



Disciplinary Policy and Procedures

Contents

	Page No
1. Introduction	3
2. Scope of Policy	3
3. Aims	4
4. Responsibilities	5
5. Representation	6
6. Disciplinary matters relating to a Trade Union Official	6
7. Definitions of misconduct and gross misconduct	7
8. Informal Stage	7
9. Formal Procedure	9
1. Suspension	9
2. Alternatives to suspension	10
3. Terms of suspension	10
4. Employee requests of access during suspension	10
5. Monitor and review	11
6. Investigations	11
1. Purpose	
2. Scope of the investigation	
3. Investigation Report	
4. Potential Investigation Outcomes	
5. Timescales	
6. Vulnerable, children/students or other groups	
10. Child Protection/Safeguarding	14
11. Alleged Criminal Offences	15
12. Confidentiality	15
13. Employee Failure to Cooperate	16
14. Record Keeping	16
15. Disciplinary Hearing - Procedure of the Hearing	18
16. Notify the Employee of their Right of Appeal	19
17. Dealing with non Attendance	20

18.	Disciplinary Sanctions	21
	1. No case to answer	21
	2. Verbal Warning	21
	3. Written Warning	21
	4. Final Written Warning	21
	5. Dismissal with notice	22
	6. Summary Dismissal (without notice)	22
	7. Other remedies	22
19.	Duration of Warnings	22
20.	Overlapping Disciplinary & Grievance issues	22
21.	Protected Acts	23

Annex:

Annex 1 - Examples of Potential Misconduct	25
Annex 2 - Examples of Potential Gross Misconduct	26
Annex 3 - Sequence to be followed at a Disciplinary Hearing	28
Annex 4 - Sequence to be followed at Appeal Hearings	30
Annex 5 - Model Letters:	31-40
A. Suspension letter	
B. Invitation to an Investigatory/Exploratory meeting	
C. Outcome of Investigation letter	
D. Invite to Hearing letter	
E. Outcome of Hearing Letter	

1. Introduction

1.1 Tor Bridge High has established this policy in recognition of our statutory obligation to adopt formal policies and workplace procedures for managing staff conduct and discipline in a fair and consistent manner. This procedure will be used to promote good employee relations and deal with situations at work which related to alleged or apparent shortcomings in an employee's conduct. It is designed to encourage improvements in individual conduct, attendance and performance [except where capability is in question] whilst providing an equitable method of dealing with cases of unacceptable behaviour

1.2 The day to day supervision of employees is part of the normal management process and is outside the formal procedure for dealing with breaches of discipline. There is likely to be less recourse to the formal procedure if deficiencies in an employee's conduct are brought to his/her attention at the earliest possible stage by his/her immediate supervisor in the course of that person's normal duties.

1.3

This policy and procedure will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status. Furthermore, Tor Bridge High recognises its responsibility to ensure the implementation of the rules of natural justice as part of this policy and procedure:

- The employee should know the nature of the accusation against him/her;
- The employee should have an opportunity to state his/her case;
- Management should act in good faith.

2. Scope of Policy

2.1 This policy and procedure applies to all staff of Tor Bridge High employed under the provisions of the following negotiating bodies as amended locally:

- School Teachers' Pay and Conditions Review body
- NJC for Local Government Services

2.2 This procedure does not apply to employees who are on a probationary period. Separate guidelines for this group are given in the Tor Bridge High Probationary Policy.

2.3 In addition, this procedure does not apply in the following situations:

- Termination of a fixed term or temporary contract
- Dismissal due to redundancy, including early retirement (See Redundancy Policy and Procedure).
- Dismissal due to ill health which will be dealt with under Staff Absence Policy unless there is evidence that the absence or ill health are not genuine.
- Competence or capability issues are dealt with in accordance with Tor Bridge High's Capability Policy and Procedure unless the employee is capable or reaching the required standard but has chosen not to.

- Grievances are dealt with in accordance with the Staff Grievance Policy.

2.3.1 Appeals against dismissals for the above reasons will be heard in accordance with the Appeal hearing procedure outlined in paragraph 16 and *Annex 4*.

2.4 References to 'Line Manager' contained in this Policy could, depending on the circumstances, be any senior member of staff required to perform a role within the disciplinary process. It could also refer to a governor, who for example, is required to perform a role in relation to dealing with an issue involving the Headteacher or other staff member where it is felt appropriate.

2.5 Conduct outside work which fails to meet the standard expected of an employee of the School will be dealt with in accordance with this policy.

2.6 Misconduct or criminal offences that have occurred outside of the workplace may be dealt with under these procedures if the employee's conduct or activities:

- Make them unsuitable for the job they are employed to do; and
- If it is of such a nature as to have the potential to cause serious damage to the School's reputation.

(see paragraph 11 for further details)

2.7 This procedure forms part of the Contract of Employment for employees.

2.8 Advice and guidance on this procedure can be sought from Tor Bridge High's Business Manager.

3. Aims

3.1 The disciplinary process is designed to help and encourage employees to achieve and maintain acceptable standards. The purpose of a formal procedure is to ensure that when disciplinary action needs to be taken it is both fair and reasonable.

3.2 This Disciplinary Policy and Procedure comply with best practice as detailed in the Advisory, Conciliation and Arbitration Service (ACAS) Codes of Practice and advocated by the Chartered Institute of Personnel and Development.

3.3 The Disciplinary Policy and Procedure is designed to promote equality, fairness and consistency within the School and takes account of the School's Equality Policy and Statement.

3.4 The Disciplinary Policy and Procedure takes account of the DfE Professional Teachers' Standards for teachers and the ACAS Code of Practice and the views of recognised Professional Associations / Trade Unions.

4. Responsibilities

4.1 Local Governing Body, and Headteacher

Have a responsibility to avoid discrimination, improve communications and promote positive employee relations throughout the School both with employees and their representatives. They have the overall responsibility for promoting and maintaining

standards of work conduct. Informal guidance does not form part of the formal disciplinary procedure.

4.2 Strategic and Leadership Team (SALT)

The Headteacher and Leadership Team will have delegated authority to take disciplinary action in all cases except those involving possible dismissal. Employees will have the right to appeal the decision to the LGB.

4.2.1 In the event of a member of the Leadership team being the subject of disciplinary action, the Governors will be responsible for disciplinary procedures.

4.2.2 There may be certain circumstances where the delegation of authority outlined in 4.2 will not apply. For example;

The Headteacher has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss or is a witness to conduct which may lead to dismissal.

4.2.3 In such circumstances the LGB will be responsible for the disciplinary procedure.

4.3 Management

Local Governing Body, the Headteacher and all employees with line management duties are responsible for setting and maintaining standards of performance within the school. They are also responsible for ensuring that disciplinary rules are in place and that employees are aware of and have access to these rules.

4.4 Employees

All employees within the School have a responsibility to make sure they can access and understand the rules governing their performance and behaviour in the workplace. They also have a responsibility to endeavour to meet these standards as a representative for, and employee of the School.

There is a requirement for employees to declare any conflict of interest that arises if they are involved in disciplinary matters.

4.5 Staffing Panels

Staffing panels should consist of 3 governors who will have had no prior involvement with the case.

5. Representation

5.1 All employees being interviewed as part of a formal procedure have the right to be represented at this interview by a trade union representative, an official employed by a trade union or a work colleague. (See section 8.3) for further information on accompaniment at informal meetings. A trade union representative who is not an employed officer must be certified by the union as being competent to accompany an employee.

