of different *Governors/members of the PRU Management Committee* to hear an appeal, if required. See below in relation to Appeal Panel numbers).
- Any subsequent **appeal will be delegated to a Panel of one or more *governors/members of the PRU Management Committee* not involved in the original determination** in order to provide a greater degree of impartiality. The intention is that an appeal will normally be heard by a Panel of **three *governors/members* unless** there are not enough *governors* who have not been involved in any previous action or decision connected with the disciplinary/dismissal, or there is otherwise a conflict of interest. In any event, the Appeal Panel will consist of no fewer members than the first Panel.

Where functions have been delegated, the person, or persons, to whom they have been delegated cannot delegate them to another person or persons.

The delegation of functions will be agreed by the whole *Governing Body/PRU Management Committee* and reviewed at least annually, taking into account the factors set out in the School Staffing Regulations and associated guidance.

The *Governing Body/PRU Management Committee* will fully document all decisions made.

(b) *Schools/PRUs* that have had their delegated budget suspended

While staff disciplinary and dismissal decisions are normally a matter for the *school/PRU*, the Local Authority will be responsible for determining these arrangements where the delegated budget has been suspended.

Where the Local Authority is responsible for taking direct action for such matters in respect of Community schools, including PRUs, this will be carried out in accordance with the relevant Council Policies and Procedures applicable to centrally-employed staff, as appropriate. In respect of Foundation and Voluntary Aided Schools, the Local Authority may issue the *Governing Body* (or others controlling the use of the premises, as relevant) with directions.

These arrangements will be applied as required by Part 1 of Schedule 2 of the Education Act 2002 and associated guidance, and any subsequent amendments.

(c) Schools/PRUs that have an Interim Executive Board (IEB) in Place

In circumstances where an IEB takes on the responsibilities of the *Governing Body/PRU Management Committee*, any reference to the *Governing Body or PRU Management Committee* in this document should be interpreted as meaning the IEB.

(d) Collaboration Arrangements and Federations

School Federation arrangements allow two or more schools to federate under one Governing Body, subject to the procedures set out in the relevant Regulations.

School Collaboration arrangements enable the Governing Bodies of two or more maintained schools to work together in relation to staffing functions. Each school within a collaborative arrangement will retain its own Governing Body and will have joint committees. Collaborating Governing Bodies may delegate functions to a Headteacher or a joint committee in the same way that they may delegate them to the Headteacher or a committee of a single Governing Body. (Similarly, one or more Governing Bodies may make collaboration arrangements with one or more Further Education Bodies).

The framework for the above arrangements are set out in specific legislation relating to School Governance (Federations, Collaborations, Constitution and Procedures, as relevant) as well as within Education and Inspections, Standards and Framework Acts and School Staffing Regulations. These apply to Federation and Collaboration arrangements, as appropriate.

Any references in this document to schools, Headteachers, Governing Bodies and Governing Body Panels shall, normally, also be taken to include:

- Schools, Headteachers, Governing Bodies and Panels working together under **Collaboration** arrangements (as well as Principals, Further Education Bodies and Committees, where relevant); and
- Those staff and others attached to, or associated with, schools which are part of a statutory **Federation** under the Federation Regulations and should be interpreted accordingly.

The above arrangements will also apply in the case of PRUs and PRU Management Committees, as well as Academies and Proprietors, Governing Bodies and/or Academy Trusts, as relevant and if applicable at any time.

6. INVESTIGATION OF COMPLAINTS OR ALLEGATIONS RELATING TO EMPLOYEES

Where there is a possibility of the formal disciplinary procedure being applied, as a result of a complaint or allegation about the conduct or performance/capability of **an employee**, the Headteacher, or designated senior member of staff, as appropriate, will **promptly, and without undue delay**, carry out a full and proper investigation to establish the facts before recollections fade, taking into account the statements of any available witnesses.

The employee will first be required to attend a meeting where s/he will be notified of the allegations and informed that an investigation will take place **as a matter of priority and without undue delay**.

A model letter 'Requirement to Attend an Investigation Meeting' is attached at Appendix 3A to this document. (Note: This will apply here unless the employee is being suspended prior to the start of the investigation - see 7. 'Precautionary Suspension' below. In this case, the letter referred to there as Appendix 3B will be issued to the employee prior to the 'Requirement to Attend an Investigation Meeting' at Appendix 3A).

The investigation will be to establish whether there is a case to be answered. This may lead to consideration having to be given to a period of suspension from duty of the employee concerned if there is reason to believe an act constituting gross misconduct has been committed or where certain other circumstances make this necessary. (See 7. 'Precautionary Suspension' below). A suspension may be imposed at any time.

In the case of a need to investigate a complaint or allegation against **the Headteacher**, the investigation will be conducted by the Chair of *Governors/PRU Management Committee* (or a *Governor/Management Committee member* nominated by the Chair), who must seek advice and assistance from the relevant Local Authority (LA) Director. In these circumstances the Chair of *Governors/PRU Management Committee* should be substituted for the *Headteacher/designated senior member of staff* throughout the investigative procedure.

Notwithstanding the above, it may be decided by the *Headteacher/Chair of Governors/PRU Management Committee* (as appropriate) that an external investigator will be appointed. It should be noted that, although an investigation may be carried out on behalf of the *Headteacher, Governors or PRU Management Committee*, the decision in the matter cannot be delegated. Where an external investigator is appointed, s/he should be substituted for the *Headteacher/designated senior member of staff* throughout the investigative procedure.

Where a matter is raised in relation to the *Headteacher*, reference should be made to the 'Local Authority and Schools Protocol for Dealing with Allegations made against Headteachers of Enfield Schools' attached at Appendix 4 to this document.

If a complaint or allegation of misconduct against the employee is made the following steps will normally apply (see also additional notes (i) and (ii) below relating to financial irregularities and child protection matters):

- (a) the complaint or allegation will be recorded in writing, in order to clarify its nature. If initially given orally, the person making the complaint will normally be expected to confirm the details in writing. Where the complaint is made by a pupil, a senior member of staff (or the *Headteacher*, if more appropriate) will interview the pupil in the presence of their parent or another responsible adult and make a detailed record of the interview. Care should be taken to ensure that the parent does not influence the child. Subsequently, this statement will be read to the pupil who may be required to sign it. Where a statement is made by a young child who, because of their age, is not deemed able to sign the statement, it will be endorsed by the senior member of staff (or *Headteacher*, as appropriate) to indicate that the pupil has confirmed the accuracy of the statement;
- (b) the employee concerned will be advised by the senior member of staff (or *Headteacher*, as appropriate) of the nature of the complaint or allegation and, without prejudging, the possible outcomes should the complaint/allegation be proven. The employee will be interviewed in the presence of their representative and will be given a full opportunity to respond to the complaint or allegation. A written note will be made of any explanation given;
- (c) all witnesses interviewed as part of the investigation either will provide signed, written statements or will be provided with a written statement prepared subsequent to the interview, for their verification and signature;
- (d) any or all information obtained during the course of the investigation may be presented at any subsequent disciplinary hearing;
- (e) the investigation will be **prioritised and completed as quickly as possible**, depending on the circumstances involved. (NB. In cases of suspension note must be taken of the time limits set out in Section 7 'Precautionary Suspension' below).

If the complaint or allegation appears to be justified, having taken into account the evidence supporting it and the employee's response to it, then all relevant circumstances, including past findings and warnings, unless formally disregarded, will be taken into account by the senior member of staff (or Headteacher, as appropriate) when deciding the most appropriate course of action.

If, having regard to the above, it is decided that a disciplinary offence may have been committed, the following will apply as appropriate. EITHER:

(1) The senior member of staff (or *Headteacher*, as appropriate) may give a statement of standards and expectations, which will be notified to the employee, as an alternative to initiating formal action. (See Section B of this document 'Procedures, Consideration of Disciplinary Action'). The statement of standards and expectations will state that if there are any further incidents of a similar nature, formal disciplinary action may be considered and that the statement of standards and expectations may be presented as evidence at a formal hearing.

OR

(2) The matter may be considered at a formal hearing, in accordance with Section B of this document, 'Procedures, The Procedures for the Disciplinary Hearing'. The employee will be allowed full rights of representation and will have the opportunity to present written evidence or statements and to call witnesses should s/he wish to do so.

If, after investigation, there is no evidence of a disciplinary offence, no further action will be taken and the employee will be informed of this in writing and of the fact that no record of the matter will be retained on their personal file.

