

**DISCIPLINARY POLICY AND PROCEDURE**

**FOR SCHOOL STAFF**

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BRACKNELL FOREST COUNCIL

MODEL DISCIPLINARY POLICY AND PROCEDURE FOR SCHOOL EMPLOYEES

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**MODEL DISCIPLINARY POLICY AND PROCEDURE**

**FOR SCHOOL EMPLOYEES**

# **INTRODUCTION AND SCOPE**

This procedure applies in cases of employee misconduct (including breaches of the school’s Code of Conduct).

It applies to all school employees, including headteachers. In line with Keeping Children Safe in Education statutory guidance the LADO and investigation procedures in this policy will also cover supply teachers not employed/engaged directly by schools when safeguarding issues arise. Whilst any decisions about their employment will remain with their employer.

It is [school’s] policy to ensure that fair and effective arrangements are in place for dealing with disciplinary matters. This procedure has been drawn up in accordance with the ACAS Code on Disciplinary Practice and Procedures in Employment.

# **PRINCIPLES**

Managers and employees will apply the following principles when using the disciplinary procedure:

* Where the informal process has not achieved the required outcome, the formal process will commence
* Issues will be dealt with informally and promptly where appropriate
* No disciplinary action will be taken against an employee until any allegation has been fully investigated.
* At all stages of the formal procedure the employee will have the right to be accompanied by a trade union representative or work colleague from the school
* The procedure can be implemented at any stage dependent on the nature of the complaint. Action taken will depend on the seriousness of the alleged offence, past officially recorded behaviour of the employee, consequences of the alleged offence and any mitigating circumstances presented by the employee.
* Employees will be given the right of appeal against formal disciplinary action.
* For the purpose of this procedure ‘working day’ will normally refer to the 195 days of the school year.
* The school processes any personal data collected during the disciplinary procedure in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school’s website. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the disciplinary procedure.

# **PURPOSE**

Except in cases of gross misconduct for which dismissal is justified, following due process, the main purpose of the disciplinary process should be to encourage an employee whose conduct is unsatisfactory to improve.

# **ROLES AND RESPONSIBILITES**

## Governing Bodies/Boards

Governing bodies must establish procedures for handling disciplinary matters in the school. They should ensure they are fully aware of their responsibilities under employment law in both establishing procedures and how these procedures are undertaken. Advice should be sought from the School’s HR team in the operation of these procedures.

Governing bodies may delegate the responsibility for decisions regarding employee dismissal to the headteacher.

Governing bodies will be responsible for any disciplinary issues relating to the headteacher.

## Headteachers

The headteacher has responsibility for invoking the disciplinary procedure and deciding the appropriate level of action. The headteacher may delegate responsibility to another senior leader within the school (other than in dismissal cases).

Headteachers will normally be expected to lead in determining employee dismissals. Therefore, the governing body should delegate responsibility for these matters to the headteacher.

## Local Authority

Advice and guidance will be provided by the School’s HR team and should be sought at all stages of the disciplinary procedure.

Any costs agreed with the local authority arising from the operation of this policy in respect of suspension will be met by the local authority.

Should a governing body not follow the advice of the local authority when dealing with a disciplinary situation, any arising costs will be met by the school.

In community, voluntary-controlled and maintained nursery schools, the local authority has a statutory entitlement to send a representative to all proceedings relating to the dismissal of any member of the teaching staff.

For employees employed by the governing body, references in this procedure to the LA Executive Director apply where the governing body of the school agrees with the LA to accord advisory rights to the Executive Director in relation to disciplinary action or where the Secretary of State has determined that it would be appropriate for such rights to be accorded. The Diocesan Director of Education has the same rights as the LA Executive Director in relation to RC and C of E Aided schools.

The agreement of the governing body to accord these rights will be in writing and may only be withdrawn by notice in writing to the LA. A determination by the Secretary of State may be withdrawn at any time.