5.2 A reasonable request for other categories of companion other than those specified in section 5.1 above, for example a friend or relative, will be considered but

the right is reserved to decline such requests for example in the case of a request for a solicitor to be present.

5.3 The employee is responsible for arranging his/her representation including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date that is reasonable and not more than five working days after the date originally proposed.

5.4 The companion may address the meeting/hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

5.5 The School will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability for other special need identified. Advice should be sought from the Business Manager.

6. Disciplinary matters relating to a Trade Union Official

6.1 Normal disciplinary standards apply to the conduct of Trade Union Officials and Employee Representatives.

6.2 In accordance with the ACAS Code of Conduct, no disciplinary action will be taken against a trade union representative until a full time official of the Union concerned has been notified.

This does not prejudice management's right to suspend an employee on full pay pending an investigation, if such action is considered appropriate, as suspension is not a disciplinary sanction.

7. Definitions of Misconduct and Gross Misconduct

7.1 Misconduct

Misconduct is where an employee breaks specific rules about behaviour or conduct; falls below expected standards and is usually wilful. There may be occasions when negligent conduct amounts to misconduct. Breaches of reasonable conduct at work can take many forms. A list of behaviours which may be considered as forms of misconduct can be found at *Annex 1*. The list is not exhaustive and there may be other examples relating to particular jobs where disciplinary action may be warranted following a thorough examination of the circumstances involved. Consideration will always be given to the particular circumstances.

7.2 Gross Misconduct

Gross misconduct is a term used to describe misconduct which is so serious that it may destroy the employment contract between the employer and the employee and make further working relationships and trust impossible. It justifies the management no longer accepting the continued presence of the employee in his/her

employment. Some gross misconduct breaches of discipline may be regarded as serious enough to warrant summary dismissal without reference to any prior warnings. Examples of the sorts of conduct that could be regarded as gross misconduct, rendering the employee liable to dismissal or summary dismissal, can be found at *Annex 2*. This list is not exhaustive.

8. Informal Stage

8.1 Local Governing Body (LGB), the Headteacher and employees are encouraged to deal with low level and minor issues of conduct informally, in the first instance.

8.2 The benefits of informal action

Minor breaches of discipline can often be dealt with informally with benefits to the employee and the School. The advantage of this approach would be to resolve the problem or correct the inappropriate behaviour as quickly as possible to reduce the risk of disruption to learning and/or of a team, de-motivation and absenteeism for example. In many cases an early intervention and a word by the line manager will be sufficient to address the issue.

The situation should be monitored and reviewed and failure to improve or a repetition of the offence may lead to formal action being necessary. (Please refer to the School's Performance Management & Managing Attendance Policies).

8.3 Informal process

Informal action may not always be practical, possible or appropriate. For example, it would be inappropriate to respond to an allegation of gross misconduct using informal methods.

Informal action may take the form of discussions between the line manager (who may be the Headteacher) and an employee, to establish the facts of the case. If during this informal discussion, it becomes apparent that formal action may be necessary, the line manager must adjourn the meeting, tell the employee why the meeting has stopped and a formal meeting will be arranged for another time, (to be mutually agreed), which is when the process then becomes formal.

The reason for this adjournment is that an employee has a statutory right to be represented at a formal meeting, (Dispute Resolution regulations 2004) and the employee must be notified of this right and be given every opportunity to arrange for a representative.

Whilst there is no statutory right for formal representation at an informal meeting, an employee may wish to bring a companion with them for support. Reasonable requests should be considered, particularly in the case of vulnerable or special groups. However the line manager reserves the right to refuse requests. (See Section 5 Representation)

Informal meetings are by their nature unofficial. However the line manager may make file notes or diary entries. These notes may be subsequently used as part of an on-going fact finding exercise

8.4 Possible outcomes of informal action

There may be a number of possible outcomes from informal action, including the following:

- No further action is necessary
- Objective setting to improve individual conduct or performance including specific, measurable, achievable, relevant and time-specific objectives set by the line manager and discussed and agreed with the employee. (Please refer to the School's Performance Management and Capability Policies).
- Training needs may be identified and a programme of learning and development may be implemented, with consultation and support from appropriate training resources. The timescale for this training programme will depend on the individual circumstances of each case.
- In certain instances, mediation may assist in relation to disciplinary issues. In such cases, subject to the agreement of both parties, mediation can be arranged to try to settle the matter
- An occupational health referral for consultation, counselling or medical assessment may be appropriate as part of the School's duty of care to employees.
- Monitor and review the situation, as part of regular supervision and performance management by the Line Manager

9. Formal Stage

Disciplinary action will not be taken until the allegations have been investigated. Notes of all meetings should be taken and kept at all stages of the formal process.

9.1 Suspension

9.1.1 Suspension from work pending or during an investigation is not a disciplinary sanction and does not imply guilt. It is a neutral act. It is a measure which should only be used after careful consideration and under certain circumstances. Suspension should be considered when the employee's continued presence in the workplace:

- puts themselves or others at risk
- could potentially hamper or compromise the investigation process.
- seriously undermines the reputation of the School
- where there is a risk of repetition of any serious alleged misconduct
- alleged or committed criminal activity outside of work which may affect whether they can do their job
- when there is an allegation of gross misconduct which may lead to dismissal

The situations above are purely illustrative and the list is not exhaustive. The Headteacher, Chair of LGB reserve the right to suspend according to individual circumstances.

9.1.2 A decision to suspend an employee will be taken by the Headteacher (Chair of Governing Body in the case of the Headteacher). The Headteacher must also inform the Business Manager. A meeting should be arranged with the employee to explain why suspension is being considered within 5 working days.

9.1.3 The employee will be informed that they may bring a certified trade union representative or a work colleague to this meeting. The employee will be informed of the nature of the allegations. Any responses the employee may wish to give as to why they should not be suspended should be considered prior to a decision being taken. The Headteacher or Chair of Governing Body will then verbally confirm the decision at the meeting and in writing within five working days. If the decision is to suspend the employee, then the letter will outline the reasons for the suspension and the nature of the allegations. (See Annex 5 - Model letter)

9.1.4 In exceptional circumstances more urgent action may be necessary where there is not sufficient time to allow for trade union representation. In these circumstances. The employee should be asked to leave the workplace immediately and will be escorted off site. The employee will be allowed to make representations either at a subsequent meeting with his trade union representative or in writing. Written confirmation of suspension will be sent as soon as possible and within three working days of the suspension date.

9.2 Alternatives to suspension

9.2.1 Wherever possible, consideration should be given to alternatives to suspension such as temporary redeployment, duties, working arrangements or a transfer of workplace.

9.2.2 The benefits of alternatives to suspension are that it keeps the employee actively engaged in work during a period of uncertainty.

9.2.3 Maintaining contact with the School during temporary arrangements may assist the individual with access to the Trade Union representative and help with case preparation should formal disciplinary action ensue.

9.2.4 The Headteacher, Chair of LGB should document in a letter to the employee that suspension was considered but outline the reasons why it was considered inappropriate.

9.3 Terms of suspension

9.3.1 When a decision to suspend has been confirmed, the terms of the suspension must be stated in writing to the employee. (See Annex 5)

9.3.2 The content of this letter will depend on individual circumstances but broadly should include the reason for the suspension and what the employee should and should not do during this period. For example, the employee will be prohibited from returning to their place of work without pre-arranged accompaniment. They must not speak to work colleagues, members, governors, parents or students about the case, unless this person has been assigned as a support person or a representative for the employee.