ADDITIONAL NOTES:

- (i) **Financial Irregularities** - If any complaint or allegation involves a financial irregularity, the Chair of the *Governing Body/PRU Management Committee* and the relevant LA Director must be notified immediately. All such irregularities must be investigated in consultation with the relevant LA Director. The above processes may, therefore, be modified in these circumstances.
- (ii) **Child Protection** - The processes set out above may need to be modified in accordance with child protection procedures, if appropriate in the circumstances.

7. PRECAUTIONARY SUSPENSION

Suspension is the temporary exclusion of an employee from his or her duties or place of work (or both). The *Headteacher*, in addition to the *Governing Body/PRU Management Committee*, may suspend from work any employee (confirming this in writing, and providing details of the reasons for the suspension within 48 hours) if they consider that there is reasonable and proper cause to justify suspension and that it is necessary in the interest of the *school* or any person in its care or custody, or of the employee.

In taking such action, due regard will be given to:

- the nature or gravity of any complaint made against the employee, including the possibility that an act constituting gross misconduct may have occurred;
- the need to allow proper investigation to take place and the potential for any interference or tampering with evidence; and/or
- any potential risk to health and safety, the security of the premises, equipment and/or information.

In the case of a need to suspend a *Headteacher*, any such decision will be taken only by the *Governing Body/PRU Management Committee*, or the Chair or Vice-Chair acting on their behalf. Any such action shall be reported to the *Governing Body/PRU Management Committee* at the earliest opportunity. However the details should not be discussed as this

may hinder impartiality at a later stage. The suspension of any employee at a school shall be notified to the relevant LA Director within 48 hours.

In relation to school federations, the relevant regulations provide that both the *governing body* and the *Headteacher* of the federation (if any) shall have the power to suspend any person employed to work at the federation, and the *Headteacher* of a federated school shall have the power to suspend any person employed to work at that federated school. Similar arrangements apply in relation to PRUs.

Where suspension is being considered, the *Headteacher* (or *Chair of Governors/Governor/PRU Management Committee member*, as applicable) will first carry out a Disciplinary Suspension Risk Assessment. This will assist in establishing the risks or otherwise of suspending the employee, as well as ensuring that proper consideration is given to the possibility of making adjustments to working arrangements as an alternative to suspension. The risk assessment is important as in all cases there must be reasonable and proper cause to justify suspension.

NB. A 'Disciplinary Suspension - Risk Assessment' form may be obtained from the London Borough of Enfield's Schools' Personnel Service on request.

During suspension, the employee shall be paid the contractual remuneration applicable to the post immediately prior to the suspension. This will apply unless the employee is on temporarily enhanced pay, for example an acting rank allowance, which is due to come to an end and would not have been renewed had they been at work. Where this is the case, the employee's pay while suspended will revert to their normal contractual remuneration when the temporary pay uplift ends. For this purpose contractual remuneration shall include contractual overtime, bonus, shift or other allowances. In the case of School Caretaker/Site Managers, the remuneration will include payment for any regular lettings to which the employee is entitled under their terms and conditions of service. Annual cost of living pay awards shall not be withheld during a period of suspension. An employee who is resident at his or her place of work will be subject to such special arrangements as may be necessary solely for the purpose of allowing him or her reasonable access to the residence, unless suitable alternative residential accommodation is made available for the period of the suspension.

The suspension will be for the shortest possible period to allow for investigation to take place and a decision to be taken on whether to commence a disciplinary hearing. **In normal circumstances, the period of suspension will not exceed 20 working days**, unless notice of a disciplinary hearing is given within that period, in which case the suspension will continue until the date of the hearing. In exceptional circumstances, it may be necessary to extend the period of suspension for example, if it is considered necessary or appropriate before deciding what further action, if any, to take under this procedure to await the conclusion of criminal investigations or proceedings. Where any period of suspension is extended the employee will be notified in writing and will be given the reasons for this decision.

A suspended employee who wishes to seek access to information at the workplace, for the purpose of preparing a response to a disciplinary complaint or allegation, **must first apply to the Headteacher to do so** and must comply with any conditions imposed on such arrangements. Similarly, the employee must not contact other employees or workers to discuss or obtain information relating to the case, or on any other matter, without the permission of the *Headteacher*. Any such request will not be unreasonably refused. This provision does not apply to the trade union representative acting on behalf of the suspended employee.

A suspended employee may not undertake any other paid employment during periods when (but for the suspension) the employee would normally be at work for the *school/PRU*, except with the written agreement of the *Headteacher*. A suspended employee must also ensure that s/he makes him/herself available to participate in the investigation and disciplinary process when required. In these circumstances, s/he would need the express

consent of the *Headteacher* should s/he wish to take any holiday, or otherwise be unavailable, at any time during the period of suspension.

As a normal procedure during investigations, the employee's email account will need to be suspended and they will no longer have access to the *school's* computer network.

Any breach of the above obligations may, of themselves, result in further disciplinary allegations. This will be detailed in the letter of suspension to the employee.

The employees will be encouraged to seek support from their Professional Association/Trade Union (if they are a member) or they can be provided with a referral to the *school's* independent occupational health provider (*where available*) or they may wish to contact the Education Support network who have a confidential counselling line for school staff on 08000 562 561.

It is important to remember that suspension is the temporary exclusion of an employee from his/her duties as a precautionary measure. It is to be regarded as a neutral act, based on reasonable and proper cause and is not a disciplinary sanction in itself. It does not prejudice or imply any presumption of guilt on the part of the employee and will not prejudice the future conduct or outcome of the disciplinary procedure.

A model letter 'Suspension of an Employee' is attached at Appendix 3B to this document. (Note that this letter assumes that the employee is being suspended at the start of the investigatory process. If s/he is being suspended at any other time, the letter will need to be adapted accordingly).

Note that where the suspension letter is issued at the start of the process, it will then need to be followed by the letter referred to in Section 6 above, **'Requirement to Attend an Investigation Meeting' attached at Appendix 3A to this document.**

8. GENERAL PRINCIPLES RELATING TO THE DISCIPLINARY PROCEDURE AND DISCIPLINARY HEARINGS, INCLUDING APPEALS

(a) Definition of Working Days

In the context of this procedure, 'working days' will be regarded as school working days (determined according to the particular terms and conditions of employment of the staff concerned in relation to the number of weeks worked per school year).

(b) Confidentiality

All proceedings covered by this document will be treated with the strictest confidence. Confidentiality will be observed fully by all parties involved, prior to, during and subsequent to any Hearings. Records relating to disciplinary matters will be safeguarded carefully.

(c) Employee Representation

As soon as it becomes evident that disciplinary action is likely to be considered, the employee will be informed of his/her right to be represented at any interviews and at any subsequent disciplinary hearing.

Any employee subject to disciplinary action will be informed, at each stage during the formal disciplinary procedure, that they have the right to be represented and/or accompanied by:

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee's companion at disciplinary hearings. Certification may take the form of a card or letter; or
- a work colleague.

In the event of an official of a recognised Professional Association or Trade Union being the subject of investigation, the relevant Local Authority Director or his/her representative will be advised of the position, in order that the full-time official can be notified in writing of the investigation as soon as reasonably practicable.

In relation to the employee's chosen companion, the following points should be noted.

The companion will be allowed to address any meeting or Hearing that takes place in order to:

- Put the employee's case
- Respond on the employee's behalf to any view expressed at a meeting or the Hearing
- Sum up the employee's case

The companion may also confer with the employee during the meeting or Hearing.

The companion may not:

- Answer questions on the employee's behalf
- Address any meeting or Hearing that takes place if the employee does not wish it
- Prevent the employer from explaining their case.

(d) Where an Employee Raises a Grievance during the Disciplinary Process

On occasion, an employee may raise a grievance during a disciplinary process. In these circumstances, it may be decided to temporarily suspend the disciplinary process to deal with the grievance. Alternatively, where the grievance is related to the disciplinary matter or process, it could be decided that it is more appropriate for the employee to present the grievance as part of his/her case at the disciplinary hearing/appeal. An impartial person, normally a *Governor/member of the PRU Management Committee* who has not been involved in and has no personal interest in the matter, will decide upon the appropriate course of action to follow in this situation.

(e) Headteacher's Attendance at Governor/PRU Management Committee Hearings

In circumstances where s/he is not hearing the case under delegated authority, the *Headteacher* of a *school/PRU* may, of right, be present at any disciplinary hearing to give advice to the *Governors/PRU Management Committee* but, in the interests of natural justice, may be requested by the members of the panel to withdraw at any time during the proceedings.

