

Disciplinary Policy and Procedure

Appendices

Updated: September 2019

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Disciplinary Hearings Safeguarding cases - consideration of evidence

The disciplinary decision maker(s) must have regard to all the evidence presented to them and form a view and have reasonable grounds to sustain the belief:

- whether the person's behaviour has posed, or could pose, a risk to children to whom the organisation has a duty of care
- whether the behaviour has compromised, or could be seen to have compromised, the ability and reputation of the organisation to safeguard children by failure to uphold the standards expected of the employee

The absence of any criminal investigation, charge or conviction is not an adequate defence for the adult who is subject to a disciplinary hearing. There may be evidence contained within the disciplinary investigation which leads the employer to question the suitability of the person to continue to work in a position of trust within the organisation even when no criminal activity has been identified or a criminal investigation has not led to a charge or a case has been brought before a court but there has been no conviction.

Children **should not** be expected to attend a disciplinary hearing. In some cases, a young person may clearly express a wish to contribute by giving evidence in person, and in such cases should be accompanied by a responsible adult whose role will be to ensure that his or her rights are observed.

The burden of proof in disciplinary proceedings requires that the evidence provided demonstrates that, on the **balance of probabilities**, there is a **strong likelihood** that the individual is **unsuitable for his or her current position**.

The panel's decision should not be influenced by concerns about whether, at a later stage, the individual may or may not be barred from working with children. Neither should concerns about any possible appeal process influence its decision.

The disciplinary decision makers should:

- always act reasonably and in good faith in the interests of the child and the employee
- have no prior involvement that might prejudice their ability to hear the case fairly
- adjourn for further information or advice where necessary
- reach a decision based on a full consideration of all evidence with sufficient regard having been given to any explanation offered by the employee for his/her behaviour
- understand that the organisation must have a priority to safeguard children

Disciplinary hearing procedure For minor offences to be investigated and heard by Headteacher

1. The Headteacher will introduce the hearing, explain its purpose and how the meeting will be conducted.
2. The Headteacher should put the case to the employee.
3. The employee should be allowed to put his/her case to the Headteacher with the assistance of his/her representative if he/she so wishes.
4. The Headteacher should then sum up.
5. The employee (or his/her representative) to sum up.
6. Following the summing up the Headteacher should ask the employee and his/her representative to withdraw in order for him/her to deliberate on the case.
7. On completion of his/her deliberations the Headteacher should ask the employee and his/her representative to return to hear his/her decision and the disciplinary action, if any, to be taken.
8. The decision of the Headteacher should be one of the following:
 - a) To confirm to the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find that the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) To impose a recorded oral or written warning.
9. The Headteacher should also give an explanation for that action and should explain the employee's right of appeal under the procedure.
10. The Headteacher should confirm the recorded oral or written warning in writing within 7 working days to the employee (copy to a teacher professional association or trade union representative and the Director of Children's Services), detailing the complaint(s) and the action taken plus the employee's right of appeal.
11. If a recorded oral warning has been imposed the employee should be asked to acknowledge, in writing, that an oral warning has been given.

Disciplinary hearing procedure For disciplinary matters delegated to Headteacher

NB Normally for more serious offences or repeated minor offences.

1. The Headteacher will introduce the hearing, explain its purpose and how the meeting will be conducted.
2. The investigating officer to put the case and to call witnesses if appropriate.
3. The employee (or his/her representative) to ask questions of the investigating officer and witnesses.
4. The Headteacher to ask questions of the investigating officer and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The investigating officer to ask questions of employee (and/or his/her representative) and witnesses.
7. The Headteacher to ask questions of the employee (and/or his/her representative) and witnesses.
8. The investigating officer to sum up.
9. The employee (or his/her representative) to sum up.
10. The Headteacher may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.
11. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. ***NB Witnesses should only be present when giving evidence and should withdraw immediately afterwards.*** If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled.
12. On completion of his/her deliberations the Headteacher should ask the employee and his/her representative to return and should announce his/her decision and the disciplinary action, if any, to be taken. The decision of the Headteacher should be one of the following:
 - a) To confirm with the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) Impose a recorded oral warning or a written warning or in the case of serious misconduct or misconduct after a warning a final written warning. Where a final

written warning is issued and still 'live' then the employee may ultimately be dismissed. In such cases the employee would be entitled to notice pay. ***NB if the governing body have given delegated powers the Headteacher may also dismiss and employee with or without notice.***

