

## Disciplinary Procedure For All School Based Staff

### 1. Policy Statement

- 1.1 Governing bodies are required to adopt formal policies and procedures for dealing with staff conduct and discipline. A sound standard of discipline is essential for the efficient and effective management of schools.
- 1.2 This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of behaviour and comply with the rules of the Governing Body. It aims to ensure consistent and fair treatment for everyone and for matters to be dealt with speedily.
- 1.3 This procedure is therefore recommended by the Local Authority (L.A.) for adoption by the Governing Body and it is advised that following its adoption, the procedure must be made known to all staff and remain accessible to them.
- 1.4 It is important to read these procedures in conjunction with the guidance notes.

### 2. Who does this procedure apply to?

- 2.1 This procedure is based on Sections 35(8) and 36(8) of the Education Act 2002, and the ACAS Code of Practice and Advisory Handbook on Discipline at Work. It has been drawn up following consultation with the recognised Trade Unions and Teachers' Professional Associations. It applies to and is designed to help and encourage **all employees** within schools with delegated budgets.
- 2.2 This procedure does not apply where there are matters of:
  - **minor misconduct** that can be settled informally by means of counselling or informal reprimand in order to improve conduct;
  - **grievance** which is dealt with under a separate procedure adopted by the Governing Body;
  - **competency or capability** for which there is a separate procedure adopted by the Governing Body, unless it is clear that the employee is capable of reaching the required standard and has not done so;
  - **ill health** for which there is a separate procedure adopted by the Governing Body, unless there is good reason to believe that the absence or ill health is not genuine;
  - **bullying, harassment, discrimination and/or victimisation** which are dealt with in the first instance, under the '**Anti-Harassment, Discrimination and Bullying at Work Policy**'.

### 3. Who is responsible for discipline and dismissal?

- 3.1** The Governing Body has the overall responsibility for dismissing staff, with powers to delegate to the Head Teacher responsibilities up to and including initial staff dismissal decisions. Under the Education Act 2002 School Staffing (England) Regulations 2003, the Head Teacher should be given the delegated responsibility to make decisions up to the initial dismissal decision, (except in certain circumstance, see 3.2 below) following which there is an opportunity to appeal to a panel of Governors. **Dismissal and notice periods are now effective from the initial dismissal decision with reinstatement should the appeal be successful.**
- 3.2** Head Teachers may therefore lead the process of making the initial dismissal decision unless the following circumstances apply:
- the Head Teacher is unwilling to perform these functions and their previous history at the school did not include any such responsibilities.
  - the Head Teacher has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.
- 3.3** In situations where it is not appropriate for the Head Teacher to perform these functions (see paragraph 3.2 above), the staff discipline/dismissal committee of the Governing Body will be responsible for the process of making such decisions. However the L.A. recommends wherever possible that the staff discipline/dismissal committee deals with cases of gross misconduct and Head Teachers are delegated the responsibility to deal with all other cases.
- 3.4** The Governing Body should nominate three of its members, who are not staff members to form the staff discipline/dismissal committee and a different three Governors, to form the appeals committee.
- 3.5** The L.A. will offer advice at all stages of these procedures. It is strongly recommended that Head Teachers seek **professional advice** from their Senior HR Adviser (Schools) or their HR provider as early as possible.

### 4. What are the principles?

- 4.1** This procedure is primarily concerned with improving discipline, not applying disciplinary penalties. It aims for an outcome which is fair and constructive. It is **not** intended that the procedure should replace normal interchange between the Head Teacher and a member of staff in the day to day running of a school, whereby comments may be made informally. It is important that staff are made fully aware of the school's standards and expectations of conduct and behaviour and the possible consequences of falling below this.
- 4.2** Employees should be encouraged to seek the advice of a trade union or professional association at an early stage. At all stages the employee will be informed of their right to be accompanied by a colleague or trade union official. The accompanying person can address the meeting but not answer questions on

behalf of the employee unless this is agreed by the Head Teacher/ Governing Body.

- 4.3** If the subject of a disciplinary matter is an official representative of a trade union/professional association, no action must be taken beyond the informal stage, until the circumstances have been discussed with the relevant senior officer or full time official.
- 4.4** No disciplinary action will be taken without a prompt and thorough investigation into the circumstances.
- 4.5** All proceedings, witness statements and records will (subject to 4.8 below) be confidential.
- 4.6** No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice (summary dismissal).
- 4.7** The employee will have the right of appeal against any formal disciplinary action under this procedure.
- 4.8** Employees will be informed of the complaints against them and supporting evidence before any hearing.
- 4.9** Employees will be given the chance to have their say before a decision is reached.
- 4.10** The procedure outlines what disciplinary action may be taken against an employee.
- 4.11** The procedure ensures that the employee is given an explanation for any sanction.
- 4.12** The procedure ensures that the employee will be heard in good faith and that there is no pre judgement of the issues. The procedure ensures that where the facts are in dispute, no disciplinary penalty is imposed until the case has been carefully investigated.
- 4.13** The procedure applies to all employees, irrespective of their length of service, status or number of hours worked.
- 4.14** The procedure can be started at any stage. The first stage will depend on the nature of the alleged misconduct.
- 4.15** Where the Head Teacher is the subject of the procedure, the Chair of the Governing Body or other designated Governor, will replace the Head Teacher in initiating any action, which has to be taken. In such cases the Chair of Governors should notify and contact their Senior HR Adviser (Schools) for advice before any action is taken.