Where the possibility of dismissal or removal of any employee from a *school/PRU* arises, the attendance of the *Headteacher*, for the purpose of giving advice, is a statutory right under the terms of the School Staffing (England) Regulations 2009 and any subsequent amendments.

The above provisions will not apply where the *Headteacher* is formally presenting the case against the employee, or is a witness, or where the *Headteacher* is the subject of the disciplinary action.

(f) Note Taking at Hearings

The Chairperson or Panel presiding over any Hearings that are part of this procedure will normally have a clerk (notetaker) for their own purposes only. Others present at any such meetings may take their own notes. However, they may not record a Hearing, or any part of it, unless this is with the agreement of the person chairing the meeting and with the knowledge of all participants, including witnesses.

(g) Criminal Conviction

If an employee has been convicted of a criminal offence, the findings of any court in relation to that offence shall not be questioned at any stage of the disciplinary procedure.

(h) Variations to the Procedure

All matters relating to the procedure or evidence to be received at a Hearing will be at the discretion of the Chair of the Disciplinary or Disciplinary Appeal Panel (as appropriate). This procedure will only be varied with the agreement of both parties, where the Chair of the Panel considers it fair and reasonable to do so.

(i) Where an Employee Fails to Attend a Disciplinary Hearing or Disciplinary Appeal Hearing

If an employee fails to attend a disciplinary hearing, the Chair will decide whether to proceed in the employee's absence or whether to reconvene the hearing at some other time. Before such a decision is taken, and where no prior notification of non-attendance has been received from the employee, all reasonable attempts will be made to contact the employee or to consider any reasons presented by him/her for not attending, in order to ascertain and take account of the reason for his/her absence. Where an employee is unable to attend through sickness, medical evidence to that effect will be required to enable a postponement to be considered. The Chair may seek HR advice before reaching a decision to proceed or otherwise.

(j) Adjournment

The Chair may adjourn the hearing at any stage, for any reason, and both parties will be given reasonable notice of the reconvened hearing and of the nature of any new complaint to be dealt with at that time.

Either party may request an adjournment. They must provide the Chair with reasons for their request in order for the Chair to consider this and to decide if an adjournment is reasonable. The decision of the Chair in this matter will be final. Where necessary, the period of adjournment will be reviewed by the Chair after 2 weeks.

(k) Termination of Employment – By Notice and By Summary Dismissal

(i) Termination of Employment By Notice:

Any notice to be given to an employee under this procedure will be deemed properly delivered to, and received by, the employee if:

- It is handed to the employee; or
- It is hand-delivered to the employee's last known residence as notified by the employee; or
- It is posted first class in an envelope addressed to the employee at the employee's last known address, in which case it will be regarded as having been received in the ordinary course of post.

The employee's notice period will begin from the date that the notice is deemed to have been properly delivered and received in accordance with the above.

The employee may also be asked to provide a personal email address. Where this is the case, the notice may be emailed to him or her IN ADDITION to any of the above.

The minimum period of notice to which **AN ESTABLISHED** TEACHER** will be entitled (unless the contract is terminated by summary dismissal should gross misconduct or gross negligence occur), is two months' notice in the Autumn and Spring Terms, and three months' in the Summer Term, terminating at the end of a school term.

Additionally, all established teachers with more than 8 years' continuous service are entitled to receive a minimum of one week's notice for each year of service up to a maximum of 12 weeks for 12 or more years of service. Minimum notice periods are summarised below.

| MINIMUM NOTICE PERIODS – ALL TEACHERS BELOW THE HEADTEACHER | | | |
|--------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| Period of Continuous Service | Termination of Service 31st December | Termination of Service 30th April | Termination of Service 31st August |
| Less than 9 years | 2 months | 2 months | 3 months |
| At least 9 years but less than 10 | 9 weeks | 9 weeks | 3 months |
| At least 10 years but less than 11 | 10 weeks | 10 weeks | 3 months |
| At least 11 years but less than 12 | 11 weeks | 11 weeks | 3 months |
| 12 years or more | 12 weeks | 12 weeks | 3 months |

The minimum period of notice to which **AN ESTABLISHED** HEADTEACHER** will be entitled (unless the contract is terminated by summary dismissal should gross misconduct or gross negligence occur), is three months' notice in the Autumn and Spring Terms, and four months' notice in the Summer Term, terminating at the end of a school term. Minimum notice periods are summarised below.

| MINIMUM NOTICE PERIODS – HEADTEACHERS | | |
|--------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| Termination of Service 31st December | Termination of Service 30th April | Termination of Service 31st August |
| 3 months | 3 months | 4 months |

The minimum period of notice to which **AN ESTABLISHED** MEMBER OF THE SUPPORT STAFF** will be entitled is:

- One month in respect of an employee with up to 5 years' continuous service
- One week for each year where the employee has 5 years or more but less than 12 years of continuous service
- Not less than 12 weeks where the employee has 12 years or more continuous service.

Minimum notice periods are summarised below.

| SUPPORT STAFF | |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Period of Continuous Service | Minimum Notice Period |
| Up to 5 years | One month |
| 5 years or more but less than 12 years | One week for each year (e.g. 5 years or more but less than 6 years = 5 weeks, 11 years or more but less than 12 years = 11 weeks) |
| 12 years or more | Not less than 12 weeks |

N.B. Although the notice periods set out above for support staff will often be the norm, individual contracts will need to be checked in advance as a particular post, or posts, may for various reasons have additional notice requirements incorporated. For example, senior posts may have a notice period of two or three months.

****** *For the purposes of this document, 'Established' should be interpreted as not including casual workers, workers supplied by a third party, or employees on fixed term contracts (with or without a pre-determined end date).*

It should be noted that **different arrangements may apply where AN EMPLOYEE IS ON A FIXED TERM CONTRACT (WITH OR WITHOUT A PRE-DETERMINED END DATE).**

Any notice that may apply will be determined by the individual's fixed term contract of employment.

(ii) Termination of Employment By Summary Dismissal

Where an employee is summarily dismissed, i.e. dismissed without notice, written notification of the decision will be deemed properly delivered to, and received by, the employee if:

- It is handed to the employee; or
- It is hand-delivered to the employee's last known residence as notified by the employee; or
- It is posted first class in an envelope addressed to the employee at the employee's last known address, in which case it will be regarded as having been received in the ordinary course of post.

The employee may also be asked to provide a personal email address. Where this is the case, the notice may be emailed to him or her IN ADDITION to any of the above.

The employee may also be informed of the decision verbally after the Hearing, either in person or by telephone. In these circumstances, the dismissal will take effect immediately, with confirmation followed up in writing, as above.

Where an employee is not informed of a decision to summarily dismiss him/her verbally in person or by telephone, but only in writing, the termination date (last day of service) to apply will be the date of actual delivery if handed to the employee or hand delivered to his/her last known address. Otherwise, if posted, the termination date will be the date of expected delivery and receipt in the ordinary course of post, in accordance with the above.

(l) Pay After Effective Date of Dismissal

Payment of remuneration for any period after the effective date of a dismissal shall only be made if an appeal against the dismissal is successful or a lesser penalty substituted on appeal.

(m) Resignation of an Employee

At any stage of the disciplinary procedure, the *Headteacher* or *Governing Body/PRU Management Committee* may decide to accept the resignation of the employee (with or without due notice), subject to any conditions which may be agreed at that time.

If an employee resigns before a disciplinary hearing can take place, depending on the circumstances involved, consideration will be given as to whether disciplinary action should still proceed, before the final date of termination of service. If it is determined that action is to be taken, the employee will be requested, in writing, to attend a disciplinary hearing, but warned that, if they chose not to do so, the case will be heard in their absence. Any finding of blameworthiness arising from such a disciplinary hearing may be used in any response to subsequent requests for references on the employee. Should it not be possible to complete the hearing before the employee's final day of service all disciplinary proceedings may cease at that time. This will depend upon all the circumstances of the case.

(n) The Clerk's (Note taker's) Report

The formal written report of the hearing will not be presented to the *Governing Body/PRU Management Committee* for consideration until after any appeal against a disciplinary decision has been concluded, or the timescale for lodging an appeal has lapsed. The report will be a Part II item on the *Governing Body/PRU Management Committee* agenda. The Clerk's report will be confined to reporting the minimum essential details i.e. the findings and

the sanction, where appropriate, of the hearing. However, the *Headteacher* or Chair of the Panel (as appropriate) may wish to identify wider managerial or other issues, arising from the disciplinary action, which require consideration by the *Governors/PRU Management Committee*. The *Governors/PRU Management Committee* will not receive any other reports or enter into any other discussion of the disciplinary matter.