Where advisory rights have not been agreed, the governing body will be solely responsible for its procedure for dealing with disciplinary action.

# **THE DISCIPLINARY PROCEDURE**

Summary guidance:

[Appendix A Flowchart](#_Appendix_A)

[Appendix B Timescales](#_Appendix_B)

## Informal Procedure

Managers should aim to deal with minor issues informally (eg as part of day to day management or supervision). This may mean having a quiet word with the employee and clarifying expectations and/or identifying any possible causes and possible solutions, in a supportive way.

There is no entitlement for employees to be accompanied to these informal discussions. It is recommended that managers keep records of the discussions.

It may be appropriate to confirm the outcome of the discussion in writing.

Supporting document:

[Appendix C Informal warning letter](#_Appendix_C_Informal)

## Formal Procedure

If the minor misconduct continues or is repeated, or where the issue is too serious for informal action, the formal process should be used.

Further guidance:

[Appendix D Examples of Levels and types of misconduct](#_Appendix_C)

[Appendix E Special Circumstances:](#_Appendix_D)

* Safeguarding Allegations
* Action Against a Trade Union Representative
* Criminal Offences
* Notification to Teaching Regulation Agency

### *Initial consideration*

Any allegation should be drawn to the notice of the headteacher, who will then establish the initial facts and decide whether there are enough grounds to warrant a thorough investigation. If so, the headteacher will inform the employee, giving full details of the nature of the allegation. The investigation, in turn, determines whether there is a case to answer.

The headteacher may consult with the School’s HR Team for advice as part of the initial consideration.

**Allegations relating to children and young people should be immediately referred to the Local Authority Designated Officer (LADO) on 01344 351572.**

**Statutory guidance relating to this can be found in “Keeping Children Safe in Education”**

[**https://www.gov.uk/government/publications/keeping-children-safe-in-education--2**](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

### *Suspension*

Further guidance:

[Appendix F Template letter suspending from work](#_Appendix_E)

[Appendix D Examples of acts of gross misconduct](#_Appendix_C)

The headteacher may suspend an employee on full contractual pay for the minimum period possible while an investigation is undertaken into the alleged offence. Immediate notification shall be given to the LA and the governing body. Suspension should normally only be applied in cases of alleged gross misconduct. It may also be appropriate in other cases e.g. where there is a risk of harm to another individual or the employee concerned; or to allow the investigation to proceed unimpeded.

### *Investigation of allegations*

The headteacher will authorise a senior member of school staff to carry out a full investigation into the allegations and write to the employee.

Supporting documents:

[Appendix G Template letter informing employee of investigation](#_Appendix_G_Template)

[Appendix H Template letter inviting employee to investigation interview](#_Appendix_H_Letter)

Guidance on Conducting an Investigation can be found on the Policies and Procedures pages on Can Do (Services for Schools website).

### *Following the investigation of allegations*

The senior leader carrying out the investigation will report their findings to the head teacher who will decide whether a formal disciplinary interview or governing body disciplinary committee hearing is necessary (under either Stage 1 or Stage 2 of this procedure).

Where a formal disciplinary hearing is necessary, the employee will be informed in writing of the following:

* the full allegations and details of all related incidents:
* the intention to proceed to a Stage 1 or Stage 2 disciplinary hearing
* the date, time and venue of the disciplinary hearing (giving 5 working days’ notice of the hearing)
* that he/she may be accompanied by a trade union representative or work colleague
* all documents relevant to the disciplinary hearing, and a list of witnesses, (to be presented by the employer at least 5 working days before the hearing)
* all documents relevant to the disciplinary hearing, and a list of witnesses, (to be presented by the employee at least 2 working days before the hearing)

The employee must have enough information to understand the allegation against them and its possible consequences.

Supporting documents:

[Appendix I Template letter inviting employee to Stage 1 hearing](#_Appendix_F)

[Appendix J Template letter inviting employee to Stage 2 hearing](#_Appendix_G)

With the agreement of all parties, any new documentation relevant to the case may be accepted at the commencement of the hearing itself. In this situation an adjournment may be necessary to consider the new documentation.