**4.16** For the purposes of this procedure “Head Teacher” means the most senior member of staff who has management responsibility for the employee concerned.

**4.17** As an employee faced with possible disciplinary action is likely to find the situation stressful, the Head Teacher should make the employee aware of the confidential counselling services available as follows:

- All employees of the Council - Employees Assist, Mon-Fri 9.00am to 5.00pm  
tel: 01604 626787, email: nccemployeeassist@yahoo.co.uk

**4.18** Further guidance, including model letters and agenda is given in Appendices 1 and 2 of this document.

**4.19** Flow charts summarising the stages in the disciplinary process are given in Appendices 3 and 4.

## **5. Content**

### **5.1 INFORMAL STAGE**

- Where possible, matters relating to conduct and discipline should be resolved informally. This is an important management role for the Head Teacher and senior members of staff. This may be achieved by giving informal advice, coaching and counselling and, if appropriate an informal reprimand. This informal process does not constitute action under this procedure.
- The Head Teacher will talk to the employee in private. This will be a two way discussion aimed at pointing out the shortcomings in conduct and encouraging improvement.
- The Head Teacher will listen to whatever the employee has to say about the issues.
- Where improvement is required the Head Teacher will ensure that the employee understands what needs to be done, how their conduct will be reviewed and over what period. The employee will be told that if there is no improvement then the next stage will be the formal disciplinary procedure.
- Written notes will be kept of the meeting and it is recommended that these be shared with both parties.
- The action agreed will be in writing.
- If during discussions it becomes obvious that the matter may warrant formal investigation the meeting should be stopped and the employee will be told that the matter will be continued under the formal procedure.
- **Informal reprimand** – If following informal discussion the Head Teacher considers it appropriate to issue an informal warning, this must be given at the meeting and be made clear to the employee.

## 5.2 FORMAL STAGE

### 5.2.1 INVESTIGATION

Where there is a complaint of misconduct that warrants formal investigation, the Head Teacher should arrange for a full investigation, as soon as possible after the allegations have been made. It is not usually appropriate for the Head Teacher to carry out the investigation as they may be required to deal with the matter formally at any stage up to and including stage 4. The Head Teacher should therefore wherever possible nominate a senior member of staff to conduct the investigation. If the complaint is against the Head Teacher or the Head Teacher has been involved in the complaint, then the Chair of Governors should undertake the investigation themselves or appoint someone else as appropriate, who may be external and approved by the L.A.

#### **Conducting the Investigation**

- The aim of the investigation is to establish the facts of the case as promptly and thoroughly as practicable.
- The employee must be informed in writing: (**see model letter 1 in Appendix 2**)
  - That an investigation is taking place and that they will be given the opportunity to respond to the allegation(s).
  - Of the details of the complaint/allegation(s)
  - That they may be accompanied by a colleague or trade union official to any meetings.

## Suspension

- Where there appears to be serious misconduct or risk to property or other people, a period of suspension with pay should be considered while the case is being investigated. (**see Appendix 1 – Guidance notes 6. Suspension**) Either the Head Teacher or the Governing Body (normally the Chair of Governors) can suspend an employee at the school, but only the Governing Body can lift the suspension. The Head Teacher or Governing Body must keep one another immediately informed of any action they may take in relation to suspension. In either case, advice should be sought from their Senior HR Adviser (Schools) or other HR provider before taking such action and in any event the L.A. should be notified of any suspension from duty.
- If an employee to be suspended is a trade union official, no steps in the procedure may be started until the circumstances have been discussed with a senior representative or paid official of the trade union/professional association.
- Suspension should not be regarded in any sense as a disciplinary measure or implying guilt, but as an exceptional measure to enable a proper investigation to take place.
- Suspension will always be on full pay.
- Written confirmation of the suspension should be sent within one working day. (**see model letter 2 in Appendix 2**)

## Concluding the Investigation

- After the investigation is complete the person who conducted it will produce a report and submit this to the Head Teacher for them to decide whether or not there is a case to answer. The outcome of the investigation will be notified to the employee. If there is no case to answer, or the matter is regarded as trivial, then the matter will be closed and the employee informed in writing. **(see model letter 3 in Appendix 2)** The Head Teacher may arrange counselling or take informal action.
- If there is a case of minor misconduct to answer which will require more than informal measures (see *informal stage 5.1 above*) the matter will be referred to a formal disciplinary hearing before the Head Teacher or the staff discipline/dismissal committee of the Governing Body. The employee will be notified in writing. **(see model letter 4 in the Appendix 2)**