9.3.4 If an investigation has been commissioned, the suspension letter may also include basic information about the investigation, for example, who has requested the investigation (the Commissioning Officer), who is undertaking the investigation (the Investigating Officer) and what will be investigated. The letter should state that the investigation and disciplinary procedure will be completed as soon as possible and in accordance with the **ACAS Code of Practice** on disciplinary and grievance procedures.

9.4 Employee requests of access during suspension

9.4.1 During the suspension period, an employee must remain available to cooperate with ongoing investigations which may require their attendance. The employee will have a right to representation at such an investigation interview.

9.4.2 If formal disciplinary action is the outcome of the investigations, the employee on suspension should be given every opportunity to fully prepare their case. This may involve the release of relevant documentation or access to School employees as potential witnesses at a disciplinary hearing.

9.4.3 A support person, for example a member of the HR team, may be assigned to an employee on suspension or temporary redeployment, depending on the circumstances of the case. This person can guide and assist the employee on welfare and procedural matters and be a focal point for questions or queries.

9.4.4 A senior school colleague who is unconnected with the case will be given responsibility for maintaining contact with the member of staff during the period of suspension.

9.4.5 An employee on suspension may be considered for inclusion on a list relating to the protection of vulnerable groups, for example the Disclosure & Barring Service (DBS) Barred List in light of the Protection of Children Act 1999. Further guidance can be sought from the Local Authority Designated Officer.

9.5 Monitor and review

9.5.1 The terms of reference around the suspension or redeployment should be regularly monitored and reviewed by the Headteacher and adjustments made where appropriate.

9.5.2 For example reasonable requests by the employee or their representative for information to help them prepare their case for a potential disciplinary hearing will be considered. Further guidance can be sought from the School's Business Manager.

9.5.3 If the terms of the arrangements are broken by the employee, management reserves the right to take further action that may be necessary, for example considering suspension if an employee is currently on redeployment. The employee must be advised of this change in writing. Please seek further guidance from the Business Manager.

9.5.4 A suspension can only be lifted by the Headteacher or Local Governing Body (LGB).

9.6 Investigations

No formal disciplinary action will be taken without a prompt and appropriate investigation into the circumstances. Advice should be sought from the Schools Business Manager at an early stage when considering formal procedures.

9.6.1 Purpose

The purpose of an investigation is to undertake a fair and objective enquiry into a specific allegation or allegations against an employee of the School

9.6.1.a The Commissioning Officer will commission an investigation and specify the terms of reference. The Commissioning Officer will usually be the Headteacher or in the case of the Headteacher, the Chair of LGB. Where allegations are made against the Headteacher, an independent investigating officer will be nominated.

9.6.1.b The Investigating officer will be given guidance around the role of investigating officer and will be supported by the Business Manager. The investigation should be comprehensive and unbiased and carried out where possible, in accordance with the ACAS guidance - Conducting workplace investigations.

9.6.1.c The Investigating officer will write to the employee (*See Annex 5*) at the earliest opportunity and give the following information:-

- Details of the allegation/s.
- Copies of appropriate and available information.
- A copy of this Disciplinary Policy and Procedure.
- Time and date of an investigation meeting.
- Confirmation of his/her right to representation by a trade union representative or work colleague, at all meetings.

No fewer than five working days' notice must be given for any formal meeting.

9.6.2 Scope of the investigation

9.6.2.a An investigation is not a disciplinary hearing. An employee at the centre of the allegation and any witnesses should be reminded of this before interviews commence.

9.6.2.b Witnesses should be reminded that one of the outcomes of the interview is that the information given may be used at a disciplinary hearing.

9.6.3 Investigation report

9.6.3.a Once an investigation is concluded, a report will be generated. This document includes a summary of why the report was commissioned, it explains who the Commissioning Officer and the Investigating Officer are, the terms of reference around the investigation and the methodology used to gather information. The Investigating Officer should summarise the findings of the investigation, review the evidence collated and make a recommendation based on what has come out of the investigation process. The Commissioning Officer will give consideration to a range of outcomes in response to the allegations and the investigation findings (see paragraph 9.6.4) and decide what further action, if any, to take.

9.6.3.b The report shall be factual and specific, focused around the terms of reference. It should contain comprehensive notes and reports from other sources if appropriate. Witness statements should be signed and dated and notes taken at all formal meetings. The report may be used as part of a bundle of documents at a disciplinary hearing.

9.6.3.c In the case of the Headteacher, the investigating officer will submit a report to the Chair of LGB. The Chair of the LGB will decide if any further action is required and whether there needs to be a formal hearing convened with the Governing Body.

9.6.4 Potential investigation outcomes

9.6.4.a **No case to answer**

It may be that having conducted a full investigation, the Commissioning Officer decides that there is no foundation to the allegations and that there is consequently no case to answer.

9.6.4.b **Remedial action**

Such as further training and supervision or a referral to occupational health or counselling. It may also involve transferring the employee to another job, however this can only occur if another post is identified and the employee agrees to the move. Further guidance can be sought from the Business Manager.

9.6.4.c **Mediation**

A formal structured process of mediation, requiring employee involvement to decide on a mutually agreeable way forward or solution. This can be undertaken by the employee's line manager/ Supervisor or if appropriate, another manager not previously involved in the case. The mediator should be confident and skilled in the mediation process.

9.6.4.d **Further investigation**

During which the terms of the employee suspension or temporary redeployment may need to be reconsidered or redefined.

9.6.4.e **Formal disciplinary action**

If formal disciplinary action is recommended by the Investigating officer, the formal disciplinary procedure will apply and the matter will be referred to the Headteacher or LGB Panel.

9.6.4.f Individuals directly involved in the investigative process may present a case or appear as a witness, but may not give advice nor sit on any subsequent Disciplinary Hearing panel.

9.6.5 Timescales

Interviews should be timely with as little disruption to all parties as is reasonable and practicable. The advantage of investigating close to the alleged incident/issue and source of the allegation is to minimise the risk of evidence contamination or compromise witness recall of events.

9.6.6 Vulnerable children or other groups

9.6.6.a Vulnerable individuals should not be interviewed unless absolutely essential and then only in the presence of a representative or companion of their choosing, for example a social worker or parent. Arrangements should be made to accommodate special groups for example using the services of an interpreter or Braille translation. It is appropriate to interview children that are not deemed vulnerable in respect of the allegation being investigated.

9.6.6.b Reasonable adjustments should be made for special groups or employees who have a disability, in accordance with the Equality Act 2010.

9.6.6.c Cultural and/or gender issues should also be given consideration, for example making the services of an interpreter available for employees.

9.6.6.d If it is necessary to interview students formally, their parents/guardians must be informed.

9.6.6.e If appropriate a parent/guardian may accompany a child during the interview but must not significantly contribute to the interview.

9.6.6.f Where possible the employee's representative will have the opportunity to be present at an interview with a student to avoid the necessity of interviewing the pupil more than once as long as this is not prejudicial to the disclosures likely to be made by the student. If it is thought the presence of another adult may be intimidating the employee's representative will be provided with a transcript of the interview.

Wherever possible, a factual record of the discussion will be agreed to avoid the child being called as a witness at any subsequent disciplinary hearing.

10. Child Protection/Safeguarding

10.1 If a complaint against an employee of the School relates to a child, this must be referred to the Local Authority Designated Officer (LADO) to discuss how to proceed. The outcome may be that a management allegations strategy meeting is required and the LADO or equivalent will convene this meeting.