### *Stage 1 - Disciplinary Hearing*

#### *The Hearing*

Further guidance:

[Appendix K Conducting the hearing – Stage 1, Stage 2 and Appeal](#_Appendix_H)

The permission of the parents or guardian will need to be obtained where a child is involved; the parents or guardian may also attend the interview. In addition, the headteacher will arrange for a record of the interview to be kept.

#### *Outcome*

The disciplinary hearing could result in one of the following:

* The allegation is dismissed
* A recorded oral warning (ie confirmed in writing) is issued
* A written warning is issued
* Decision to convene a Stage 2 meeting, if more serious evidence or allegations emerge during the hearing

#### *Recorded oral warning*

A recorded oral warning will:

* Be given in the presence of the individual’s representative, where appropriate
* Be followed up in writing by the decision maker within 5 working days of the hearing
* Will generally be for a period of up to 6 calendar months
* Inform the employee of the right of appeal to the appeal committee against the written warning or its duration. Any appeal must be lodged within five working days following receipt of the written warning

#### *Written warning*

A written warning will:

* Set out the particulars of the shortcomings of the employee
* Explain the nature of the warning and its duration
* Outline the nature of any further action which might be taken by the governing body if the warning is not heeded
* Will generally be for a period of up to 12 calendar months
* Inform the employee of his right of appeal to the appeal committee against the written warning or its duration. Any appeal must be lodged within five working days following receipt of the written warning

Supporting document:

[Appendix L Template Letter issuing a Formal Warning](#_Appendix_I)

### *Stage 2 - Disciplinary Hearing*

### *Headteacher/Governing Body Disciplinary Committee*

Where the headteacher has delegated responsibility for dismissal, stage 2 can be carried out by the headteacher alone, without a governing body disciplinary committee.

A stage 2 disciplinary committee may be convened in the following circumstances:

* In all cases of alleged gross misconduct
* where the allegations are considered by the headteacher to be of a serious nature and, therefore, not appropriate to be dealt with by means of a Stage 1 disciplinary hearing
* if more serious evidence or allegations emerge during a Stage 1 disciplinary hearing
* where, following a written warning, any further shortcomings or misconduct arise which warrant formal disciplinary action

#### *The Hearing*

Further guidance:

[Appendix H Conducting the hearing – Stage 1, Stage 2 and Appeal](#_Appendix_H)

#### *Outcome*

The stage 2 disciplinary hearing could result in one of the following:

* The allegation or complaint be dismissed
* A recorded oral warning (ie confirmed in writing) be given – normally current for 6 calendar months
* A written warning or further written warning– normally current for one calendar year
* A final writing warning – normally current for two calendar years
* incremental progression withheld where appropriate
* Demotion with or without protection of salary
* Dismissal from the school with due notice
* Summary dismissal from the school (without notice)

Where there is a determination that any form of warning be given, this should be confirmed in writing within 5 working days of the disciplinary hearing. There is a right of appeal against the outcome. A written record will be kept on the employee’s personal file. Warnings will be kept on file for the designated period and will normally be disregarded at the end of that specified time if satisfactory conduct of performance has been achieved.

Supporting documents:

[Appendix L Template Letter Outcome of Disciplinary Hearing issuing a Formal Warning](#_Appendix_I)

Where there is a determination that the employee should be dismissed from the school, the school will inform the LA Executive Director (or representative) within 5 working days of the hearing to confirm their decision. The local authority must, within 14 days, either withdraw the employee from the school or issue notification of termination of the employment contract. If the employee lodges an appeal, the outcome of this will determine whether the withdrawal or termination notice is to be rescinded.

#### *Appeal*

An employee can appeal to the appeal committee of the governing body against any formal warning or other formal sanction given through this procedure. An appeal should be lodged in writing with the clerk to the governing body within five working days following receipt of the written confirmation of the decision.