## 5.2.2 THE DISCIPLINARY HEARING

- **Notification of a Disciplinary Hearing**
  - The Head Teacher is normally responsible for the arrangements for a disciplinary hearing conducted by the Head Teacher, and the Clerk to the Governors is normally responsible for the arrangements for formal hearings before the staff discipline/dismissal committee. This includes notifying employees in writing of such hearings, giving at least 7 working days' notice. **(see model letter 4 in Appendix 2).**
  - The employee should be given details of the specific complaint/allegations and should be informed that either party can produce witnesses and/or written statements and relevant supporting documents at the hearing, should they so wish. An exchange of documents should take place at least 5 working days before the hearing although this may be reduced by mutual agreement.
- **Failure by the Employee to Attend**
  - An employee who cannot attend a meeting should inform the Head Teacher in advance whenever possible.
  - If the employee fails to attend through circumstances beyond their control e.g. illness, the Head Teacher should rearrange the meeting to another date taking into account the reason. Sickness absence must be supported by a medical certificate.
  - A decision to proceed may be taken in the employee's absence if they fail to attend the rearranged meeting without good reason. The employee should be notified of this possibility in advance.

- If the employee's representative or colleague cannot attend on the proposed date the employee can suggest another date so long as it is reasonable and is not more than 5 working days after the original date proposed, unless mutually agreed otherwise.
- **Witnesses (See also paragraph 3 Investigations in Appendix 1 - Guidance notes)**
  - If witnesses are called to give evidence their identity will be disclosed to the other party in advance, unless exceptional circumstances prevent this e.g. where anonymity is to be preserved. Where there is a requirement to call juveniles (caution should be exercised in making this decision in the interests of the child), parents/guardians should be informed and given the opportunity to accompany the child at the hearing.
  - The other party will receive advance copies of written witness statements to which reference will be made at the hearing. It is preferable that the authors of statements attend the hearings as witnesses, although in certain circumstances e.g. in the case of juveniles, those in the care of the Local Authority or where anonymity is to be preserved, it is acknowledged that this should not be a requirement.

### 5.2.3 PROCEDURE TO BE FOLLOWED AT THE HEARING

- **Minutes**
  - Notes of the hearing should be taken by a Clerk to the Governing Body and copies of the notes circulated to all parties as soon after the meeting as practicable. The Clerk does not take any other part in the formal process.
- **Support**
  - The Head Teacher or Governing Body may call upon an HR Adviser to be in attendance in an advisory capacity only.
- **Agenda**
  - *(See Model Agenda 8 for Disciplinary Hearing in Appendix 2)*
- **Making the Decision**
  - The Head Teacher or the disciplinary/dismissal committee will deliberate in private, with the HR Adviser, only recalling the parties to clear points of uncertainty on evidence already given. If a recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.

- The decision will be announced at the close of the hearing whenever possible. The Head Teacher or chair of the disciplinary committee will confirm the decision in writing within 5 working days of the hearing. **(See model letter 5 in Appendix 2)**
- **Case not Substantiated**
  - If the Head Teacher or disciplinary/dismissal committee considers that the case against the employee is unfounded, the employee wherever possible will be informed of this at the meeting and the decision will be confirmed in writing. **(See model letter 5 in Appendix 2)** All reference to the matter in question will be removed from the employee's file.
- **Case Substantiated - Formal action (See paragraph 1. Examples of Misconduct and paragraph 2. Gross misconduct in Appendix 1 - Guidance notes)**
  - If the Head Teacher or disciplinary/dismissal committee believes on the **balance of probabilities** that the alleged misconduct is substantiated, the appropriate disciplinary action will be determined, having regard to all the circumstances. Wherever possible, the employee will be informed of this at the hearing and the decision will be confirmed in writing. **(See model letter 5 in Appendix 2)**

#### 5.2.4 DISCIPLINARY ACTION

##### Stage 1 - Written warning

- For a serious offence a copy of a written warning will be given with the reasons for the warning and any improvements required. It will also advise that further action under the procedure will be considered if the improvements required are not met and inform the employee of the right of appeal. A copy of the warning will be kept but will be disregarded for disciplinary purposes after 12 months, subject to continuous satisfactory conduct during this period.

##### Stage 2 - Final written warning

- For a very serious offence which would be insufficient to justify dismissal but would warrant only one written warning;
- For a very serious offence which would justify summary dismissal for gross misconduct, but a lesser penalty is appropriate in the circumstances; or
- Where there is still a failure to improve conduct following previous written warning(s).

A copy of a final written warning will give the reason for the warning, advise that dismissal will result if there is no satisfactory improvement and state the right of appeal. A copy of the warning will be kept, but will be disregarded for disciplinary purposes after 18 months, subject to continuous satisfactory conduct during this period.

### **Stage 3 - Dismissal**

- For failure to improve or for act(s) of further misconduct after a final written warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice.
- For act(s) of gross misconduct, dismissal will be without notice (summary dismissal). The decision to dismiss can only be taken after a hearing before the Head Teacher or disciplinary/dismissal committee of the Governing Body, but may be taken before an appeal hearing takes place. In such cases pay will cease when the decision to dismiss is made and reinstated in full if an appeal is subsequently successful.

In both cases, the employee will be provided as soon as reasonably possible with written notice of dismissal, the date on which the contract is to end, the reason for dismissal and the right of appeal.