13. The Headteacher should confirm the decision in writing within 7 working days to the employee (copy to professional association or trade union representative and the Director of Children's Services) detailing the complaint(s) and the action taken plus the employee's right of appeal. If a warning has been imposed the employee should be asked to acknowledge, in writing, that a warning has been given.

Disciplinary hearing procedure Staff Dismissal Committee

NB Normally only for gross misconduct or dismissal for further and/or different offences (after a final warning) or disciplinary matters relating to the Headteacher.

Introduction

The Staff Dismissal Committee may consist of up to 3 but not less than 2 members of the Governing Body (excluding the Headteacher) who have not previously been involved in the case, or have any other involvement, eg relationship to the employee subject to disciplinary action.

Documentation from both parties should be given to the Staff Dismissal Committee 3 working days prior to the disciplinary hearing in order for the committee to be better informed about the issues of the case.

Disciplinary hearing procedure

1. The Chairperson of the Staff Dismissals Committee and the Director of Children's Services (or his nominated officer(s)) will introduce the hearing, explain its purpose and how the meeting will be conducted.
2. The Headteacher / investigating officer to put the case and call witnesses if appropriate. ***NB Where appropriate an HR Officer may be in attendance to support and advise the Headteacher.***
3. The employee (or his/her representative) to ask questions of the Headteacher / investigating officer and witnesses.
4. The members of the Staff Dismissal Committee to ask questions of the Headteacher / investigating officer and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The Headteacher / investigating officer to ask questions of the employee and/or his/her representative and witnesses.
7. The members of the Staff Dismissal Committee and the Director of Children's Services (or his/her nominated officer(s)) to ask questions of the employee and/or his/her representative and witnesses.
8. The Headteacher / investigating officer to sum up.
9. The employee (or his/her representative) to sum up.
10. The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.

11. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. ***NB Witnesses should only be present when giving evidence and should withdraw immediately afterwards.*** If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or his nominated officer, should remain during the Staff Dismissal Committee's deliberations.
12. On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and his/her representative to return and should either announce the decision of the Staff Dismissal Committee and the disciplinary action, if any, to be taken or inform the employee that the decision will be conveyed in writing to him/her. The decision of the Staff Dismissal Committee should be one of the following:
 - a) To confirm with the employee the matter is being dismissed or cannot be substantiated and direct that all reference to the matter be removed from his/her disciplinary record.
 - b) To find that the alleged breach of discipline is proved in whole or part but resolve that no action be taken.
 - c) To impose a recorded oral warning; a written warning; a final (or combined first and final) written warning or a final written warning as an alternative to dismissal.
 - d) To determine that the employee shall cease to work at the school on the grounds of gross misconduct or dismissal for further and/or different offences (after a final warning).
 - e) The Chairperson should also give reasons (either orally or in writing) for that action and should explain the employee's right of appeal under the procedure.
 - f) The Staff Dismissal Committee should confirm the decision in writing as soon as is reasonably practical to the employee, detailing the findings and the action taken plus the employee's right of appeal to the Staff Dismissal Appeal Committee of the Governing Body.

Where the decision of the Staff Dismissal Committee is that an employee should cease to work at the school, a copy of the written notification to the employee setting out the reasons for the decision must be sent to the Director of Children's Services.

The employee such be given notice terminating his contract with the Authority as is required under that contract; or, terminate that contract without notice if the circumstances are such that it is entitled to do so by reason of his/her gross misconduct.