(p) Referral of Cases to the Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency(TRA)

It should be noted that employers have a **legal duty to make a referral to the DBS when a person is dismissed from relevant employment on grounds of misconduct involving safeguarding concerns or resigns in circumstances which would have led to his/her dismissal, or consideration of his/her dismissal**, on those grounds, had s/he not resigned.

The TRA, acting on behalf of the Secretary of State for Education, is responsible for investigating allegations of serious misconduct against teachers in schools in England. If appropriate, the TRA can prohibit a teacher from teaching in schools, relevant youth accommodation, sixth form colleges and children's homes in England.

Employers have a **statutory duty to consider the referral of cases involving serious professional misconduct not relating to safeguarding concerns to the TRA.** The employer must consider such a referral where the teacher is dismissed for misconduct, or would have been dismissed had they not resigned first. Note, however, that the TRA won't investigate cases where the Secretary of State has no legal powers. Examples include:

- if the allegation relates to professional incompetence
- if the person is not a teacher

If a safeguarding issue also involves misconduct by a teacher, a referral should be made to both the DBS and TRA. The TRA and DBS will consider the misconduct and safeguarding aspects of the case respectively and in parallel. The DBS will refer on to the TRA any serious teacher misconduct cases which do not raise issues relating to the safety and welfare of children and young people.

In relation to the above, after any appeal has taken place, or when the time during which an appeal may be lodged has otherwise elapsed, the *Headteacher* and/or Chair of the Panel (as appropriate) will consider, in conjunction with their HR provider, whether the case warrants referral.

9. DATA PROTECTION

The *School/PRU* will collect and process personal data in full compliance with its obligations under the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Data Protection Act 2018 by keeping employees' personal data up-to-date, by storing and destroying it securely, by not collecting or retaining excessive amounts of data, by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate measures are in place to protect personal data.

The *School/PRU* will keep employees' personal data confidential and share it only with persons with a genuine need to know, such as the Local Authority, Department for Education (DfE), Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA), in relation to relevant matters. The *School/PRU* may also share employees' personal data with other third parties, but only where this is necessary to comply with a legal obligation or is permitted under UK law.

For further information relating to the Data Protection arrangements, employees should refer to the *School's/PRU's* Privacy Notice and other associated documents. These can be located on the *School's/PRU's* website or otherwise by contacting the *School/PRU* Office.

DISCIPLINARY PROCEDURE
Policy and Procedure for Use by
Maintained Schools, PRUs, Academies and Others

SECTION B: PROCEDURES

The Procedure for the Disciplinary Hearing

IMPORTANT NOTES:

- (i) **This procedure is written on the basis that the *Headteacher* will hear the case and reach a decision at this stage.** However, if this is inappropriate, the Hearing will be conducted by one *governor/member of the PRU Management Committee*, as set out under Section A, Paragraph 5. (a) of this document 'Delegation of Authority' and should, therefore, be substituted for the *Headteacher* in the following procedure.
- (ii) **Prior to using this procedure, it is important to read Section A, Paragraph 8. above** 'General Principles relating to the Disciplinary Procedure and Disciplinary Hearings, including Appeals'.

1. Before the Hearing

- 1.1 Upon receiving a recommendation, following proper investigation, that a complaint or allegation should be considered fully at a formal disciplinary hearing, the *Headteacher* will arrange, in conjunction with the named contact (this may, for example, be a Personnel Officer or an employee of the school/PRU), for **a meeting to be convened within 15 working days**. It is important to note that **this means that a date should normally be set within 15 working days, NOT that the meeting itself should take place within 15 working days**. Whilst it is recognised that it is in the best interests of all parties for the meeting to be held at the earliest opportunity, it will not always be possible to hold it within 15 working days. In any event, time must be allowed for submission of paperwork by the relevant parties, as well as for advance notification of the date set for the Hearing. (See below).
- 1.2 **At least 5 working days before the date of the hearing** the employee or his/her companion will be:
 - (a) notified, in writing, of the date, time and place of the hearing and receive a copy of the disciplinary procedure. (This should be interpreted to mean that if the Hearing is to take place on a Wednesday (for example) the notification must be sent to arrive by the Wednesday of the previous week);
 - (b) supplied with a written statement of the nature of the complaint(s) or allegation(s) resulting in the disciplinary proceedings;
 - (c) notified, in writing, of the purpose of the hearing and of his/her right to be represented by a person of their choice;
 - (d) notified, in writing, of his/her right to call witnesses and/or submit written statements for referral to the *Headteacher* prior to the date of the hearing;
 - (e) supplied with copies of all the written evidence that is to be referred to the *Headteacher*;
 - (f) notified of the witnesses to be called to give evidence by the Presenting Officer;
 - (g) advised that if they fail to attend the hearing without good cause the hearing may take place in their absence and that they will be notified of the outcome;

- (h) advised that should they be unable to attend through sickness medical evidence to that effect will be required in order that the disciplinary panel may consider a postponement;
- (i) advised that the outcome of the disciplinary hearing may result in dismissal, as appropriate;
- (j) advised of their right to present documentary evidence and to call witnesses (see 1.3).

- 1.3 (a) **If the employee wishes to submit written documentary evidence** to the Headteacher, in advance of the hearing, this must be sent to the named contact who will copy it to the Presenting Officer, **to be received 2 working days** prior to the date of the hearing (i.e. if the hearing is on Tuesday [for example], the documentary evidence must be received by the previous Friday);
- (b) **If the employee intends to call witnesses** the names of the witnesses must be notified to the named contact who will inform Presenting Officer, **2 working days** prior to the date of the hearing (determined as in (a) above).

Additional Note: If the employee's chosen companion will not be available at the time set for the Hearing, the Hearing will be postponed to a time suggested by the employee provided that the alternative time is reasonable and not more than five working days after the date originally proposed.

A model letter 'Requirement to Attend a Disciplinary Hearing' is attached at Appendix 3C to this document.

2. At the Hearing

2.1 Persons entitled to be present

In addition to the *Headteacher*, who will not have had any direct involvement in the investigations leading to the Hearing, **a clerk (notetaker) will attend also**, so that a formal written record of the hearing can be produced subsequently for the *Headteacher's* purposes only. Others present at the meeting may take their own notes. However, they may not record a Hearing, or any part of it, unless this is with the agreement of the *Headteacher* and with the knowledge of all participants, including witnesses.

The Presenting Officer will attend the hearing for the purpose of putting the case against the employee either themselves or through **a representative**. **The employee and his/her companion will also attend**, as will any witnesses to be called by either party. In situations where companions speak on behalf of either the employee or the presenting officer, the respective companions will not be debarred from cross examining either the employee or Presenting Officer.

Where the possibility of dismissal or removal of any teacher from a Community school arises, the LA's representative will be entitled to attend for the purpose of giving advice. The *Headteacher* is required to consider any advice given before reaching any such determination. This is a requirement under the terms of the School Staffing (England) Regulations 2009 and any subsequent amendments. **This entitlement does not exist in relation to Voluntary Aided or Foundation schools but it may do so where an agreement is put in place** between the parties. **The Headteacher may also have present a Human Resources (HR) and/or legal adviser** for the purpose of advising on procedure and law.

2.2 **Preliminaries**

The *Headteacher* will make the introductions, identify all those present and explain the purpose of the hearing.

2.3 **Case of Presenting Officer**

- (a) The Presenting Officer will outline the case;
- (b) The employee (and/or their companion if present) may question the Presenting Officer;
- (c) The *Headteacher* may question the Presenting Officer;
- (d) The LA representative and/or HR Adviser, as appropriate, may question the Presenting Officer on issues of a factual nature;
- (e) The Presenting Officer will call, individually, any witnesses;
- (f) Each witness may be questioned by the employee (and/or their companion if present);
- (g) The *Headteacher* may ask questions of each witness;
- (h) The LA representative and/or HR Adviser, as appropriate, may ask questions of the witnesses on issues of a factual nature;
- (i) If the Presenting Officer so wishes s/he may re-examine the witnesses.

2.4 **The Employee's Case**

- (a) The employee (or his/her companion) may outline their case;
- (b) The Presenting Officer may question the employee (and/or his/her companion);
- (c) The *Headteacher* may question the employee (and/or his/her companion);
- (d) The LA representative and/or HR Adviser, as appropriate, may question the employee (and/or his/her companion) on issues of a factual nature;
- (e) The employee (or his/her companion) will call, individually any witnesses;
- (f) Each witness may be questioned by the Presenting Officer;
- (g) The *Headteacher* may ask questions of the witnesses;
- (h) The LA representative and/or HR Adviser, as appropriate, may ask questions of the witnesses on issues of a factual nature;
- (i) If the employee (or his/her companion) so wishes s/he may re-examine the witnesses.