## **5.2.5 THE APPEAL PROCESS (See also Appendix 1 - Guidance notes, 7 Appeal Hearings)**

- **Right of Appeal**
  - An employee may lodge an appeal in writing against any formal disciplinary action taken against them under this procedure to the Clerk to the Governing Body within 10 working days of the date on which they receive the confirmation of the disciplinary action.
  - The letter of appeal from the employee should state the reasons for appealing i.e.
    - it is against the findings of the previous panel;
    - it is against the form of disciplinary action taken;
    - it is alleged that the disciplinary procedure has been applied defectively or unfairly;
    - new evidence has come to light which was not available at the disciplinary hearing and which may make a difference to the original decision;
    - The appeal will be heard by the appeals committee of the Governing Body within 15 working days of receipt of the request. The Governing

Body may call upon an HR Adviser to be in attendance in an advisory capacity only;

- Evidence presented to the appeals committee must relate to any of the four reasons stated above and must enable the assessment of whether or not the allegations against the employee were accurate, justified and substantiated and whether the disciplinary action was appropriate in all the circumstances.

- **Notification of Appeal Hearing**

- The employee will be informed in writing of the place, date and time of the hearing at least 5 working days in advance of the date of the appeal hearing. (***see model letter 6 in Appendix 2***)

- **Procedure to be followed at the Appeal Hearing**

- **Agenda** (***See paragraph 8. model agenda in Appendix 2***)

- **Making the Decision**

- The appeals committee will deliberate in private, with the HR Adviser, only recalling the parties to clear points of uncertainty on evidence already given. If a recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.
- The decision will be announced at the close of the hearing whenever possible. The chair of the appeals committee will confirm the decision in writing within 5 working days of the hearing.
- The decision can be confirmation or overturning of the original decision, or the issue of a greater or lesser penalty.

## Appendix 1 - Guidance Notes

The following guidance notes are to be read in conjunction with the disciplinary procedure. For further guidance please contact the Schools HR service.

### 1. Examples of Misconduct

The following are examples of **misconduct** and in severe cases some examples could be considered as gross misconduct. It is important to note that this is not an exhaustive list.

- leaving the place of work during the employee's normal working hours without permission;
- frequent failure to attend work punctually;
- failure to comply with the school's agreed procedures e.g. failure to notify absence;
- making unauthorised private telephone calls or sending personal mail at the school's expense or unauthorised use of the Internet;
- failure to comply with a reasonable instruction;
- failure to exercise proper control or supervision over pupils;
- failure to discharge without sufficient notice the obligations placed on the employee by their contract and terms and conditions of employment;
- abusive behaviour or language that is directed to staff, parents, pupils and members of the public;
- a wilful attempt to mislead.

### 2. Gross misconduct

This term is used to describe serious misconduct, which may destroy the employment contract between the employer and the employee and make any further working relationships and trust impossible. Examples of the sort of conduct that could be regarded as gross misconduct, rendering the employee liable to dismissal without notice are:

- victimisation or intimidation of other employees; (Where referred as a disciplinary matter as an outcome of an investigation carried out under the 'anti-harassment, discrimination and bullying at work policy and procedure)
- serious bullying, unlawful discrimination or harassment against other employees, pupils or members of the public;
- dishonesty, including theft, fraud or deliberate falsification of records;

- acceptance of bribes;
- physical violence;
- serious negligence which causes or might cause unacceptable loss, damage or injury;
- deliberate damage to school property;
- serious act(s) or persistent repetition of a failure to comply with a reasonable instruction;
- misuse of the school's property or name, or bringing the school into disrepute;
- being under the influence of illegal drugs or alcohol whilst at work;
- serious infringement of health and safety rules;
- sexual offences or sexual misconduct;
- breach of any professional code of conduct applicable to the job, which could bring the profession or the school or the L.A. into serious disrepute;
- serious abuse of the school's computer equipment/software; including deliberately accessing internet sites containing pornographic, offensive or obscene material;
- misuse of official position for personal gain;
- serious breach of confidence:

Where gross misconduct is determined at a disciplinary hearing the employee may be summarily dismissed – that is dismissed without notice or pay in lieu of notice. Pay however would be reinstated in full, i.e. back to the date of dismissal, if an appeal against dismissal was subsequently successful:

### **3. Investigations**

The person conducting the investigation will explore thoroughly the facts of the matter included by interviewing witnesses where appropriate.

The investigation should be carried out as thoroughly and swiftly as possible.

Any witnesses to alleged offences should be asked to make written statements and to sign and date their statements. Any witness must be informed that they may be asked to attend a disciplinary hearing to act as a witness.

Witnesses may bring along a colleague or trade union official to any meeting or subsequent hearing.

Written statements may be obtained from juveniles, but in such instances the investigator should give consideration to informing parents/ guardians and giving them the opportunity to be present. Juvenile witnesses should be kept separate from each other before the interview and be interviewed independently.

The employee wherever possible will be interviewed and may bring along a colleague or trade union official. The employee will be asked to sign and date a written record of the meeting. Any points of disagreement will be noted in writing and kept with the record of the investigation. The employee may also produce a written statement which is signed and dated.