Disciplinary appeal form

Name			
Job Title			
School			
Will you be represented at the appeal?	Y / N	By whom	
State reason(s) for appeal			
Sign			
Date			

cc Trade Union or other representative

Disciplinary appeals procedure

Introduction

The employee has the right of appeal to the Staff Dismissal Appeals Committee of the Governing Body against any decision to take disciplinary action.

The employee should send a written appeal (pro forma available as an appendix), giving grounds for the appeal, for the attention of the Clerk to the Governors within 10 days of receiving confirmation of the sanction, with a copy to the Director of Children's Services. Where possible, the appeal hearing should be arranged within 10 working days of receipt of the written appeal.

The size of the appeal committee can be no less than the original relevant committee (where relevant). The staff dismissal appeals committee can decide an appeal against any decision taken by the Headteacher or the Staff Dismissal Committee, and can decide to confirm that decision, to impose a lesser penalty or to dismiss the case.

NB In the case of Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools the Director of Children's Services or nominated representative should be invited to give advice and/or attend the hearing and should be sent copies of all documents to be considered during the hearing.

Appeal Hearing Procedure

1. The Headteacher, investigating officer or Chair of the Staff Dismissal Committee to put the case and call witnesses if appropriate.
2. The employee (or his/her representative) to ask questions of the Headteacher, investigating officer or Chair of the Staff Dismissal Committee and witnesses.
3. The members of the Staff Dismissal Appeal Committee and the Director of Children's Services (or his nominated officer) to ask questions of the Headteacher, investigating officer or Chair of the Staff Dismissal Committee and witnesses.
4. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
5. The Headteacher, investigating officer or Chair of the Staff Dismissal Committee to ask questions of the employee and/or his/her representative and witnesses.
6. The members of the Staff Dismissal Appeal Committee and the Director of Children's Services (or his nominated officer(s)) to ask questions of the employees and/or his/her representative and witnesses.
7. The Headteacher, investigating officer or Chair of the Staff Dismissal Committee to sum up.
8. The employee (or his/her representative) to sum up.
9. The Chairperson of the Staff Dismissal Appeal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the

purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.

10. Following the summing up, both parties, together with their representatives and any witnesses called, will withdraw. ***NB Witnesses should only be present when giving evidence and should withdraw immediately afterwards.*** If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services (or his nominated officer(s)) and the Head of Legal Services (or his nominee) should remain during the Staff Dismissal Appeal Committee's deliberations.
11. The Staff Dismissal Appeal Committee may announce its decision to the Headteacher and/or the employee and his/her representative personally or subsequently in writing. Whichever method is chosen both parties should be informed in a like manner. A decision notified orally should be confirmed in writing by the Clerk to the Governors.
12. The outcome of any appeal should be confirmed in writing with the employee within 10 working days of the appeal.
13. If the appeal is upheld, the Appeals Committee may order the Authority to reinstate the employee with pay (if he/she has been dismissed) with or without a final or written or oral warning or if the sanction has been a warning (of any kind) the Appeals Committee may order that the warning be annulled or be replaced by a warning which carries with it a lesser sanction.

Investigation plan

Name of employee:	
Date of plan:	
Investigating officer	
Terms of reference	
Provisional timeframe	
Policies and procedures to review and follow	
Issues that need to be explored / clarified	
Sources of evidence to be collected	
Persons to be interviewed (including planned order of interviews)	
Investigation meetings further arrangements (When/where/notes to be taken by)	
Persons to supply own statement	
Investigation meetings to be completed by	
Collection of evidence to have been completed by	
Further considerations	

Investigatory report

Name of employee:

Job title:

Allegations:

Name of investigating officer:

Date:

Table of contents

Summary of the case – chronology of events

Background and context of the case

Detailed findings

Conclusions

Summary recommendations

eg case to answer or no case to answer and considered level of misconduct

Appendices

- witness statements
- statement from employee
- other evidence gathered
- relevant policies and procedures
- copies of relevant correspondence