10.2 If the allegation is substantiated and the employee is dismissed, the School will take advice from the LADO to determine if referral should be made to the Disclosure and Barring Service and the Barred List.

10.3 If the allegation is substantiated and the employee is given a warning, this will remain on his/her personnel file and will become time expired after the duration specified in paragraph 19. The warning will only be taken into account if relevant and reasonable to do so in the context of the responsibility for the safeguarding and protection of children.

10.4 The School will refer cases of serious misconduct to the Teaching Regulation Agency (TRA) who is responsible for investigating allegations of serious misconduct against teachers and headteachers in England. The TRA will determine if the misconduct warrants a decision on whether the teacher should be prevented from teaching.

11. Alleged Criminal Offences

11.1 The ACAS booklet on Discipline at Work provides good advice to employers when confronted with special situations such as this. The first question to be asked is whether the alleged offence (or conviction) merits action because of its employment implications? Does the offence make the employee unsuitable for their type of work, or unsuitable to remain in their present employment?

11.2 The School should investigate the facts as far as possible, come to a view about them and consider whether the conduct warrants disciplinary action. Where it determines that such action is required, the School does not need to wait for the outcome of the prosecution before taking fair and reasonable action. In these circumstances the procedure set out in cases of misconduct or serious/gross misconduct shall be applied as appropriate.

11.3 In some cases the nature of the alleged offence may not justify disciplinary action – for example, off-duty conduct which has no bearing on employment – but the employee may not be available for work because they are in custody or on remand. In these cases the School should decide whether, in the light of the needs of the organisation, the employee's job can be held open. Where a criminal conviction leads, for example, to the loss of a licence so that continued employment in a particular job would be illegal, the School should consider whether alternative work is appropriate and available.

11.4 Where an employee, charged with or convicted of a criminal offence, refuses or is unable to cooperate with the School's disciplinary investigations and proceedings, this should not deter the School from taking action. The employee should be advised in writing that unless further information is provided, a disciplinary decision will be taken on the basis of the information available and could result in dismissal.

11.5 Where police or other investigations are being carried out in relation to this paragraph, a suspension may be continued until the investigations are complete or, where appropriate, court action taken. This must be handled carefully and in accordance with Police instructions so as not to interfere or compromise the police investigation. Suspension in these circumstances could be in the best interests of the School or the employee. The Business Manager should be consulted before action is taken.

12. Confidentiality

12.1 The importance of confidentiality is paramount throughout the investigation and Investigating Officers should ensure that everything discussed will be treated in strictest confidence. A request by the Investigating Officer for an employee to participate in an investigation is a reasonable management request. However in some situations, a witness statement could be provided as an alternative.

13. Employee failure to co-operate

13.1 An employee at the centre of a potential allegation or allegations must co-operate with the Investigating officer as part of the information gathering process. Wilful refusal to co-operate with an investigation is a disciplinary offence in

itself. The implications of failing to co-operate or wilfully hinder an investigation may lead to further action being taken against the employee.

14 Record Keeping

14.1 Keeping accurate and contemporaneous records is essential, particularly in the event of referral to an Employment Tribunal. This should include details of all investigations, correspondence, statements and meeting notes. The notes need not be verbatim, and there is no requirement for agreed minutes; however, it is good practice to attempt to agree minutes, particularly in the case of interview records. It should be kept in mind that an Employment Tribunal could be an extended time after the matter was considered internally.

14.2 Records are confidential and must be held in a confidential and secure manner. The issues raised under this procedure are often particularly sensitive, and it is essential that information is kept in accordance with the Data Protection Act 1998 and the General Data Protection Regulation 2018, as may be applicable.

14.3 Documentation that should be retained includes:

- All papers presented at the disciplinary and appeal hearing.
- Notes of meetings (contemporaneous or otherwise).
- Information collated by the panel or used to assist in making a decision.
- Confirmation of the decision, or other supplementary correspondence.
- Clarity on how decisions were reached and disciplinary action determined.

15. Disciplinary Hearing

15.1 The employee will be informed in writing (by registered post and email) that they are required to attend a disciplinary hearing before either the Headteacher or Governors Staffing Panel, including the time, date and location of the hearing with at least 5 working days' notice from receipt of the letter. If the employee is unable to attend this hearing for a valid reason, a new date will be set within five working days. (See Annex 5) This letter should also contain the following:

- The specific nature of the allegation(s)
- The names of the panel members (where known and TBC)
- Right to produce written statements and call witnesses
- Right to representation
- The names of management witnesses
- That an independent note-taker will be present.
- All supporting documents to be used as evidence by management.
- The possible/likely outcome of the hearing if the allegations are considered proven i.e. warnings, dismissal etc.
- A copy of the Disciplinary Policy and Procedures.

15.2 Employees should also be reminded that if they fail to attend the hearing without reasonable notice and without good reason, it will be held in their absence. In these circumstances the employee must be advised they can be represented in their absence by a Trade Union representative or work colleague and/ or provide a written submission.

15.3 Should the employee wish to call witnesses or to provide relevant paperwork, this should be provided to the Headteacher/ Chair of the panel at least 2 working days prior to the date of the hearing

15.4 It is for the Headteacher/Chair of the panel to decide whether late evidence from either side is acceptable. The views of both parties should be sought when considering the late admission of evidence, and the Headteacher/Chair should consider fairness and reasonableness when making their decision. If the late evidence accepted is in written form, then it would be usual to allow a brief adjournment for reading the document(s)

15.5 If the employee's chosen representative is not able to attend, an employee may offer a reasonable alternative time within five working days of the original date, unless mutually agreed otherwise.

15.6 A formal hearing can be before either the Headteacher or a panel of Governors (minimum of 3 none of whom will have had direct involvement in the case) depending on the circumstances i.e.:

- If the Headteacher has not undertaken the role of Investigating Officer, s/he may hear the matter unless a possible outcome may be dismissal.
- The Governors Panel may hear charges of gross misconduct and/or where the outcome could be dismissal.
- The matter can be heard by the Governors Panel where either the Headteacher or the employee believe it will provide a more impartial and/or objective forum.

15.7 The Headteacher/Chair must:

- ensure that the employee receives a fair and impartial hearing;
- is encouraged to be represented or accompanied;
- is given the opportunity to present his/her case or have it presented;
- is given the opportunity to bring witnesses;
- is given the opportunity to question the investigating officer and any management witnesses.

Procedure for the Disciplinary Hearing

15.8 A detailed sequence of events outlined in *Annex 3* should be followed for all disciplinary hearings. The sequence for appeal hearings is detailed in *Annex 4*. All mobile phones and recording devices must be switched off at all times within the Hearing or left outside the room where the Hearing is being held. No recording will be allowed without the prior agreement of all parties.

15.9 Procedural issues and objections can be raised using this sequence and it allows for adjournments so the facts can be carefully considered. The aim of this sequence is to promote transparency, fairness and consistency in the application of the Disciplinary Policy and Procedure. Notes will be taken by either an independent minute taker or recorded by way of an approved and agreed recording device. Copies of all notes should be circulated to all parties as soon after the hearing as possible.

15.10 The Investigating Officer (s) will usually put forward the case against the employee at a disciplinary hearing.

15.11 A Chair will be nominated from amongst the panel members (in the case of a Governors panel).

15.12 Requests for an adjournment by the employee, their representative or management should be made to the Chair and the frequency should be reasonable and appropriate. Adjournments should not be used as a way of avoiding questions.