Interviews may take place over more than a single session but must be carried out within a reasonable timescale.

If a case has been referred from the '**Anti-Harassment, Discrimination and Bullying at Work Policy and Procedure**' or the school's complaints procedure, to be dealt with under this procedure, the investigatory stage may be carried forward, avoiding the necessity for a further investigation.

#### **4. Child Protection Issues**

If a complaint against an employee relates to a child protection issue then it is essential that the investigator contacts the L.A.'s Child Protection Officer at the outset to discuss how to proceed. The outcome may be that an investigation should be carried out by the Police and/or Child Protection Team in which case any investigation by the school will not proceed until discussion has taken place with the relevant agencies.

If an employee who works with children is dismissed or is moved away from work on the grounds of misconduct which harmed a child or placed a child at risk of harm, then the employee's name and details will be referred to the Secretary of State for possible inclusion on the Protection of Children Act List.

#### **5. Criminal Offences**

If an alleged criminal offence has taken place while the person is on duty, and the matter is being investigated by the police, the Governing Body may, but not necessarily, await the outcome of these investigations or prosecution before instigating disciplinary procedures. Advice should be sought from the Senior HR Adviser before deciding whether or not to proceed.

There may occasionally be a connection between an allegation of an employee's criminal offence committed whilst not on duty and their ability or suitability for continued employment at the school. In such cases the allegations should be investigated and considered within this procedure.

There may be exceptional circumstances where, the employee is prevented from attending a hearing beyond their control, e.g. due to police bail restrictions. Consideration of proceeding in the absence of the employee should only be taken after attempts to conduct a hearing with a representative have been unsuccessful. In any case advice should be sought from the school's HR provider and/or a Senior HR Adviser (Schools) before taking this action.

## 6. Suspension

Suspension should only be applied where the circumstances of the case make it unacceptable for the employee to remain in school while the facts are ascertained. Suspension is always on full pay. Some examples which are not exhaustive where suspension may be appropriate are as follows:

- where children are at risk;
- where the employee needs protection themselves;
- where the allegation if proved is likely to amount to gross misconduct;
- where the school's reputation may otherwise suffer unduly;
- where the presence of the employee may impede the investigation.

Where suspension is under consideration, whenever practicable, the employee should be called to a meeting. This may be at very short notice.

The period of suspension should be kept as brief as possible and kept under regular review with the employee. In any event where a suspension continues beyond 14 days, the employee will have the right to request a meeting for the suspension to be reviewed. Investigations should be started immediately. The suspension will usually last until the investigation has been concluded or any resulting disciplinary hearing has been held.

In some instances it may not be appropriate for the employee to contact other members of staff during the suspension; however there may be other instances when, in the interest of natural justice the employee should be allowed contact.

Wherever practicable, the following support should be offered to the employee during the period of suspension:

- The name of a responsible person to act as a point of contact, to provide information as to the progress of the investigation.
- If appropriate, counselling may be offered through the County Council's Counselling Service. (*See paragraph 4.17 in the procedure*)
- Schools should give the employee reasonable access to information which will help them to prepare their case.

## **7. Appeal Hearings**

### **New Evidence**

New evidence is permissible at the appeal. If either party wishes to introduce new evidence, they should give notice giving details of the new evidence and copies of any supporting documents and/or names of any witnesses and/or written statements to be presented. If, at the appeal hearing, the new evidence is of such significance that further investigation, information/clarification is required, it may be appropriate for an adjournment and to reconvene when this has been completed.

## Appendix 2 - Model Letters/Agenda

Model letter 1	Request to attend an investigatory meeting
Model letter 2	Notification of suspension
Model letter 3	Outcome of Investigation ( <i>no action</i> )
Model letter 4	Outcome of Investigation ( <i>request to attend disciplinary hearing with Head Teacher or disciplinary committee</i> )
Model letter 5	Outcome of disciplinary hearing
Model letter 6	Notification of appeal hearing
Model letter 7	Outcome of appeal hearing
Model agenda 8	Agenda for disciplinary hearing
Model agenda 9	Agenda for appeal hearing

**Model letter 1 - Request to attend an investigatory meeting**

(School's Headed notepaper)

Date.....

Dear.....

**Investigation into matters which may lead to disciplinary action**

I am writing to advise you that I have nominated .....(name) to undertake a full investigation into the following allegations(s) of misconduct:

.....  
.....  
.....  
.....

You are therefore required to attend an investigatory interview on.....(date) at.....in order to offer you the opportunity to explain or comment on the matter, and for the investigator to question you if required. You are encouraged to be accompanied at the meeting by a colleague or trade union/professional association representative.

Any information which is gained during the process of the investigation may be presented at any subsequent disciplinary interview or hearing.

You will be informed in writing of the outcome of the investigation.

I have enclosed a copy of the school's Disciplinary Procedures under which the investigation is being carried out.

Yours sincerely

Head Teacher

Enc: copy of Disciplinary Procedures

**Model Letter 2 - Notification of suspension (to be sent within 1 working day of notification)**

(School's Headed notepaper)

Date.....