NB. In exceptional circumstances the *Headteacher* may wish to recall witnesses to clear up points of uncertainty. Representatives/companions of both parties should also be present in these circumstances and should be given the opportunity to ask questions of the witnesses should they wish in accordance with 2.3 and 2.4 of this procedure.

At this stage neither party may introduce new evidence.

2.5 **Summing Up**

At the conclusion of the presentation by both parties the *Headteacher* will invite both parties to:

- (a) Sum up the main points of the case if they wish. No new evidence may be introduced at this stage. The Presenting Officer will sum up first to be followed by the employee (or his/her companion);
- (b) Withdraw during the consideration of the case by the *Headteacher*;
- (c) If the *Headteacher* finds a complaint proven then s/he will invite both parties to address it further on the question of mitigation and what disciplinary action should be taken. The employee (or his/her companion) will have the final address. (In circumstances where the *Headteacher* considers that s/he will not be able to reach an immediate decision in the matter, s/he will invite the parties to address the question of mitigation in advance).

2.6 **The Decision**

The LA's representative, the HR and/or the legal adviser (if one is present) will remain to give advice on procedural or legal matters to the *Headteacher*. The Clerk (notetaker for the *Headteacher*) will also remain.

Before reaching a decision in the matter, the *Headteacher* will give consideration to the forms of disciplinary action that may be applied and factors to be taken into account on Pages 23 and 24 of this document.

Both parties will be recalled and the decision will be communicated orally to them. If this is not possible immediately, the decision will be communicated as soon as possible, and in any event within five working days of the hearing.

The decision will be confirmed to the employee in writing and signed by the *Headteacher*. The written notification will specify:

- the nature of the disciplinary offence;
- the findings/reasoning of the *Headteacher*.

And then as relevant and appropriate:

- any period of time given for improvement, the improvement expected, and the nature of any assistance to be given to the employee;
- the disciplinary penalty to be implemented and, where appropriate, how long it will last;
- the likely consequences of further misconduct or poor performance and, in the case of a final written warning, that this could lead to dismissal and termination of services;
- in the case of dismissal, the reason for the dismissal, and the date of termination of service;
- the timescale and procedure for lodging an appeal.

A model letter 'Outcome of Disciplinary Hearing' is attached at Appendix 3D to this document.

Consideration of Disciplinary Action

(1) Forms of Disciplinary Action that may be Applied

The range of potential disciplinary action arising from a formal hearing under these procedures includes:

- (a) Oral reprimand which will be confirmed in writing;
- (b) Formal written warning;
- (c) Work or attendance monitoring for a specified period;
- (d) A recommendation to the *Governing Body's/PRU Management Committee's* pay panel/staffing committee that a forthcoming annual increment in an approved pay scale is forfeited or in the case of teachers, an experience point is withheld (this option can only be applied within the provisions of the agreed capability process);
- (e) Suspension without pay, for a specified period not exceeding one week;
- (f) Relegation to or transfer to an appointment at a lower level of remuneration (for a specified period or indefinitely);
- (g) Formal final written warning;
- (h) Dismissal with due notice; or by payment in lieu of notice;
- (i) Summary dismissal, i.e. dismissal without notice, or by less notice than is prescribed by the terms of service;
- (j) Other action as agreed with the employee which may include repayment (by deduction from remuneration, with the employee's prior written consent), for any damage done to property belonging to or loss sustained by the Local Authority and/or the *school/PRU* or its employees.

The above sanctions are not in any specific order of importance.

Where it is decided to impose a relegation to an appointment at a lower level or a decision which has a financial consequence (other than dismissal) the following provisions will apply:

- the decision shall not be effective during the period allowed to lodge an appeal although the employee may be temporarily transferred to other duties at a similar level of contractual remuneration for that period or until any appeal has been determined
- if no appeal is made, the decision shall be effective immediately after 15 working days from the date of the decision, i.e. if the decision is made on Monday 5th (for example) it will become effective on the following Monday fortnight, i.e. Monday 26th.
- if an appeal is made, the decision shall not be effective until determination of the appeal except where the appeal panel considers the employee (or the employee's companion) to be responsible for unreasonable delay in the pursuit of an appeal, in which event the decision shall be effective as from the date on which the Panel deem the delay to be unreasonable. Relegation shall not be retrospective prior to that date.

Any decision to dismiss the employee shall have immediate effect. In the event that any subsequent appeal is upheld, notice would then be rescinded and/or the employee reinstated, as appropriate.

(2) Factors to be Considered in Reaching the Disciplinary Decision

When reaching a decision on the appropriate action to be taken due regard will be paid to the following:-

- (i) the employee's employment record;
- (ii) in the case of sub-standard work an employee shall not normally be dismissed without a prior final written warning or without prior written warning of possible dismissal;
- (iii) details of 'Acts that may constitute Misconduct' as set out in Appendix 1 and details of 'Acts that may constitute Gross Misconduct' as set out in Appendix 2 to this document.

In the case of an oral warning, written warning or final written warning, a period of satisfactory conduct, performance or attendance will be clearly stipulated, after which the warning is to be disregarded for the purposes of this procedure. Generally:

- oral warnings for minor offences may be valid for 6 months;
- a first written warning may be valid for 12 months from the date the warning would be expected to have been received by the employee;
- a final written warning may remain in force for a period of up to 2 years.

The above time periods are only intended as a guide and it should not be assumed that these will always be applied. The actual time period imposed will depend upon the circumstances of each case.

Warnings will cease to be "live" following the specified period of satisfactory conduct or performance and will be disregarded for future disciplinary purposes. In exceptional cases, which concern an employee's conduct, the panel may decide that a final written warning will be effective indefinitely. Where an indefinite warning is being considered, advice must be sought from the LA's representative, HR Adviser and/or the legal adviser to the panel, as appropriate. In these circumstances the decision will be reviewed annually.

In cases of dismissal with notice for acts of misconduct or summary dismissal (without notice) for acts of gross misconduct, reference should be made to Section A: Policy, 8. (k) 'Termination of Employment - By Notice and By Summary Dismissal' for details relating to delivery of the notice and the effective date of termination of service.

In cases of illness or injury, the procedure for obtaining a medical report from the employee's medical adviser and the *school's/PRU's* occupational health physician will normally have been followed as part of the investigation. If at the hearing, the employee (or the employee's companion) disputes the content of the medical report the person/panel hearing the matter (as appropriate) may, if satisfied that it is reasonable to do so, request the occupational health physician to seek an independent medical opinion at the *school's/PRU's* expense. If the initial medical report discloses a significant conflict of medical opinion between the employee's medical adviser and the occupational health physician, the person/panel hearing the matter will request such an independent opinion.

The Procedure for Appeal Against Disciplinary Action

IMPORTANT NOTES:

- (i) **Prior to using this procedure, it is important to read Section A, Paragraph 8. above** 'General Principles relating to the Disciplinary Procedure and Disciplinary Hearings, including Appeals'.
- (ii) **A right of appeal will be available to employees who consider that any formal disciplinary action taken against him or her is wrong or unjust.**
- (iii) **Disciplinary Appeals will be delegated to one or more *governors/members of the PRU Management Committee* not involved in the original determination** in order to provide a greater degree of impartiality. However, the intention is that appeals will normally be heard by a Panel of three *governors/members of the PRU Management Committee* unless there are not enough *governors/members* who have not been involved in any previous action or decision connected with the case, or there is otherwise a conflict of interest. Any Appeals Panel will, in any event, consist of no fewer members than the first Panel.
- (iv) **Any written confirmation of disciplinary action will advise the employee of his/her right of appeal** and will indicate that the decision of the Appeal Panel is final, i.e. there will be no further right of appeal beyond the *Governing Body/PRU Management Committee*.
- (v) **Any appeal by an employee against disciplinary action must be lodged, in writing, with the named contact, within 10 working days of the date of the written notification of the outcome of the disciplinary hearing.** In situations where the sanction has to be agreed by the Staffing Committee/Panel, the 10 working days in which to lodge an appeal will operate from the date of notification of the Staffing Committee's/Panel's decision. The notice of appeal may be given by any other person authorised by the employee for this purpose. (This should be interpreted as meaning that, if the written notification is dated on a Monday (for example) any written appeal must be lodged with the named contact by the following **Monday** week, **i.e. a fortnight from the date of the written notification of the outcome of the disciplinary hearing**).
- (vi) **The employee's written appeal must state the grounds for the appeal, i.e. whether it is against the finding that the employee committed an offence, and/or against the form of disciplinary action taken against him/her, and/or on the grounds that the disciplinary procedure was not followed properly. The grounds for the appeal and all the prevailing circumstances of the case will determine whether or not the appeal hearing takes the form of a full rehearing or, alternatively, whether the Chair of the original Disciplinary Panel will attend the appeal to present his/her findings.** The Chair of the Appeal Panel will reach a decision on whether the Appeal will take the form of a re-hearing or not, after seeking HR advice, as appropriate.