15.13 The Headteacher/Panel may wish to adjourn to deliberate the facts of the case before reaching a decision, consider procedural issues or matters for further clarification. The employee's personnel file may be examined during an adjournment; other sanctions which are not time-expired may be considered, if relevant to the current case.

15.14 Once the Headteacher/Panel have heard the case and are satisfied that all relevant evidence has been heard, they will consider all the facts of the case, whether these constitute unacceptable conduct and what the level of sanction, if any, should be. When the Headteacher/Panel are making a decision, they must consider the principles of natural justice and objectivity in considering the evidence. All parties other than the note taker and the assigned HR officer (where present) advising the Headteacher/ Panel, shall withdraw taking all personal belongings with them.

15.5 Inform the employee of the decision

15.5.1 If the Headteacher/Panel decide there has been no unacceptable conduct, they will call the employee back to inform him/her that there is no case to answer and that all record of the process will be removed from the file.

15.5.2 If the Headteacher/Panel consider that unacceptable conduct has taken place, they will call the employee and his/her representative back into the room to let him/her know and to ask if there is any mitigation.

15.5.3 Following the process at 15.5.2 and before deciding what disciplinary sanction to impose, if any, the Headteacher/Panel should, in addition to considering any mitigation, consider whether the employee has been subject to any previous disciplinary action and whether any warnings are still current. The decision of the Panel will take into account reasonableness and natural justice process and procedure principles provided by the Business Manager.

15.5.4 The employee will be notified by the Chair their decision verbally on the day, if possible. (See *Annex 3*)

15.5.5 This decision will be confirmed in writing within five working days of the meeting and sent to the employee by special delivery.

15.5.6 The confirmation letter must state the details of the findings including

- the exact nature of the proven misconduct and the reason for the sanction

- The basis of the decision
- any improvement that is expected with specified timescales and the standard of improvement required
- The disciplinary sanction being applied and where relevant, how long it will last
- Notification that further proven misconduct or failure to improve could lead to further disciplinary action which may ultimately lead to dismissal.
- Guidance on right of appeal. (See section 16 below on notifying the employee of their right of appeal).

15.5.7 If compulsory transfer or demotion is incorporated into the sanction, the employee must be advised of this verbally at the hearing and informed of this action in the confirmation letter.

16. Notify the employee of their right of appeal

16.1 An employee has a right of appeal against a disciplinary decision and details of how to appeal should be incorporated in the confirmation of decision letter.

16.2 Requests for an appeal should be made in writing to the Chair of LGB within five working days from receipt of the disciplinary decision letter.

16.3 The date of the appeal hearing will be agreed with the employee within ten working days of receipt of the appeal letter.

16.4 Wherever reasonably practicable, appeals will normally be heard within four weeks of the appeal being lodged.

16.5 The appeal letter should fully state the grounds on which the employee is appealing against the disciplinary decision. Appeals will only be considered on the following grounds:

- The procedure i.e. did a procedural fault(s) affect the fairness of the decision;
- The facts i.e. were the facts considered not relevant? Were the facts not substantiated? New evidence has come to light which was not available at the time of the original hearing and which may make a difference to the original decision;
- The decision i.e. were all the comments of the employee and all relevant issues explored; are there new surrounding or mitigating circumstances that could affect the decision;
- The disciplinary sanction i.e. was it overly harsh

16.6 Appeal hearings will be structured around the grounds of the employee's appeal only and will not be a full re-hearing of the case.

16.7 Appeals will be heard by a Governors Appeal Panel containing at least an equivalent number of governors to the original hearing panel, or in the case of a Headteacher having heard the case. A panel of 3 Governors.

16.8 Minutes of the Appeal hearing will be taken by an independent note taker or recorded by way of an agreed recording device, either option will be arranged by the Business Manager. Copies of the notes will be circulated to all parties as soon as practicable after the hearing.

16.9 The appeal may result in a variation or cancellation of the original decision. The Appeal Panel may not increase the original sanction. The decision of the Appeal Panel will be final and binding on all parties.

16.10 Notification of the Appeal Panel's decision and the reasons for that decision will normally be given verbally to all parties concerned and will always be communicated to the employee with five working days from the date of the disciplinary hearing. This letter should be sent to the employee by special delivery.

16.11 Where the outcome is to uphold the appeal, the Chair of the Appeal panel will rescind the decision and in the case of dismissal rescind the notice of dismissal and notify the Business Manager who will make the necessary arrangements.

17 Dealing with non-attendance

17.1 It is a legal obligation to rearrange a disciplinary meeting once only if the employee or their representative is unable to attend.

17.2 In accordance with ACAS guidance, the deferment of the hearing need only be for a maximum of five days.

17.3 The employee must take all reasonable steps to attend the meeting.

17.4 Sickness may be a reason given for non-attendance but is only valid if the employee is too ill to attend a formal meeting or disciplinary hearing. An employee may be too sick to work but fit enough to attend such a meeting. Guidance from occupational health may be sought if this is the case.

18 Disciplinary Sanctions

18.1 No case to answer

In this situation, no further action will be necessary and any reference to disciplinary action is removed from the employee's file.

18.2 Verbal Warning

This may be used for minor breaches of conduct and will remain on the employee's personal file for 6 months.

18.3 Written warning

This is used where a case of misconduct against an employee has been proven. This written warning will set out the nature of the misconduct/reasons for the warning and any improvements and the change in behaviour required. The employee will be notified that the warning constitutes part of the formal disciplinary process and that the consequences of any further misconduct of a similar nature could be a further or final written warning (particularly, but not exclusively, if the matter relates to a similar failing of standards) and ultimately dismissal during the life of the warning. The employee should be notified that (s)he has a right of appeal and that a record of the warning will

be kept on file but disregarded for disciplinary purposes after 12 months subject to continuous satisfactory conduct during this period.

18.4 Final Written Warning

18.4.1. This warning will be given where misconduct is not sufficient to justify dismissal, but is sufficiently serious that it warrants only one warning, or where the misconduct is considered serious enough to justify dismissal but a lesser sanction is appropriate in the particular circumstances. A final written warning may also be issued where there is still a failure to improve following previous written warning/s.

18.4.2 A final written warning will give the reason for the warning and advise that dismissal may result if there is no satisfactory improvement. It must state the right of appeal. A copy of the warning will be kept, but will be disregarded for disciplinary purposes after 12-18 months subject to continuous satisfactory conduct during this period.

18.4.3 A final written warning may, in the most serious of circumstances, be the first and last warning, even if there is no previous record of disciplinary action against the employee.

18.4.4 Where appropriate the Headteacher/Panel may consider imposing supplementary sanctions to accompany a written or final written warning or dismissal. These could include attendance at specific training.

18.5 Dismissal (with notice or pay in lieu of notice)

18.5.1 In cases of serious misconduct (*see Annex 2*) or repetition of misconduct (*see Annex 1*) the decision may be taken to dismiss with notice.

18.5.2 This sanction may be used in cases where a previous written warning has not resulted in the required level of improvement.

18.5.3 This sanction may require the employee to work their notice period or be paid in lieu of notice, giving an earlier termination date.

18.6 Summary dismissal (without notice)

This sanction will be administered in cases of proven gross misconduct (*See Annex 2*)

18.7 Other remedies

In addition to the above sanctions a number of other remedies may be considered by the Disciplinary Chair or Appeal Panel, for example:

- Redeployment that will take effect from the date of the disciplinary confirmation letter.
- Withhold incremental progression.
- Demote an employee within the same job with no protection of wages.