Dear.....

**Notification of Suspension from Duty**

I am writing following our meeting on..... to confirm that you have been suspended from your duties as ..... at the school with effect from that date. The suspension is a precautionary measure and is not a disciplinary penalty and is in place pending the investigation of the following allegations made against you/ incident in which you were involved:

.....  
.....

A thorough investigation will be undertaken, during which you will be given a full opportunity to offer any explanation for your part in the above incident/allegations. You should remain available during normal working hours over the period of suspension. Any information which is gained during the process of investigation may be presented at any subsequent disciplinary hearing.

You will continue to receive your normal pay during the period of suspension. Suspension will be for as short a period as possible but will be sufficient to allow a thorough investigation. However should the suspension continue beyond 14 days, you may request a meeting to have the suspension reviewed.

You are advised to arrange for a member of your professional association/ trade union to support you during the period of suspension and you may also contact the following counselling services for support:

- All employees of the Council - Employees Assist, Mon-Fri 9.00am to 5.00pm  
tel: 01604 626787, email: nccemployeeassist@yahoo.co.uk
- Teaching staff – Teacher Support Line tel: 08000 562561  
Website: [www.teachersupport.info](http://www.teachersupport.info)

.....(name) will keep you informed of the progress of the investigations and notify you once they are completed. You are not permitted to visit the school without the prior permission of the Head Teacher or Chair of the Governing Body. If you require any of your personal possessions you should telephone the Head Teacher in order to make a convenient appointment to come into the school to collect them.

Yours sincerely

Chair of the Governing Body

Cc Snr HR Adviser (Schools)  
Trade union representative

**Model Letter 3 - Outcome of Investigation (No Action)**

*(School's headed notepaper)*

Date:.....

Dear.....

**Outcome of Investigation**

Further to my letter dated.....I am writing to inform you that the investigation is now complete. The outcome of the investigation is that your explanation has been accepted and/or there is insufficient evidence to support the allegations and there will be no further action therefore in the matter.

[Your suspension is now lifted and we welcome your return to work on.....(date)]

The matter is now concluded.

Yours sincerely

Head Teacher

*or*

[Chair of the Governing Body If suspension lifted]

**Model Letter 4 - Outcome of Investigation (Request to attend a formal disciplinary hearing with Head Teacher or staff discipline committee)**

(School's headed notepaper)

Date.....

**Outcome of Investigation**

I am writing to inform you that the investigation is now complete. The outcome of the investigation is that there is evidence to support the incident/allegations and that there is a case for you to answer.

You will therefore be required to attend a disciplinary hearing at.....  
on.....( give at least 7 school days' notice)

The purpose of the hearing is to establish the facts relating to allegations which have been made against you and to decide what course of action should follow, if any, This could include formal disciplinary action under the Disciplinary Procedure being taken against you which could lead to dismissal.

The specific allegations which will be considered at the hearing are:

.....  
.....  
.....  
.....

You have the right to be accompanied by your trade union /professional association representative or colleague,

[I will be conducting the hearing and will be accompanied by .....]  
The investigator will be presenting the management case and the investigator will be calling the following witnesses:.....  
.....

[The names of the Governors who will constitute the disciplinary committee are:].....  
.....

They will be accompanied by.....  
The Head Teacher will be presenting the management case and will be calling the following witnesses.....

Copies of the written evidence and relevant documents which will be presented to the hearing will be sent to you at least 5 working days before the hearing.

The following information should be supplied to me as soon as possible and no later than 5 working days before the date of the hearing:

- the name of the trade union representative or colleague accompanying you to the hearing
- any written evidence or relevant documents you wish to be considered
- the names of any witnesses and copies of their written statements detailing their evidence.

If you have any other written evidence or relevant documents you wish to be considered at the meeting, please ensure that I receive copies at least 24 hours before the meeting. I enclose copies of the written evidence and relevant documents to be presented by management to the meeting.

Please confirm that you will be attending.

Yours sincerely

Head Teacher/Clerk to the Governing Body

**Model Letter 5 - Outcome of disciplinary hearing**

(School's Headed notepaper)

Date.....

Dear.....

**Outcome of Formal Disciplinary Hearing** (to be issued within 5 working days)

Following the formal disciplinary hearing meeting held on .....(date) attended by .....(names), I write to confirm that:

[No further action needs to be taken and that the matter is closed]; or

[The allegations made against you were found to be substantiated and a first written warning was given to you at the meeting. The reasons for reaching this decision are as follows:.....

Any further incidences of a similar nature or failure to improve conduct could result in further action being taken under the Disciplinary Procedure.

A note of the formal warning given to you will be recorded on your personal file and may be taken into consideration in the event of any future misconduct within the next 12 months. This represents Stage 1 of the Disciplinary Procedure]; or

[The allegations made against you were found to be substantiated and a final written warning was given to you at the meeting. The reasons for reaching this decision are as follows:.....