The appeal must include details of the employee’s reasons for appeal, which must be on one of the following grounds:

* The employee disagrees with the way disciplinary action was taken
* The employee feels the outcome was too harsh
* The employee has new evidence they feel should be considered

An appeal hearing will ideally be arranged within 12 working days following receipt of an appeal (or as soon as is practicable).

#### *The Appeal Committee Hearing*

Further guidance:

[Appendix H Conducting the hearing – Stage 1, Stage 2 and Appeal](#_Appendix_H)

The members of the appeal committee must not have been involved in any earlier actions in respect of the same case.

**The Outcome (Appeal)**

The disciplinary hearing could result in one of the following:

* Uphold the appeal
* Dismiss the appeal
* Reduce or confirm the duration of a warning
* Impose a different sanction from that imposed by the headteacher or disciplinary committee.

The decision of the appeal committee will be confirmed in writing to the employee, headteacher and Authority within five working days of the appeal hearing.

### *Notification to the Local Authority*

Where there is a determination that the employee should no longer work at the school, the local authority will write to dismiss the employee (if the employee is employed solely at the school). The dismissal will be either with due notice or summarily, dependent upon the determination, or to require the employee to cease to work at the school (in which case the LA would consider transferring the employee to alternative duties).

In the case of a school, where the governing body is the employer, the governing body will write to dismiss the employee and will inform the local authority.

Should the employee lodge an appeal against dismissal, the appeal should be heard by the appeal committee of the governing body. The outcome of the appeal should be confirmed in writing to the LA executive director (or representative) within 5 working days of the appeal hearing. In the event of the Appeal Committee reversing a decision to dismiss, the local authority must rescind the termination notice within 14 days of the notification.



# **Appendix A Flowchart**

# **Appendix B Timescales**

Investigation

Employee to be given 48 hours’ notice to attend an investigation meeting

Outcome of investigation to be given as soon as possible

**Disciplinary Hearing**

Employee informed in writing of need for hearing, as soon as possible following investigation

Disciplinary hearing to be arranged ideally within 12 working days (or as soon as is practicable)

Written notice of the hearing to be sent to employee at least 5 working days before the hearing

All documents relevant to the hearing to be provided at least:

* From employer - 5 working days before meeting
* From employee – 2 working days before meeting

**Hearing Outcome**

Decision to be confirmed to employee in writing within 5 working days of hearing

If a determination to dismiss, Clerk to Disciplinary Committee to notify LA

School/authority to write to dismiss employee within 14 days

**Appeal**

Any appeal including details of the grounds for appeal must be lodged within 5 working days following receipt of written confirmation of decision

Appeal hearing will be arranged ideally within 12 working days of the lodging of an appeal (or as soon as is practicable)

Employee must be informed in writing of the date, time and venue at least 5 working days before the meeting

All documents relevant to the hearing to be provided at least:

* From employer - 5 working days before meeting
* From employee – 2 working days before meeting

**Appeal Outcome**

Decision of Appeal Committee to be confirmed in writing within:

* 5 working days of appeal hearing

# **Appendix C Informal Warning Letter**

**PRIVATE AND CONFIDENTIAL**

Dear

I am writing to confirm the outcome of our meeting on x where we discussed the concerns about the following:

* x

At the meeting you were given an opportunity to give your account of the situation. Following this meeting I have decided to issue you with an informal warning.

I would like to set out in writing my expectations in this area in the future:

* *x*

Please take this letter as an informal warning; the school requires that you adhere to the above expectations in the future. I must make you aware that any future breaches may result in formal disciplinary action being taken.

Please do not hesitate to contact me if you have any queries in relation to this letter but as far as I am concerned this matter is now concluded.