1. On Receipt of a Written Notice of Appeal

On receiving written notice of an appeal against disciplinary action, the named contact will arrange a date for a **meeting of the Disciplinary Appeal Panel, within 15 working days of the receipt of the notice of appeal or as soon as possible thereafter**. It is important to note that **this means that a date should normally be set within 15 working days of the receipt of the notice of appeal, NOT that the meeting itself should take place within 15 working days**. Whilst it is recognised that it is in the best interests of all parties for the meeting to be held at the earliest opportunity, it will not always be possible to hold it within 15 working days. In any event, time must be allowed for submission of paperwork by the relevant parties, as well as for advance notification of the date set for the Appeal Hearing. (See 4.1 below).

As **an example** of the timescale for setting the date for the Appeal Hearing, if the notice of appeal is received on Tuesday 1st a date for the Appeal Hearing should normally be set by the following Tuesday fortnight, i.e. Tuesday 22nd).

The named contact also will provide the person responsible for the original disciplinary decision with a copy of the notice of appeal, immediately it is received.

2. Persons entitled to be present at the Appeal Hearing

In addition to the Disciplinary Appeal Panel, the Clerk (notetaker) will attend so that a formal written record of the hearing can be produced subsequently for the panel.

For appeals that take place other than by way of a re-hearing, the Chair of the original Disciplinary Panel will attend and may be accompanied by a representative or adviser of their own choosing, who may present any statement on their behalf (see 4. below). **In cases where the appeal takes the form of a full re-hearing**, the original Presenting Officer will attend. The employee and his/her representative will attend also. The employee's representative may present any statement on behalf of the employee.

Where the possibility of dismissal or removal of any teacher from a Community school arises, the LA's representative will be entitled to attend for the purpose of giving advice. The Panel is required to consider any advice given before reaching any such determination. This is a requirement under the terms of the School Staffing (England) Regulations 2009 and any subsequent amendments. **This entitlement does not exist in relation to Voluntary Aided or Foundation schools but it may do so where an agreement is put in place** between the parties.

The Panel may also have present a Human Resources (HR) and/or legal adviser for the purpose of advising on procedure and law.

3. Procedure for the Appeal Hearing – Full Re-Hearing

As indicated in (vi) above on Page 25, the grounds for appeal and all the prevailing circumstances of the case will determine whether the Appeal takes the form of a full re-hearing or not. Where the Chair decides, after due consideration of the matter, that the Appeal will be by way of a re-hearing, the general format of the procedure which applied to the original disciplinary hearing will be followed. (See '**The Procedure for the Disciplinary Hearing**' on Pages 19 to 22 above).

In all other cases, i.e. where it is decided that it is unnecessary, or that a full re-hearing would be inappropriate, the procedure for the appeal hearing will be conducted as in 4. below.

4. Procedure for Hearing Appeals (Other than by a Full Re-Hearing)

4.1 Before the hearing

The named contact will advise the employee (or the employee's companion) and the Chair of the original Disciplinary Panel that they should prepare a written statement in support of their respective cases. (The Chair may choose to use his/her decision letter from the first Hearing for this purpose either in place of, or in addition to, any other written statement s/he may provide). **These should be sent to the named contact within 5 working days from the date of the receipt of the notice of appeal** (i.e. if the notice of appeal was received on a Monday, the statements should be sent to the named contact by the **Monday** of the **following** week). Should either party fail to provide a written statement, in accordance with this procedure, they will be limited, at the appeal hearing, to providing an oral statement only.

At least 5 working days before the date of the appeal hearing, the *Headteacher/Chair* of the original disciplinary panel and the employee will be:

- (i) notified in writing, of the date, time and place of the hearing. (This should be interpreted to mean that if the Hearing is to take place on a Wednesday (for example) the notification must be sent to arrive by the Wednesday of the previous week);
- (ii) provided with a copy of any statement which the other party has supplied in support of his/her case, together with a copy of the procedure to be followed at the appeal hearing;
- (iii) notified, in writing, of the purpose of the hearing and of his/her right to be represented/accompanied by a person of their choice.

4.2 Preliminaries

The Chair of the Appeal Panel will make the introductions, identify all those present and explain the purpose of the hearing.

4.3. Case of the person(s) responsible for the disciplinary decision

- (a) the Chair of the original Disciplinary Panel will present a written statement in support of that decision, in the presence of the employee (and his/her companion if attending).
- (b) the employee (and/or his/her companion) may ask questions of the Chair of the original Disciplinary Panel.
- (c) the appeal panel may ask questions of the Chair of the original Disciplinary Panel.
- (d) the LA's representative and/or HR Adviser may ask questions of a factual nature of the Chair of the original Disciplinary Panel.

4.4 The employee's case

- (a) the employee will present a written statement in support of his/her case, in the presence of the Chair of the original Disciplinary Panel.
- (b) the Chair of the original Disciplinary Panel may ask questions of the employee.

(c) the appeal panel may ask questions of the employee.

(d) the LA's representative and/or HR Adviser may ask questions of the employee of a factual nature.

4.5 At the conclusion of the presentation by both parties the Chair of the Appeal Panel shall:

(a) invite both parties to sum up. The Chair of the original Disciplinary Panel will sum up first, to be followed by the employee (or their representative). No new evidence shall be introduced at this stage.

(b) invite both parties to withdraw during the consideration of the case by the panel.

4.6 Reaching the Decision

The LA's representative, HR Adviser and the legal adviser (if present) will remain to give advice to the Appeal Panel. The Clerk (notetaker for the panel) will also remain.

The Panel shall determine its decision. Both parties will be recalled and the decision will be communicated orally to them. If this is not possible immediately, **the decision will be communicated as soon as possible, and in any event within 5 working days after the hearing.** This should be interpreted as meaning that if the Appeal Hearing took place on a Friday (for example) the decision will be communicated by the following Friday.

The decision will be confirmed to the employee in writing and signed by the Chair of the Appeal Panel, giving the full findings of the panel and reasons for the action to be taken as a result. This Notice will remind the employee that the decision of the Appeal Panel is final. **The Chair of the original Disciplinary Panel will also be notified in writing of the decision of the Appeal Panel.**

The Panel may confirm, quash or vary downwards the disciplinary decision under appeal (i.e. the Panel may not issue a more severe penalty). For example, the Panel will not be able to dismiss in circumstances where a lesser disciplinary penalty, such as a written warning, had been given at a disciplinary hearing. However, in circumstances where an employee has been dismissed, the Panel will have the ability to:

- confirm the decision of the first Panel
- dismiss with notice if the employee had been summarily dismissed by the first Panel
- reinstate with a first or final written warning
- reinstate fully, i.e. without sanction.

The decision of the Appeal Panel in such matters will be final.

If the appeal has not been determined when the dismissal would otherwise have taken effect, the contract will be deemed to be in suspension, with the employee on nil pay. If any subsequent appeal is successful the employee will be reinstated with effect from the last day of service, as previously notified in the original dismissal letter. Where any subsequent appeal is unsuccessful (or is withdrawn), the last day of service will be as stated in the original dismissal letter.