Any further incidences of a similar nature or failure to improve conduct could result in dismissal. A note of the formal warning given to you will be recorded on your personal file and may be taken into consideration in the event of any future misconduct within for the next 18 months. This represents Stage 2 of the Disciplinary Procedure]; or

[The allegations made against you were found to be substantiated and the decision of the panel is that you be dismissed. The reasons for reaching this decision are as follows:.....

This represents Stage 3 of the Disciplinary Procedure]

You have the right to appeal against this decision and if you wish to exercise this right you may do so by writing to the clerk to the Governing Body within 10 working days of receipt of this letter, stating the grounds of your appeal.

Yours sincerely

Head Teacher/Clerk to Governing Body

Cc Snr HR Adviser (Schools)  
Trade union representative

**Model letter 6 - Notification of appeal hearing**

(School's Headed notepaper)

Date.....(at least 5 working days' notice)

Dear.....

**Appeal Committee Hearing**

In response to your letter of .....(date) stating that you wish to appeal against the decision of the [Head Teacher] [disciplinary/dismissal committee of the Governing Body], I write to notify you that an appeal hearing has been arranged at.....(time) on.....(date - within 15 working days of receipt of written notice of appeal) at.....(place). Please note that the decision of the Appeals Committee is final and that the outcome of the appeal could result in upholding or overturning the decision, or result in a lesser or increased penalty [including dismissal].

You may be accompanied by a trade union representative or colleague.

I enclose a list and copies of the documents to be presented to the Committee, which includes all relevant documents considered at the disciplinary hearing and any new documents to be presented by the Head Teacher to the Appeal Committee. If you have any new documents to be presented, please let me have these at least 5 working days before the hearing.

The Head Teacher will be calling the following witnesses to the hearing

.....  
.....(names)

The names of the Governors serving the committee

are.....  
.....  
.....(names)

Please confirm that you will attend.

Yours sincerely

Clerk to the Governing Body

Cc Snr HR Adviser (Schools)  
Trade union representative

**Model letter 7 – Outcome of appeal hearing**

*(School's headed notepaper)*

Date.....

Dear.....

**Outcome of Appeal Hearing**

Following the appeal hearing held by the Governing Body on.....(date) and on the evidence presented to the panel, the decision was that the original decision of the Head Teacher/staff disciplinary /dismissal committee be

[upheld]

[overturned and the matter closed] \*

[revised to a lesser penalty i.e. an first written/final written warning]

[revised to an increased penalty i.e. final written warning/d dismissal]

The reasons for reaching this decision are as follows:

.....  
.....  
.....  
.....

The decision of the Appeal Committee is final.

Yours sincerely,

Chair of the Appeal Committee

Cc Trade union representative  
Snr HR Adviser (Schools)

*\* If overturned the school should supply further details of the arrangements for returning to work.*

## **8 - Model Agenda for Disciplinary Hearing**

### **1. Introductions**

*The Head Teacher/chair of the committee introduces him/herself and invites all others to introduce themselves. The Head Teacher/chair of the committee runs through the agenda.*

### **2. Nature of the complaint**

*The Head Teacher/chair of the committee specifies the complaint and checks that all parties have the relevant documents.*

### **3. Presentation by management**

*The person nominated to carry out the investigation presents the management's case and calls any witnesses.*

### **4. Questions by member of staff**

*The employee and/or representative may question the person presenting the management's case and each of the management's witnesses after they have given their primary evidence.*

### **5. Questions by Head Teacher/committee members**

*The Head Teacher/members of the committee may question the person presenting the management's case and each of the management's witnesses after they have given their primary evidence and been asked any questions by or on behalf of the employee.*

### **6. Presentation by member of staff**

*The employee and/or the representative presents their case. Witnesses may be called.*

### **7. Questions by the person presenting the management's case**

*The person presenting the management's case may question the employee and each of the employee's witnesses after they have given their primary evidence.*

### **8. Questions by Head Teacher/committee members**

*Head Teacher/Members of the committee may question the employee, representative and each of the employee's witnesses after they have given their primary evidence and have been asked any questions by the person presenting the management's case.*

### **9. Final statement by management**

*The person presenting the management's case may make a final statement.*

### **10. Examining of witnesses**

*Each side may re-examine their witnesses after they have been asked questions by the other side.*

### **11. Final statement by employee**

*The employee and/or representative may make a final statement.*

**12. Withdrawal**

*Both parties withdraw to allow the Head Teacher/committee to discuss findings and come to a decision. The clerk to the committee and/or HR representative remain. The parties may be asked to remain available in case the Head Teacher/committee need to clarify any point.*

**13. Adjournments**

*Either party may request adjournments during the course of the hearing.*

## **9 - Model Agenda for Appeal Hearing**

### **1. Introductions**

*The chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The chair of the Appeal Committee runs through the agenda.*

### **2. Nature of the complaint**

*The chair of the Appeal Committee specifies the complaint and checks that all parties have the relevant documents.*

### **3. Presentation by management**

*The Head Teacher or their representative presents the management's case and calls any witnesses.*

### **4. Questions by member of staff**

*The employee and/or representative may question the Head Teacher or person presenting the management's case and each of the management's witnesses after they have given their chief evidence.*