Yours sincerely,

Manager/Headteacher

# **Appendix D Examples of Levels and Types of Misconduct**

#### GUIDANCE NOTES

#### EXAMPLES OF LEVELS AND TYPES OF MISCONDUCT

**GENERAL**

Below is a list of examples of what may be considered as gross misconduct/misconduct. This is not an exhaustive list but provides examples.

Except in cases of summary dismissal for gross misconduct, employees who are dismissed are entitled to a period of notice in accordance with their contract of employment.

Employees would not normally be dismissed for a first breach of disciplinary rules except in the case of gross misconduct or specific and/or repeated cases of serious misconduct.

**LEVELS OF MISCONDUCT**

**Minor Misconduct**

Minor misconduct is that which does not impact significantly upon the work of the school, Council, employees or the public if it is not a repetition of an earlier similar offence.

Some examples would be:

* Poor timekeeping or non attendance without reason
* Failure to follow instructions/carry out simple tasks
* Minor abuse of flexitime
* Incomplete timesheets
* Smoking in a no smoking area

Penalties

A recorded oral or written warning is the generally accepted penalty for minor misconduct, but the Manager will need to make it clear to the employee that repetition may lead to more serious action. The warning will generally be for a period of 6 calendar months.

**Serious Misconduct**

Serious Misconduct is that which impacts to a significant degree upon the work of the school, Council, other employees or the public and/or is a recurrence or continuation of conduct which is unacceptable and has been dealt with previously as minor misconduct.

Some examples would be:

* Improper, disorderly or unacceptable conduct at, during or when arriving at work including offensive language in front of the public, clients or pupils
* A breach of a rule which endangers the safety of another person
* A breach of confidential information which might have serious repercussions for the school/council
* Neglect of responsibilities, including failure to comply with safeguarding responsibilities (depending on the degree and extent)
* Dishonest behaviour (depending on the degree and extent)
* Behaviour which is sexist or racist or offensive to those of an ethnic origin, religion or belief, nationality or sexual orientation or harassment/victimisation of an individual for reasons relating to disability or age
* Malicious or reckless damage to council/school property (depending on the degree or extent)
* Repeated and significant misuse of the school’s/council’s facilities (e.g. telephones, internet, e-mail)
* Viewing or distributing inappropriate material whether on the internet, by e-mail or in written form (depending on the circumstances, this could be considered gross misconduct)
* Participating without the knowledge or consent of the council/school in any other employment, business or profession which has an adverse impact on work or the council/school.
* Unauthorised entry into the council’s computer systems including the running of computer games and other unauthorised software
* Working or indulging in other activities while absent from work on sickness leave

Penalties

There are a range of penalties available including:

* Written warning – generally for a period of 12 calendar months.
* Final Written warning - used for continued minor offences or failure to achieve the improvements required by a written warning. The warning will generally be for up to 24 months but may, in certain circumstances, be retained for the rest of the employee’s employment

Other examples of appropriate action are: Transfer to alternative duties or demotion for a specified period or permanently; withholding of increments.

Where a judgement is made that an offence may be dismissible (eg this may result from failure to heed a final written warning), a referral will need to be made to the Governing Body Disciplinary Committee/Headteacher Dismissal meeting for a further hearing.

**Gross Misconduct**

Gross misconduct is that which is so serious in relation to its impact upon the work of the school, other employees or the public that it cannot be tolerated under any circumstances and thus is likely to result in the termination of employment.

Some examples would be:

* Theft, fraud or falsification of records, breach of standing orders or delegation limits
* Serious incapability through alcohol or drugs
* Acts of violence or vandalism in course of employment
* Inappropriate behaviour of a sexual nature towards another employee, client, pupils or member of the public
* Any act which may result in an action against the school/council for negligence or for breach of the duty of care
* Falsification of information when applying for a post and failure to disclose criminal convictions
* Falsifying pupil records, or assisting pupils to cheat or gain unfair advantage in examinations
* Drug trafficking and other drug-related offences
* Wilfully ignoring responsibilities or instructions thereby placing other employees and/or pupils in danger
* Viewing or distributing offensive material whether on the internet, by e-mail or in written form
* Gross negligence in failing to attend or to carry out the duties of the post
* Neglect of responsibilities, including failure to comply with safeguarding responsibilities (depending on the degree and extent)
* Posting derogatory or offensive comments on the internet regarding the school/council (depending on the degree and extent)
* Any other behaviour which involves an abuse of a teacher’s or employee’s position of trust or a breach of the standards of propriety expected of the profession.