DISCIPLINARY PROCEDURE
Policy and Procedure for Use by
Maintained Schools, PRUs, Academies and Others

SECTION C: APPENDICES

ACTS THAT MAY CONSTITUTE 'MISCONDUCT'

Misconduct includes, but is not limited to, the following:

- failure to conform to agreed working practices, where these are reasonably and properly required
- refusal or failure to carry out a reasonable instruction
- failure to complete contractual hours
- failure to observe policies and procedures, including, for example:
 - the correct recording of working time and attendance,
 - the reporting of sickness, and
 - requirements relating to time off work or release from duties (e.g. annual leave or domestic emergency)
 - the *school's/PRU's* Code of Conduct.
- persistent lateness
- unaccountable absences from the workplace or area
- failure to comply with appearance and dress codes or requirements
- failing to take reasonable care of London Borough of Enfield or *school/PRU* property
- using London Borough of Enfield or *school/PRU* property, equipment, transport or other resources for private purposes without authorisation, or misuse of such property whether inside or outside of the workplace or working hours
- disclosing confidential information without authorisation
- failure to comply with the London Borough of Enfield's or the *school's/PRU's* 'No Smoking' policy or requirements
- failure to participate in or follow instructions during fire drills/practices
- any actions or inactions leading to a loss of trust and confidence, or which bring the London Borough of Enfield or the *school/PRU* into disrepute

Note:

- (1) The above list is neither exclusive nor exhaustive.
- (2) If sufficiently serious, or if repeated, the above may, in some cases, constitute gross misconduct.

ACTS THAT MAY CONSTITUTE 'GROSS MISCONDUCT'

Gross Misconduct includes, but is not limited to, the following:

- serious abuse
- corrupt practices
- where an employee is charged with a criminal offence inconsistent with his/her position
- serious breaches of regulations, policies or procedures (e.g. the *school's/PRU's* Child Protection Policy)
- theft, fraud and deliberate falsification of records (e.g. expenses claims)
- physical violence, threats, fighting, assault on another person
- serious bullying, harassment or discrimination
- deliberate damage to London Borough of Enfield or *school/PRU* property or another person's property
- removal or disposal of any London Borough of Enfield or *school/PRU* property without permission
- serious insubordination
- interference with safety devices or equipment putting other employees/workers, pupils, governors or any visitors at risk at the workplace
- serious infringement of health and safety regulations, rules or practices
- serious misuse of the London Borough of Enfield's or the *school/PRU's* property or name
- misuse of a disabled person's blue badge
- incapability whilst on duty brought on by alcohol or illegal drugs, the misuse of drugs or the possession of illegal drugs whilst at work
- the supply and trafficking of drugs, money laundering activities, or the use, sale or distribution of illegal substances
- negligence which causes or might cause unacceptable loss, damage or injury
- serious breach of duty of confidence (subject to the Public Interest Disclosure Act 1998 and any amendments)
- deliberate or reckless damage, misuse or interference with or unauthorised use of the London Borough of Enfield's or *school's/PRU's* computers and/or software or unauthorised entry to computer records
- serious misuse of electronic systems

APPENDIX 2

- conviction of a criminal offence that is relevant to the employee's employment
- failure to adhere to Regulations and/or internal procedures or protocols governing public or other examinations, coursework and/or other assessment methods. This includes in relation to planning, preparation, invigilation, marking and storing of examination papers and coursework.
- deliberate falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee
- undertaking private work in working hours without express prior permission
- bringing the London Borough of Enfield or the *school/PRU* into serious disrepute, and/or any actions/inactions leading to a serious breach of trust or confidence.

The above list is neither exclusive nor exhaustive

MODEL LETTERS

IMPORTANT: It should be noted that the attached model letters are intended as a guide only and are likely to need adapting according to the particular requirements of each individual case. Additional letters may also be required, depending upon the progression of the case and/or the action decided upon at each stage. The Schools' Personnel Service can provide further advice and guidance on request.

Model Letter ‘Requirement to Attend an Investigation Meeting’

PRIVATE AND CONFIDENTIAL

Date:

Ref.

Dear

Requirement to Attend an Investigation Meeting

I am writing to inform you that you are required to attend an investigatory meeting on *(date)* at *(time)*. The meeting will take place in *(venue)*. The meeting will be conducted by myself. I will be accompanied by *(state name and title, as appropriate)*.

The purpose of the meeting is to discuss concerns in relation to the following and to afford you the opportunity to respond.

(List allegations, including details and dates, as appropriate)

You are advised to contact your Professional Association/Trade Union (if you are a member) **as soon as possible**.

You are entitled to be accompanied at the meeting by:

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee’s companion at disciplinary hearings. Certification may take the form of a card or letter; or
- a work colleague.

This is not a disciplinary hearing, but forms part of the *school’s/PRU’s* Disciplinary Procedure, and is part of my investigation into the facts of the matter. However, I must advise you that any statements/evidence given by you could be used in any subsequent disciplinary action, which might arise as a result of this investigation.

Yours sincerely,

Designated senior member of staff carryng out the investigation

APPENDIX 3B

Model Letter ‘Suspension of an Employee’ (Note that this letter assumes that the employee is being suspended at the start of the investigatory process. It will need to be adapted appropriately if the employee is suspended at any other time during the process).

PRIVATE AND CONFIDENTIAL

Date:

Ref.

Dear

Further to the meeting (today, or as appropriate) with (Professional Association/Trade Union representative or companion, as appropriate) and yourself I am now writing to you to confirm that prior to further investigations taking place, and in accordance with the disciplinary procedure (a copy of which is enclosed) of the *Governing Body/PRU Management Committee* of (name) School, I have taken the decision to invoke a precautionary suspension against you with immediate effect/effect from the end of school on (day/date).

This decision has been taken to allow an investigation to take place into the allegation that on (date)..... you ...(insert details of allegation(s))..... and is in the best interests of the school, staff, pupils and yourself. I have undertaken a risk assessment to help determine whether a precautionary suspension is necessary in this case. As part of the risk assessment, I have considered whether alternatives short of a precautionary suspension, including (schools should state here alternatives that have been considered, for example, working from home, working under supervision, a change of role, as appropriate) can be accommodated and have decided they cannot. I have also taken into account the nature of the allegation(s) that have been made against you which, if proven, could result in a charge of gross misconduct.

My decision to suspend will be communicated both to the Local Authority (LA) and the *Chair of Governors/Chair of PRU Management Committee*. It is also being confirmed to you in writing within 48 hours as required by the school's/PRU's Disciplinary Procedure. I must advise you that this matter may be referred to the *Governing Body/PRU Management Committee* in accordance with the Disciplinary Procedure.

I wish to emphasise that suspension is the temporary exclusion of an employee from his/her duties as a precautionary measure. It is to be regarded as a neutral act and is not a disciplinary sanction in itself. It does not imply any presumption of guilt or prejudgement and will not prejudice the future conduct or outcome of the disciplinary procedure. The matter will be kept under review and I aim to make the period of suspension no longer than is necessary. Your suspension may be lifted at any time and with immediate effect. During suspension you will receive the contractual pay applicable to the post immediately prior to the suspension. [Note for schools: The following two sentences should be included where applicable. Otherwise they can be deleted if they do not apply in an individual case: This will apply unless you are on temporarily enhanced pay, for example an acting rank allowance, which is due to come to an end and would not have been renewed had you been at work. Where this is the case, your pay while you remain suspended will revert to your normal contractual pay when the temporary pay uplift ends].

In view of my decision I would refer you to section 7 of the Disciplinary Procedure. You should note, in particular, that Section 7 makes it clear that a suspended employee may not undertake any other paid employment during periods when (but for the suspension) the employee would normally be at work for the school, except with the written agreement of the *Headteacher*. In addition, you should ensure that you make yourself available to participate in the investigation and disciplinary process when required. In these circumstances, you will need the express consent of the *Headteacher* should you wish to take any holiday, or otherwise be unavailable, at any time

during the period of suspension. Please note also that a suspended employee must not contact other employees or workers to discuss or obtain information relating to the case, or on any other matter, without the permission of the *Headteacher*. Any breach of these obligations may, of themselves, result in further disciplinary allegations.

A full and thorough investigation will now take place and you will be invited in due course, with trade union or workplace representation, to an investigatory meeting (*or adapt as necessary, according to the circumstances*). This meeting is not a disciplinary hearing in itself but arranged to hear your version of events before a decision is made on the next course of action. This may result in a referral to the *Governing Body/PRU Management Committee* for a formal disciplinary hearing. The *school* reserves the right to change or add to the allegation(s) as appropriate in the light of the investigation.

The suspension will be for the shortest possible period to allow for the investigation to take place and a decision taken on whether to commence a disciplinary hearing. In normal circumstances, the period of suspension will not exceed 20 working days. In exceptional circumstances, it may be necessary to extend the period of extension; if this is the case, I will write to you again.

As a normal procedure during investigations, your email account has been suspended and you no longer have access to the *school's* computer network.

I appreciate that suspension from work can cause concern and worry. You are encouraged therefore to seek support at the earliest opportunity from your Professional Association/Trade Union (if you are a member) or you can be provided with a referral to the *school's* independent occupational health provider (*state this only where available*) or you may wish to contact the Education Support network who have a confidential counselling line for school staff on 08000 562 561. Your appointed *school* contact is (*state name, role*), should you have any questions or require additional support during the period of suspension.