### **5. Questions by committee members**

*Members of the committee may question the person presenting the management's case and each of the management's witnesses after they have given their chief evidence and been asked any questions by or on behalf of the employee.*

### **6. Presentation by member of staff**

*The employee and/or representative present their case. Witnesses may be called.*

### **7. Questions by Head Teacher or his /her representative**

*The person presenting the management's case may question the employee and each of the employee's witnesses after they have given their chief evidence.*

### **8. Questions by committee members**

*Members of the committee may question the member of staff and each of the employee's witnesses after they have given their chief evidence and have been asked any questions by the person presenting the management's case.*

### **9. Examining of witnesses**

*Each side may re-examine their witnesses after they have been asked questions by the other side.*

### **10. Final statement by management**

*The Head Teacher or their representative may make a final statement.*

### **11. Final statement by employee**

*The employee and /or representative may make a final statement.*

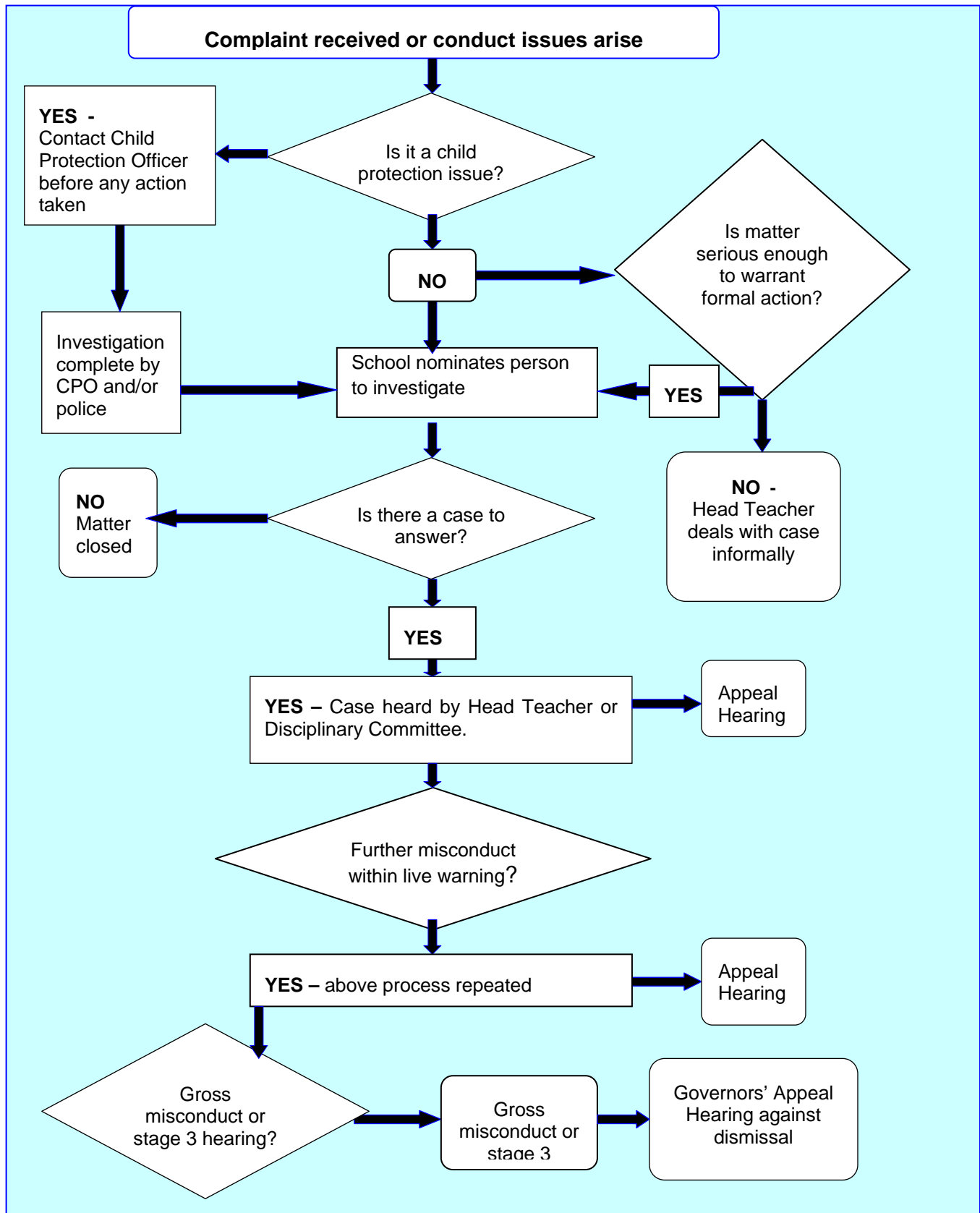
**12. Withdrawal**

*Both parties withdraw to allow the Appeals Committee to discuss findings and come to a decision. The clerk to the committee and HR/L.A. representative remain. The parties may be asked to remain available in case the committee need to clarify any point.*

**13. Adjournments**

*Either party may request adjournments during the hearing.*

## Appendix 3 – Disciplinary Process



## Appendix 4 – Summary of Stages/Actions