Penalty

 Dismissal without notice is given in cases of gross misconduct.

# **Appendix E Guidance on Special Circumstances**

**SPECIAL CIRCUMSTANCES**

**SAFEGUARDING ALLEGATIONS**

Allegations relating to children and young people should be immediately referred to the Local Authority Designated Officer (LADO) on 01344 351572.

Statutory guidance relating to this can be found in “Keeping Children Safe in Education”

https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/550511/Keeping\_children\_safe\_in\_education.pdf

**ACTION AGAINST A TRADE UNION REPRESENTATIVE**

No formal disciplinary action will be taken against a trade union representative until the circumstances have been discussed with a full time official of the union concerned.

**CRIMINAL OFFENCES**

Where a criminal offence has been alleged the procedure will be applied as appropriate. In some cases, it may be undesirable, unfair or impossible for the headteacher to authorise an investigation under this procedure while a Social Services/Police enquiry or prosecution is pending. The employee may, in such circumstances, be suspended on full pay (ie be suspended on full pay pending the outcome of the proceedings). The headteacher should seek the advice of the Schools HR team).

Any criminal offence resulting in a conviction, or behaviour which could lead to prosecution for a criminal offence, may result in disciplinary action. Factors to be considered will include the seriousness of the offence; whether the offence is such as to render the individual unsuitable for his type of scope of work; whether the offence is such as to render it undesirable or inappropriate for the individual to remain in his present employment; whether and, if so, to what extent the offence affects and concerns the school and the employment of the individual within it.

Where an employee is not able to work as they are held in custody pending a prosecution for a criminal offence then pay will be suspended until the outcome of the prosecution is known.

Where an employee receives a custodial sentence as a result of a conviction then they will be summarily dismissed on the recommendation of the governing board.

**NOTIFICATION TO THE TEACHING REGULATION AGENCY**

The local authority will undertake the responsibility to report cases to the Teaching Regulation Agency <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case> where a teacher is dismissed on grounds of misconduct. The local authority will also report relevant cases where a teacher resigns before disciplinary action can be taken.

# **Appendix F Template Suspension Letter**

**PRIVATE AND CONFIDENTIAL**

Dear

I am writing to confirm the decision taken under the school’s Disciplinary Procedure (attached) to suspend you from work with effect from x until further notice.

Your suspension is without prejudice and on full pay.  The reason for your suspension is to allow the investigation into the following allegations to proceed unimpeded:

The allegations are very serious and could be considered under the Disciplinary Procedure as gross misconduct which may lead to a disciplinary sanction up to and including dismissal.

Should any other issues emerge during the investigation they will be brought within its scope.

During the period of your suspension you should not enter the school grounds or buildings. You should not have any contact with any employee or pupil at the school or any member of the governing body while the suspension is in force.

Should it be necessary to arrange a disciplinary hearing, you will be entitled to discuss your case with any witnesses you wish to call or any colleague or representative. You will be notified of this at the appropriate point.

You will appreciate that it is important that the investigation is finalised as soon as is reasonably possible.  You will be informed at each stage of the process.

You will be invited to attend an investigation interview to which you are entitled to bring a trade union representative or work colleague.

I have enclosed some information for employees facing disciplinary allegations, however if you have any further queries or concerns please do not hesitate to contact me.