You will be contacted again at the earliest opportunity to invite you to the investigatory meeting (*or adapt as necessary, according to the circumstances*).

Yours sincerely,

Headteacher

Model Letter 'Requirement to attend a Disciplinary Hearing'

PRIVATE AND CONFIDENTIAL

Date:

Ref.

Dear

Requirement to Attend a Disciplinary Hearing

I am writing further to my investigation into the allegation(s) that:

(List allegations, including details and dates, as appropriate)

After considering the evidence, I have decided to refer the case to the *Headteacher/Governors/PRU Management Committee members (as appropriate.)*

I am, therefore, writing to confirm that you are required to attend a Disciplinary Hearing before the *Headteacher (or otherwise state name of Governor/PRU Management Committee member, as appropriate)*. The *Headteacher (or as appropriate)* will be advised, on behalf of the relevant Local Authority Director, by *(state name and title as appropriate)*. The *Headteacher (or as appropriate)* will also have a notetaker for *his/her* own purposes. You may take your own notes if you wish to do so.

The arrangements for the Hearing are as follows:

Date and Time:

Venue:

You are entitled to be accompanied at the Hearing by:

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee's companion at disciplinary hearings. Certification may take the form of a card or letter; or
- a work colleague.

Please note that the *(state venue)* has been set aside for you to meet with your companion and any witnesses you may be calling.

The hearing will take place in accordance with the *Disciplinary/Capability Procedure* adopted by the *Governors/PRU Management Committee* for this purpose, a copy of which is attached.

A copy of the documentary evidence which will be submitted to the *Headteacher (or as appropriate)* is enclosed for your information and is as follows:

(Insert details of documentary evidence)

Please note that I intend to call the following witnesses:

(Insert names)

You also have the right, under the terms of the Disciplinary Procedure, to submit documentary evidence on your own behalf and to call witnesses. Any documentary evidence you wish the Headteacher *(or as appropriate)* to consider, and the names of any witnesses you intend to call, should be sent to *him/her* via *(Insert name and address to whom documentary evidence should be sent)*. This information must be received by *him/her* by no later than *(Insert date)*.

The purpose of the hearing will be for the *Headteacher (or as appropriate)* to consider the evidence put before *him/her* and to decide if the allegations against you are proven. I must advise you that, should the allegations be proven, this may result in your dismissal.

Please would you confirm your intention to attend the Hearing by telephoning *(Insert name)* on *(Insert telephone number)* by *(Insert date)*.

Should you fail to attend the hearing it may take place in your absence and you will be notified of the outcome. If you are unable to attend through sickness the *Headteacher* will require medical evidence to that effect.

If there is anything in this letter which you do not understand you should seek advice from your trade union representative as soon as possible.

Yours sincerely,

Designated Senior Member of Staff who carried out the investigation

Model Letter ‘Outcome of Disciplinary Hearing’

PRIVATE AND CONFIDENTIAL

Date:

Ref.

Dear

Outcome of Disciplinary Hearing

Following the Disciplinary Hearing held on *(date)* in *(venue)* at *(name of school)* School, I am writing to inform you of my decision.

The purpose of the Hearing was to consider the following allegation(s) which had been made against you:

(Insert details of allegations)

I have considered the evidence, both written and oral, which was presented to me by *(state name and post title of Presenting Officer)*, as well as you and your companion.

I found the allegation(s) against you to be proven.

In reaching my decision, I found the following:

(Insert details of/reasons for findings)

*Then, as relevant and appropriate, set out the disciplinary penalty to be imposed and how long it will last, any period of time given for improvement, the improvement expected and the nature of any assistance to be given to the employee. The likely consequences of further misconduct should also be stated and, in the case of a final written warning, that this could lead to dismissal and termination of service. In the case of dismissal, the decision to dismiss and the reasons should be stated and whether it is dismissal with notice or summary dismissal. In relation to dismissal, for **Community Schools and PRUs**, where the Authority is the employer in law, the letter should state that it is for the Director of Schools and Children’s Services to issue formal notice within 14 days of the date of the letter. **Voluntary Aided and Foundation Schools**, as the employer in law, issue notice themselves and should state that the letter constitutes formal notice of the termination of employment on the grounds of misconduct [or summary dismissal, without notice, in cases of gross misconduct] and also the employee’s last day of service).*

You have the right to appeal against my decision. Any appeal you may wish to make must be lodged, in writing, within 10 working days of the date of this letter. The appeal notice should be sent to *(state name and address of the person to whom the appeal must be sent)*. The written appeal notice must state the grounds for appeal.

You should be aware that the date of your dismissal will be put into effect even if you decide to lodge an appeal. Payment of remuneration for any period of time after the effective date of dismissal will only be made if the appeal against your dismissal is successful.

Yours sincerely,

Headteacher (or Governor/member of PRU Management Committee, as appropriate)

Model Letter ‘Invitation to Attend a Disciplinary Appeal Hearing’ *(Note that this letter assumes that the appeal will take the form of a re-hearing. If the Appeal is to proceed other than by way of a re-hearing then the letter will need to be adapted accordingly).*

PRIVATE AND CONFIDENTIAL

To:

Ref.

Date:

Dear

Invitation to Attend a Disciplinary Appeal Hearing

Further to your letter of *(date of employee’s letter requesting an appeal)*, I am writing to advise you that a Appeal Hearing has been arranged to take place as follows:

(State date, time and venue for Appeal Hearing)

The Appeal will be heard by a Panel of three members of the *Governing Body/PRU Management Committee (as appropriate)*. The Chair will be *(state name)* and the other Panel Members will be *(state names)*. The Panel will be advised, on behalf of the relevant Local Authority Director, by *(state name and title as appropriate)*. The Panel will also have a notetaker for their own purposes. You may take your own notes if you wish to do so.

After consideration of your grounds for appeal and the prevailing circumstances of the case, the Chair of the Appeal Panel has decided that the appeal will take the form of a re-hearing of the allegations made against you.

You are again entitled to be accompanied at the Appeal meeting by:

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee’s companion at disciplinary hearings. Certification may take the form of a card or letter; or
- a work colleague.

You also have the right, under the terms of the Disciplinary Procedure, to call witnesses. The names of any witnesses you intend to call, should be sent to the Panel via *(Insert name and address to whom details should be sent)*. This information must be received by *him/her* by no later than *(Insert date)*.

Please note that the *(state venue)* has been set aside for you to meet with your companion and any witnesses you may be calling.

The Panel will be calling the following witnesses:

(Insert names)

A copy of the documentary evidence which will be submitted to the Panel is enclosed for your information and is as follows:

(Insert details of documentary evidence)

Should you fail to attend the Appeal Hearing, it may take place in your absence and you will be notified of the outcome or, your non-attendance may be interpreted as a withdrawal of your appeal. If you are unable to attend through sickness the Panel will require medical evidence to that effect.

You have already received a copy of the Disciplinary Procedure. However, please let me know if there is anything about which you are unclear.

Yours sincerely,

Model Letter ‘Outcome of Disciplinary Appeal Hearing’ *(Note that this letter assumes that the appeal took the form of a re-hearing. It also assumes that the original decision was upheld. If the appeal took place other than by way of a re-hearing and/or the original decision was not upheld, then the letter will need to be adapted accordingly).*

PRIVATE AND CONFIDENTIAL

To:

Ref.

Date:

Dear

Outcome of Disciplinary Appeal Hearing

Following the Disciplinary Appeal Hearing held on *(date)* in *(venue)* at *(name of school)* School, I am writing to inform you of the Panel’s decision.

The Appeal took the form of a re-Hearing, the purpose of which was to consider the following allegation(s) which had been made against you:

(Insert details of allegations)

The Panel has considered the evidence, both written and oral, which was presented by *(state name and post title of Presenting Officer)*, as well as you and your companion.

The panel found the allegation(s) against you to be proven.

In reaching its decision, the Panel found the following:

(Insert details of/reasons for findings).

In these circumstances, the Panel upholds the original decision *(or as appropriate)* to *Then, as relevant, confirm full details of the disciplinary penalty previously imposed, or state any adjustment(s) to the penalty, as appropriate.*

You have now exercised your right of appeal under the *School’s/PRU’s* Disciplinary procedure. The decision of the Appeals panel in the matter is, therefore, final.

Yours sincerely,

Chair of Disciplinary Appeals Panel

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Schools' Personnel Service

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