19. Duration of Warnings

Verbal Warning	6 months
Written Warning	12 months
Final Written Warning	12 - 18 months

19.1 After the expiry of any warning period where an employee's conduct has remained satisfactory, the warnings will be removed for the purpose of the employment relationship, e.g. for promotion, etc. however, a valid record of employment history will be retained separately

20 Overlapping disciplinary & grievance issues

20.1 During the disciplinary process an employee may only raise a grievance about disciplinary action when:

- they do not agree that the disciplinary action taken or contemplated, for example dismissal, is due to their conduct or capability; and/or
- where the employee considers that the disciplinary action constitutes unlawful discrimination.

20.2 Where the grievance and disciplinary are unrelated:

20.2.1 Disciplinary and grievance matters should be kept separate, wherever practical and reasonable to do so.

20.2.2 Depending on the nature of the grievance another senior member of staff may be brought in to deal with the grievance case independently of the disciplinary case.

20.3 Where grievance and disciplinary matters are related and linked:

20.3.1 For cases where the employer is contemplating dismissal, for example in allegations of gross misconduct, the Complainant must be given the opportunity to appeal against the grievance outcome, in accordance with the Dispute Resolution Regulations 2004.

20.4 The grievance meeting and any subsequent grievance appeal meeting should take place before the disciplinary appeal hearing (or within the same meeting see paragraph 20.5 below). This may mean that the disciplinary process may be delayed for a short period in order to resolve the grievance. The employee must be notified in writing of the delay and reasons given.

20.5 Whilst both issues can be dealt with at the same meeting, it will be difficult for the Complainant to appeal against the grievance outcome if they have been dismissed by the School at the same meeting. (Please seek further guidance from the Business Manager and refer to the grievance policy and procedure for more information on grievance matters).

20.6 Where the employee raises a grievance after the disciplinary appeal hearing, the full statutory grievance procedure should be followed unless the employee gives their written consent for the modified grievance procedure to be used.

21. Protected Acts

21.1 The Equality Act 2010 refers to 'protected acts' and it is considered victimisation for an employer to subject a worker to detriment if that worker has performed or may perform in the future, a protected act i.e.

- Bringing proceedings under the Act
- Giving evidence or information in connection with proceedings brought under the Act
- Doing anything which is related to the provisions of the Act
- Making an allegation (whether or not express) that another person has done something in breach of the Act
- Making or seeking a relevant pay disclosure to or from a colleague (including a former colleague).

21.2 Victimisation does not need a comparator and there is no time limit between the occurrence of the protected act and the detriment to the worker provided that a link can be proven.

21.3 If a complaint about discrimination leads to a disciplinary process where the complaint proves to be unfounded, the school must be careful not to subject the complainant (or any witness or informant) to any detriment for having raised the matter in good faith. Such actions qualify a 'protected acts' and detrimental treatment amounts to victimisation if a protected act is an effective cause of the treatment.

21.4 Should disciplinary action be considered arising out of the above, advice should be sought from the School's HR Team before any action is taken.

ANNEX 1

EXAMPLES OF POTENTIAL MISCONDUCT

- Misuse of Tor Bridge High's facilities such as internet and email.
- Poor time keeping and persistent lateness.
- Unauthorised absences from work.
- Persistent and frequent absenteeism and failure to follow notification procedures.
- Failure to follow reasonable management instructions, including insubordination.
- Failure to improve faults of a similar nature that build into a pattern of unacceptable behaviour, performance or attitude.
- Deliberately undermining the achievement of the team, school's goals and visions
- Wilful failure to adapt to changing technologies, methods and patterns of work (as distinct from inability to adapt which is dealt with under the capability procedure).
- Wilful neglect of duty.
- Breaches of safety regulations and safe working practices.
- Petty theft or embezzlement whilst at work.
- Deliberately falsifying work records.
- Being unfit for duty through drink or drugs (other than those which have been medically prescribed).
- Discrimination against students, employees or members of the public on grounds of their, age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- Bullying, abusing or threatening behaviour towards students and other employees.
- Wilful damage to or concealment of official records.
- Improper disclosure of written or verbal information which is clearly identifiable as confidential.
- Knowingly aiding and abetting a disciplinary offence.
- Knowingly making false or malicious statements about other employees or members of the LGB.
- Deliberate failure to report evidence or suspicion of any impropriety or breach of procedure on the part of another employee.
- Wilful non-compliance with Data Protection principles.
- Smoking on school premises.
- Action in breach of the Teaching Standards

ANNEX 2

EXAMPLES OF POTENTIAL GROSS MISCONDUCT

The public is entitled to demand the conduct of an employee of Tor Bridge High is of the highest professional standard. Public confidence in his or her integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives. Failure to uphold such standards is considered to be potentially gross misconduct.

The following are examples only:

- Stealing from the school or a colleague.
- Theft, dishonesty, fraud, misuse of School property, or deliberate falsification of records.
- Sexual misconduct and misbehaviour at work including indecent or obscene behaviour, offensive behaviour or sexual harassment.
- Substantiated allegations in relation to safeguarding and child protection issues.
- Deliberate falsification of claims for financial reimbursement with the intention of obtaining from the school a payment to which the claimant is not entitled.
- Deliberate and/or malicious damage to school property.
- Fighting or assault of any kind by an employee on any person.
- Knowingly breach financial regulations or security.
- Knowingly refuse to follow a reasonable formal legal management instruction including serious insubordination.
- Providing false information to support an application for employment, this includes, but is not limited to falsification of qualifications necessary for the post.
- Serious negligence which causes unacceptable loss, damage or injury, or acting in a manner dangerous to others
- Harassment intimidation or bullying of any kind, including sexual or racial harassment
- Publication or distribution of offensive material relating to any protected characteristic.
- Knowingly disclose matters of a confidential nature or break a trust to the disadvantage of the organisation.
- Failure to uphold the highest professional standard by the influence of improper motives.
- Unauthorised entry to computer records and deliberate misuse of the School's computer resources and telephone services.
- Serious breach of Data Protection Policy and GDPR.
- Serious incapability through alcohol or being under the influence of drugs.
- Serious breach of Health & Safety regulations.
- Bringing the School into serious disrepute.
- Misuse of the School's property or name.
- Breach of trust and confidence.
- Failure by an employee to report actual or suspected physical or sexual abuse or other inappropriate behaviour of a child or other vulnerable person by another employee or person.
- Serious breaches of Professional Codes of Practice
- Misuse of official position for personal or financial gain.

This list is not intended to be exhaustive and there may be several other breaches of conduct that may be deemed to be misconduct or gross misconduct.

ANNEX 3

SEQUENCE TO BE FOLLOWED AT A DISCIPLINARY HEARING

Documentation for the disciplinary hearing will be circulated to members of the disciplinary panel, HR representative (where appropriate), and all relevant parties in advance of the hearing. This must include a list of the witnesses to be called by both the school and employee's side at the disciplinary hearing.

The hearing will be attended by the Headteacher, or in cases where dismissal is a possible outcome, a Governors Panel (minimum of 3 Governors), the Employee and their representative if required; and the Investigating Officer(s) who may be accompanied by a HR Adviser; plus witnesses.

Sequence of Events:

1. Preliminaries

- Introductions, identification of panel members, employee, representative, HR support, note taker
- Where witnesses are called, they are only present for the period of questioning
- Notification to all present to switch off mobile phones and other electronic devices for the duration of the hearing including any adjournments. Where participants leave the room for adjournments/deliberations, they must take all personal belongings with them.