Yours sincerely

Headteacher

# **Appendix G Template Letter Notifying Employee of Investigation**

**PRIVATE AND CONFIDENTIAL**

Dear

Further to our recent conversation I am writing to confirm the following allegations made against you:

These allegations need to be investigated and I have asked x to conduct an investigation. Once complete the findings will be reported to me, and I will then decide whether any further action is required through the school’s disciplinary procedure (attached).

You will be asked to attend an interview with x as part of the investigation process. The interview will take place at x on x in x OR x will write to you giving you 2 working days’ notice of the interview\*. You are entitled to bring your union representative or a work colleague with you to this interview.

Prior to and during the investigation you must not discuss this investigation with any colleague, child or parent/carer. You may, of course, wish to discuss this further with your trade union representative or the work colleague who is supporting you.

You will appreciate it is important that the management investigation is finalised as soon as is reasonably possible.

In the meantime should you have any queries please contact me.

Yours sincerely,

Headteacher

\*Delete as appropriate

# **Appendix H Letter Inviting to Investigation Interview**

**PRIVATE AND CONFIDENTIAL**

Dear

Further to x letter dated x, I am writing to invite you to attend an interview as part of the investigation I am conducting into the allegation that you:

This is potentially a disciplinary issue so the investigation is being conducted in accordance with the Disciplinary Procedure, a copy of which was given to you on x . If you have any queries or concerns about the procedure, please do not hesitate to contact me.

The investigation interview will take place at x on x at x. If this is not possible, please let me know and we can arrange an alternative time for the following working day.

During the investigation interview, you will have the opportunity to give your account of the allegation. Please let me know if there are any witnesses you would like me to interview as part of my investigation.

You have the right to be accompanied at this meeting by a trade union representative or work colleague. Please advise me who will be accompanying you to this meeting as your representative.

Following a thorough investigation, I will present my report to x, Headteacher, who will decide whether further action will be required and consult you further.

Finally, I would like to remind you that you must not discuss this investigation with any colleague, child or parent/carer.

Yours sincerely

**Investigating Officer**

# **Appendix I Template Letter Inviting Employee to Stage 1 Hearing**

**PRIVATE AND CONFIDENTIAL**

Dear

**DISCIPLINARY HEARING – STAGE 1**

Further to my letter dated x I have now received a report from x on the completion of the investigation.

I am writing to inform you the matter will now be considered under the disciplinary procedure and you are required to attend a disciplinary hearing on (date) at (time), at (location). This is being held under Stage 1 of the disciplinary procedure, a copy of which is enclosed for your reference.

The reasons for the hearing are to consider the allegation(s) that:

(allegations)

You are advised that these are serious allegations that could result in disciplinary action up to and including a written warning.

I will chair the hearing and hear the case presented by x who undertook the investigation. At this meeting you will have an opportunity to question or comment on any information gathered as part of the investigation. You will also be given the opportunity to add a statement regarding the alleged incidents.

You have the right to be represented or accompanied by a representative of your Trade Union or another work colleague.

I enclose relevant papers that will be used at the hearing. If you would like to provide any papers for the hearing, please do so by 2 working days before the hearing.

Should you wish to call any other witnesses to the hearing you are required to give me at least 48 hours notice of which witnesses you intend to call. You are entitled to discuss your case with the witnesses you are calling.

Please contact me if you have any queries regarding this meeting.

Yours sincerely,

Headteacher

Enclosures: Copy of School Disciplinary Procedures

Investigation report & Appendices

# **Appendix J Template Letter Inviting Employee to Stage 2 Hearing**

**PRIVATE AND CONFIDENTIAL**

Dear

**DISCIPLINARY HEARING – STAGE 2**

Further to my letter dated x I have now received a report from x on the completion of the investigation.

I am writing to inform you the matter will now be considered under the disciplinary procedure and you are required to attend a disciplinary hearing on (date) at (time), at (location). This is being held under Stage 2 of the disciplinary procedure, a copy of which is enclosed for your reference.