Investigatory interview / witness interview

Name	
Job title / role	
Date	
Present	
Introduction	Purpose of the meeting. Asked to sign statement as true and accurate account.
Q1	What did you.....?
Q1	Response from employee / witness.
Q2	What did you.....?
Q2	Response from employee / witness.
Q3	What did you.....?
Q3	Response from employee / witness.
Q4	What did you.....?
Q4	Response from employee / witness.
Follow-up questions and areas probed further	
Signed	
Date	

ACAS advice on conducting workplace investigations

At a glance chart

STEP 1: Organisational preparation

- Decide if an investigation is necessary
- Establish terms of reference – the rules that the investigation will follow, including precisely what needs to be investigated
- Choose an appropriate investigator



STEP 2: An investigator's preparation

- Draft an investigation plan
- Identify who might need to be called to an investigation meeting
- Identify what evidence might need to be gathered – and how to get it
- Contact parties involved in the matter



STEP 3: Handling an investigation meeting

- Establish who can accompany employees at the meeting
- Plan what questions need to be asked
- Interview the parties involved and any relevant witnesses
- Handle reluctant witnesses or refusals to meet appropriately



STEP 4: Gathering evidence

- Arrange and agree witness statements
- Collect any relevant written records and documents e.g. timesheets
- Collect any relevant and appropriate physical evidence e.g. CCTV



STEP 5: Report the investigation findings

- Write an investigation report – remember there is a free Acas template available to use or adapt
- Report what is likely to have happened – the balance of probabilities
- Make a recommendation where requested



STEP 6: After an investigation is completed

- Submit the report and conclude the investigator role
- Retain the report for an appropriate period of time
- Ensure any recommendations unrelated to the matter are considered

Role of support officer

It is normal practice for an employee to be told that they must not make contact with colleagues at work whilst suspended, during the course of an investigation.

A support officer will be made available to an employee who has been suspended for an allegation of gross misconduct.

The support officer should **not** be an investigating officer, or anyone involved in formally considering the disciplinary case.

The support officer provides a link between the employee and the school during a period of suspension, to ensure that any practical issues are dealt with and to minimise the isolation which they may feel.

The support officer **will**:

- normally contact the employee within the first 3 days of the decision to suspend
- provide a link between the employee and the school
- visit the employee at home if the employee so wishes but regular contact (a telephone call at least once a week) should be maintained by the support officer in any case (however, the employee may prefer another form of contact eg email / text;
- keep a record of dates and time of contact with the employee and brief overview of the discussion)
- maintain confidentiality
- be able to help where an enquiry is about the progress of the investigation, pay related issues and other conditions issues

The support officer **will not**:

- discuss the allegation(s) with the employee at any time
- act as the employee's representative or advocate or advise them about the matters relating to the suspension

The support officer discussions should include the following:

- provide update on issues within the school eg ensure that newsletters or any appropriate team meeting notes are sent the employee
- offer support to the employee such as:
 - Employee Assistance Programme, including counselling support
 - Occupational Health

Guidance on role of governing bodies

The Governing Body is responsible for:

- ensuring the adoption and implementation of the disciplinary policy and procedure (which meets ACAS requirements)
- ensuring properly constituted committees are in place, ie:
 - Staff Dismissal Committee
 - Staff Dismissal Appeal Committee

NB This should be confirmed at the first full Governors' meeting of the academic year.

- ensuring that no staff governors are members of either of the committees
- ensuring that no governors with a pecuniary interest are members of either of the committees
- ensuring that relevant committees meet within a reasonable time frame (ideally this should be no more than 2 weeks from confirmation that a disciplinary or appeal hearing will be necessary)
- ensuring that Governors are prepared for the hearing and have read all documentation (investigating officer's report and any other relevant evidence) prior to the hearing
- seeking advice and guidance from HR Consultancy team and legal team in advance, during and on conclusion of the hearing (where appropriate, Local Authority Designated Officer, in safeguarding cases, should also be consulted)
- making informed decisions on appropriate actions

NB Chair of staff dismissal committee will normally be required to attend any appeal hearing to explain reasons for decisions and may be required to attend any employment tribunal or court hearing.