2. Investigating Officer Case

- The investigating officer will put his/her case in the presence of the employee and/or representative and may call witnesses.
- Employee/representative have the opportunity to question the investigating officer and witnesses
- Headteacher/Panel have the opportunity to question the investigating officer and witnesses
- Further questions if necessary from the Employee/representative
- Further questions if necessary from Headteacher/panel

3. Employee Case

- The employee or representative will put his/her case, including any mitigation in the presence of the manager and may call witnesses.
- The Investigating Officer/HR Support has the opportunity to ask questions of the employee/representative and witnesses
- Headteacher/panel have the opportunity to ask questions of the employee/representative and witnesses
- Further questions if necessary from Investigation Officer/HR Support
- Further questions if necessary from Headteacher/panel

4. Summing up

- The Investigating Officer/HR support will have an opportunity to sum up their case if they so wish. (No new evidence to be submitted at this point)
- The employee or their representative will have an opportunity to sum up their case if they so wish. (No new evidence to be submitted at this point)

5. Withdrawal

- All parties except the Panel and HR adviser (where present) will withdraw. The Headteacher/Panel will consider the evidence, determine if misconduct has taken place and decide on an outcome including disciplinary sanction (where relevant).

6. Recall all parties to clarify points of uncertainty, if necessary

- The Headteacher/Panel may recall the parties to clear points of uncertainty on evidence already given. If recall is necessary, all parties are to return.

7. Decision and Outcomes

- All parties will be recalled to hear the determination of the Headteacher/Panel on whether misconduct has taken place.
- Notification of the decision will normally be given verbally to all parties concerned and the reasons for the decision confirmed in writing within five working days from the date of the disciplinary hearing.
- This letter should include the right of appeal (where appropriate) and be sent to the employee by special delivery.

8. Close

ANNEX 4 - SEQUENCE TO BE FOLLOWED AT APPEAL HEARINGS

Documentation used and generated by the disciplinary hearing will be circulated to the appeal panel, HR representative, and all relevant parties in advance of the appeal hearing. This must include a list of the witnesses to be called by both the investigating officer and employees side at the Appeal Hearing.

The hearing will be attended by Appeals Panel Members (minimum 3 Governor's), Adviser to the Panel; the Employee and their representative; the Chair from original Hearing who may also be accompanied by their HR Adviser plus any witnesses.

Sequence of Events:

1. Preliminaries

- Introductions, identification of panel members, employee, representative, HR support, note taker.
- Explanation by the Chair of the Appeal Hearing process
- Where witnesses are called, they are only present for the period of questioning
- Notification to all present to switch off mobile phones and other electronic devices for the duration of the hearing including any adjournments. Where participants leave the room for adjournments/deliberations, they must take all personal belongings with them.

2. Sequence

- The employee or representative will put their grounds of appeal in the presence of management and may call witnesses.
- Investigating Officer/HR support will have the opportunity to ask questions of the employee and/or witnesses on the evidence given by them.
- The Panel and the HR Adviser may ask questions of the employee/representative/witnesses.
- Investigating Officer will put their response to the grounds of appeal in the presence of the employee and/or representative and may call witnesses.
- The employee or representative will have the opportunity to ask questions of the Investigating Officer.
- The Panel and the HR Advisor may ask questions of the management representative

3. Summing up

- Investigating Officer to sum up their case if required (no new evidence should be submitted at this point)
- Employee/representative to sum up their case for appeal (no new evidence should be submitted at this point)

4. Withdrawal

- All parties except the Panel and HR adviser to the panel will withdraw taking all personal belongings with them.

5. Recall all parties to clarify points of uncertainty, if necessary

- The Appeal panel may recall the parties to clear points of uncertainty on evidence already given. If recall is necessary, all parties are to return.

6. Outcome

- Appeal panel to consider the facts presented to them and reach a determination which will be conveyed verbally to all parties wherever possible. This will be confirmed in writing within five working days the appeal hearing. The decision of the Appeal panel is final

7. Close

ANNEX 5 - Model Letters

A - Suspension Letter

STRICTLY PRIVATE AND CONFIDENTIAL

Date

Disciplinary Procedures - Suspension pending investigation

Further to our meeting on I am writing to confirm that as ofyou have been suspended from your duties as until further notice. The suspension is a precautionary measure and is a neutral act without prejudice. It does not indicate any pre-judgment on the matter and is not a disciplinary penalty. It is in place pending the investigation of the following allegation(s) made against you: *Enter allegation(s) here*

You should be aware that the School's disciplinary policy state that although not automatic, suspension will be considered when:

- the actions puts themselves or others at risk;
- presence in the workplace could potentially hamper or compromise the investigation process
- seriously undermines the reputation of the School
- where there is a risk of repetition of any serious alleged misconduct
- alleged or committed criminal activity outside of work which may affect whether they can do their job
- when there is an allegation of gross misconduct which may lead to dismissal

A thorough investigation will be undertaken, during which you will be given full opportunity to offer any explanation or comments regarding the above allegations. You should remain available during normal working hours over the period of suspension. Any information that is gained during the process of the investigation may be presented at any subsequent disciplinary hearing.

I have nominated (*name and post title*) as the Investigating Officer and he/she will be supported by (HR representative from Tor Bridge High). You will receive a letter from the Investigating Officer inviting you to a meeting as soon as possible.

The suspension will be kept under review and could be lifted at any time if deemed appropriate to do so. You will continue to receive your normal pay and be bound by your terms and conditions of employment during the period of suspension, which will be for as short a period as possible, but will be sufficient to allow a thorough investigation. You are required to cooperate with the investigation and may be required to attend the workplace for investigative interviews.

Otherwise you should not attempt to enter the School site during the period of suspension and you must not have any discussion with staff about the suspension and associated allegation. You should let me have any property belonging to the School that may be needed during the period of suspension if you still have any, including all keys; likewise you should arrange with me to collect any of your personal belongs if you have not already done so.

During your suspension (*name and post title*) is your nominated contact who you will be able to communicate with to enquire about the process, discuss any concerns or to contact colleagues in the School who you may wish to ask to be witnesses on your behalf. If you know of any documents or information you think will be relevant to the matters

under investigation, please let me know as soon as possible. Similarly, if you require access to the premises or computer network for this purpose, this may be arranged under supervision.

I understand this is a difficult process and your health and well-being throughout this investigation is important, therefore if you require any support, such as independent confidential counselling or Occupational Health support, please contact (name and post title)

I have enclosed for your information the School's Disciplinary Policy and Procedures which outlines the procedure which will be followed. I would encourage and advise you to contact your Trade Union representative if you have not already done so.

Yours sincerely,
Headteacher

**B - INVITATION TO AN INVESTIGATORY EXPLORATORY MEETING
STRICTLY PRIVATE AND CONFIDENTIAL**

Date

Disciplinary Procedures - Invitation to Investigatory Meeting

I am writing to advise you that I have been appointed as Investigation Officer and I shall be undertaking a full investigation into the following allegation (s) that have been made against you.

Details of the allegation (s).....

You are required to attend an investigation meeting on [date] at [time] at [venue] This meeting is not a disciplinary hearing; however it is part of the formal process outlined in the School's Disciplinary Policy. The purpose of the Investigatory meeting is to establish relevant information and determine whether it is appropriate to take no action, or if further investigation is needed before a decision is taken to determine if a formal hearing is necessary. It also offers you the opportunity to explain or comment on the matter. [name(HR representative from Tor Bridge High) will accompany me – *if appropriate*]

You should be aware that notes will be taken at this meeting by [name] and any information which is gained during the process of the investigation may be presented at any subsequent disciplinary hearing with the Governing Body.