The reasons for the hearing are to consider the allegation(s) that:

(allegations)

You are advised that these are serious allegations potentially surmounting to serious or gross misconduct that could result in disciplinary action up to and including a final written warning/dismissal.\*

I will chair the hearing and hear the case presented by x who undertook the investigation. At this meeting you will have an opportunity to question or comment on any information gathered as part of the investigation. You will also be given the opportunity to add a statement regarding the alleged incidents.

You have the right to be represented or accompanied by a representative of your Trade Union or another work colleague.

I enclose relevant papers that will be used at the hearing. If you would like to provide any papers for the hearing, please do so by 2 working days before the hearing.

Should you wish to call any other witnesses to the hearing you are required to give me at least 48 hours notice of which witnesses you intend to call. You are entitled to discuss your case with the witnesses you are calling.

Please contact me if you have any queries regarding this meeting.

Yours sincerely,

Headteacher

Enclosures: Copy of School Disciplinary Procedures

Investigation report & Appendices

\*Delete as appropriate

# **Appendix K Conduct of Disciplinary Hearings and Appeals**

**CONDUCT DISCIPLINARY HEARINGS AND APPEALS**

The headteacher/governing body disciplinary committee will meet to hear the case against the employee. If it is a committee of governors, the governors making up the committee must not have been involved in any earlier action in respect of the same case. Their role is to conduct the hearing in a fair and balanced manner and to ensure that their conclusion is fair and free from prejudice.

The governing board disciplinary committee will appoint a chair for the hearing.

The local authority director (or representative, usually a member of the Schools HR Team) is entitled to attend and advise the headteacher or governors whenever they are considering whether an employee should cease to work at the school. The LA adviser will be present throughout the meeting of the stage 2 disciplinary committee.

The employee must be given the opportunity to be accompanied at the hearing by a trade union representative or work colleague.

The hearing should be conducted as follows:

* the case against the employee will be presented by the headteacher (or representative), who may call witnesses individually in the presence of the employee (and representative / work colleague). The employee may question the headteacher or their representative and the witnesses. The governors/headteacher may, (through the chairman) ask questions of both parties and any witnesses. The witnesses should then withdraw;
* the employee’s case will then be presented by the employee (or representative / work colleague) who may call any witnesses individually in the presence of the headteacher (or representative). The headteacher may question the employee and the witnesses. The governors/headteacher may, (through the Chair) ask questions of both parties and any witnesses. The witnesses should then withdraw;
* both parties, the headteacher (or representative) followed by the employee, may sum up their cases if they so wish. The employee will then withdraw, if it is a committee of governors, the headteacher will also withdraw.
* The LA adviser (usually a member of the Schools HR Team) should give relevant advice to the headteacher/governing board disciplinary committee in the presence of the employee and the headteacher or their representative and then withdraw, whilst the headteacher or governing board disciplinary committee consider the matter.
* The headteacher/governing board disciplinary committee will then consider the matter in private. If it is a committee of governors, a minimum of three committee members must participate in these deliberations, all of whom must have been present throughout the entire hearing.

# **Appendix L Outcome of Disciplinary Hearing Formal Warning**

**PRIVATE & CONFIDENTIAL**

Dear x,

**OUTCOME OF DISCIPLINARY HEARING**

Following the disciplinary hearing on (date), I am writing to confirm the decision I have reached about the allegations that you (insert allegation):

You were given the opportunity to explain and account for these allegations. Having carefully considered all the information presented at the hearing and the information presented in the investigation report I have reached the following decision:

* To issue a recorded oral warning/written warning/further written warning/final written warning\*

The warning will be effective for 6/12/24\*\* calendar months from the date of this letter.

It is expected that in future you will:

Please be aware that any further misconduct may result in further action.

You have the right to appeal against this warning or its duration to the Governor’s Appeal Committee. Any such appeal should be lodged in writing to the Clerk of the Governing Body, within five working days following receipt of this letter.

Yours sincerely

**Headteacher**

\*Delete as appropriate

\*\*Delete as appropriate