A trade union representative or work colleague may accompany you at this meeting and it is your responsibility to arrange this should you wish; you are encouraged and advised to do so.

Please confirm your attendance and whether you will be accompanied, by [date].

You will be informed in writing of the outcome of the investigation and the next steps in the process.

Yours sincerely,

.....
Investigating Officer

**C - OUTCOME OF INVESTIGATION & INVITATION TO HEARING LETTER
STRICTLY PRIVATE AND CONFIDENTIAL**

Date

Disciplinary Procedures - Outcome of Investigation

I am writing to advise you that the disciplinary investigation into the following allegation (s) is now complete.

Details of the allegation (s).....

The outcome of the investigation is: *[Please select the appropriate outcome from one the following].*

1. I can confirm that no disciplinary action will be taken and the matter is now concluded. I would like to thank you for your cooperation during the process.

2. Following careful consideration of the information and evidence gathered during the investigation it is felt that the nature of the issues warrant management guidance. The purpose of this letter is to confirm the guidance that you received verbally at our meeting on (date) to ensure that you are aware of the implications of any further incidents in regard to the issues investigated. *[Enter here reasons for the decision and the specific management guidance; including any other further recommendations such as training/supervision etc].* You should be aware that any further allegations of a similar nature will be dealt with under the same procedure where appropriate and this guidance may also be taken in to account and may result in a formal hearing of the Headteacher/Governing Body. Should you have any enquiries in regard to the contents of this letter please do not hesitate to contact me

3. Following careful consideration of the information and evidence gathered during the interview, I am recommending that a disciplinary hearing should be convened with the Headteacher/ Governors Panel [select appropriate]. The purpose of the hearing will be to listen to the facts presented by both parties and for the Panel to decide whether misconduct has taken place and if any disciplinary sanction is required. I must inform you that the outcome of this hearing could be a [notice for improvement/written warning/final written warning or dismissal – *delete as appropriate*]

You will receive notification of the date and time of the Disciplinary Hearing together with the bundle of information that the management intends to present at the hearing. You will be given the opportunity to include witness statements or witnesses at the hearing and you should forward details of these no later than 2 days before the hearing date. Please contact*[nominated contact]* should you require access to information held on school site.

.....

Investigating Officer

**D - INVITE TO HEARING LETTER
STRICTLY PRIVATE AND CONFIDENTIAL**

Date

Disciplinary Procedures - Invite to Hearing

I am writing to inform you that the investigation is now complete and I have received a report from the Investigating Officer.

The outcome of the investigation is that you are required to attend a disciplinary hearing on [date] at [time] at [venue]. The specific allegation(s) that will be considered at the hearing are:

Details of the allegation (s).....

You have the right to be accompanied by a certified trade union representative or work colleague but it is your responsibility to arrange this. I would encourage and advise you to do this. The investigation findings case will be presented by [name of investigating officer] and will/will not be calling any witnesses. [Insert names of witnesses if applicable].

Delete option below as appropriate:

.....[Headteacher will hear the case. Copies of the written evidence and relevant documents that will be presented to the hearing are enclosed.

OR

The case will be heard by a panel of Governors who will be supported by a HR representative. The names of the Governors are,, although this may be subject to change. (name) will also be present at the hearing to take minutes.

The following information should be supplied to me as soon as possible and no later than [date] (2 days before hearing);

- any written evidence or relevant documents you wish to be considered
- names of any witnesses and copies of their written statements detailing their evidence
- confirmation of your attendance and who will accompany you

Should late information be presented by either party, the Chair of the Hearing will determine if this can be admitted and used as evidence.

You should be aware that in accordance with the School's Disciplinary Policy and Procedures the sanctions that could be agreed by the Panel are:

- Notice to improve and/or relevant training
- Written warnings (first written or final)
- In serious cases where there is already written warnings on file or in the case of gross misconduct, dismissal.

Yours sincerely,

**E - OUTCOME OF HEARING LETTER
STRICTLY PRIVATE AND CONFIDENTIAL**

Date:

Disciplinary Procedures - Outcome of Hearing

Following the formal disciplinary hearing held on [insert date] attended by [insert names and titles], I write to confirm that having carefully considered all of the evidence and information presented that [select one of the below options]

1. No further action needs to be taken and the matter is now closed. [Provide reasons for the decision. Any records must be removed from the personnel file]. (While no action needs to be taken, training may be required).

2. The allegations made against you were found to be substantiated and at the hearing you were provided with an improvement note and/or training. [Enter specific details here and the reason for the decision]. Any further incidences of a similar nature or failure to improve conduct within [specify the time scale] could result in further action being taken under the Disciplinary Procedure.

3. The allegations made against you were found to be substantiated and the decision was that you receive a written warning to remain on your file for 12 months in accordance with the School's Disciplinary Policy [Enter specific details here and the reason for the decision]. 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.

4. The allegations made against you were found to be substantiated and the decision was that you receive a final written warning to remain on your file for 18 months in accordance with the School's Disciplinary Policy. [Enter specific details here and the reason for the decision]. Any further incidences of a similar nature or failure to improve your 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 the next 18 months

5. The allegations made against you were found to be substantiated and the decision of the panel is that you be dismissed with notice. The reasons for reaching this decision are as follows:..... You are entitled to a period of notice in accordance with your contract of employment of [enter notice period here]. Your last day of paid employment will therefore beYou should not attend the college/school during the notice period.

6. The allegations made against you were found to be substantiated. The Governor's panel considered your actions constitute Gross Misconduct and the decision is that you be summary dismissed without notice and without warnings. This was the unanimous decision of the Governor's Panel convened for the disciplinary hearing. The reasons for reaching this decision are as follows: *[ensure that full details are given here for example breakdown of trust and confidence, failure to uphold the highest professional standards, serious breach of duties in your role as a , conduct could potentially bring reputational damage to the School etc.]* In order to maintain the probity and reputation of the School, the Governor's can no longer continue to employ you therefore your last day of paid employment is [enter date of hearing].

You have the right to appeal against your dismissal. If you wish to appeal, you must do so in writing to the Clerk to the Governing Body, [enter relevant school] within 5 working days of the date of this letter, stating your grounds of appeal and in writing. You will then have a full opportunity to present your case at an appeal hearing in accordance with our disciplinary policy. You may be accompanied at the hearing by a Trade Union representative or a work colleague. Lodging an appeal will not delay the dismissal taking effect but if you are subsequently reinstated any lost pay will be reimbursed.

The following arrangements apply with immediate effect (but may be varied or revoked in the event of a successful appeal):

- (a) Your dismissal takes effect immediately and your final day of employment is [date of hearing]
- (b) You are not entitled to any period of notice or payment in lieu of notice.
- (c) You have no outstanding holiday entitlement
- (d) You will be reimbursed for any genuine expense claims submitted by [enter date]
- (e) You must return any property, including keys including belonging to us in good condition by [enter date]
- (f) Your final salary payment (for the period up to) will be made on [insert next normal pay date] subject to normal deductions of tax and National Insurance contributions. We shall forward your P45 to you in due course.

The official notes from the disciplinary hearing will be forwarded to you shortly.

Please do not hesitate to contact me if you have any questions regarding the content of this letter.

Yours sincerely,