NB Chair of staff dismissal appeals committee will normally be required to attend any employment tribunal or court hearing to explain reasons for decisions.

Guidance on the role of Chair of Governors (In relation to disciplinary matters concerning the Headteacher)

The Chair of Governors is responsible for:

- seeking advice from HR Consultancy team or other HR provider where a potential disciplinary matter has arisen in respect of the Headteacher
- making a decision on whether it is necessary to have a preliminary fact-finding exercise or formal investigation
- conducting a risk assessment in consultation with HR provider
- considering other alternative arrangements or suspension during the course of any fact-finding exercise or formal investigation regarding the Headteacher
- appointing an investigating officer where required, with advice from HR provider
- appointing a support officer where required, with advice from HR provider
- drawing up an investigation plan, with terms of reference, where required, with advice from HR provider
- monitoring the progress of the investigation and ensuring the support officer provides an update on the progress of the investigation
- issuing a management instruction, where this is considered an appropriate course of action
- deciding whether the matter needs to be referred to an appropriate committee
- potentially presenting the case to the committee with the investigating officer
- lifting any off-site or suspension arrangements
- proactively managing any return to work following a period of time off site, or a suspension (advice should be taken from HR provider)
- ensuring the wellbeing of the Headteacher during the process
- ensuring that management structure is in place to maintain effective running of the school

NB In the case of a safeguarding allegation, the Chair of Governors may be required to attend any multi-agency strategy meetings.

Suspension risk assessment checklist

If you answer 'yes' to all the questions below, it would be a reasonable decision to suspend during a misconduct investigation.

Questions to consider		Yes or No	
1	Is there an allegation of gross or serious misconduct? <i>Disciplinary Procedure Paragraph 3.5</i>	Y	N
2.	Is so, does at least one of the following apply? <i>Disciplinary Procedure Paragraph 8.1.3</i>	Y	N
	Tick any that apply		
	a) They could tamper with evidence or influence witnesses or the investigation.		
	b) Working relationships have broken down.		
	c) They are a risk to colleagues, pupils or property.		
	d) There are criminal proceedings against the employee which affect their job.		
	e) This is a serious safeguarding allegation where there is a potential risk to pupils.		
	f) The property or the business of an employee or the organisation may be damaged.		
	g) There is a risk to an employee's health or safety.		
3.	Have you considered all practical alternatives to suspension? <i>Disciplinary Procedure Paragraph 8.1.2</i>	Y	N
4.	Have you considered ways to minimise damage to the employee's reputation or assumption of guilt (eg communication to staff / pupils / parents / governors about the reason that the employee is not in work)?	Y	N

Effective management of suspension checklist

Questions to consider	Tick when complete	Date
<i>At the start of the suspension</i>		
1.	Are you continuing to give the employee the usual pay and benefits? <i>Disciplinary Procedure Paragraph 8.1.3</i>	
2.	Has the employee been formally notified of the allegations and the requirements attached to the suspension?	
3.	Has a support officer been appointed, to liaise with the employee whilst off site?	
4.	Has the employee been informed of the name and contact details of the support officer?	
5.	Has an investigating officer been appointed?	
6.	Has the employee been informed of the name of the investigating officer and likely time frame to be contacted?	
7.	Has an investigation plan been drawn up and shared with the investigating officer?	
<i>During the suspension</i>		
8.	Are you reviewing the suspension regularly to ensure it is as short as possible and still necessary (ie review the timescales specified in the investigation plan)? <i>Disciplinary Procedure 8.1.3</i>	
9.	Have you ensured that the employee has been notified where the initial timescales have been changed?	
<i>Lifting the suspension</i>		
10.	Have you agreed with governors to lift a suspension, where it is appropriate (eg allegation is no longer considered to be gross misconduct)?	
11.	If the employee returns to school, following a period of suspension: Have you conducted a welfare meeting to discuss with the employee and TU representative how the return to work will be managed?	

Frequently asked questions for suspended employees

There are many varied questions which may be asked by employees but some of the more frequent are:

Q: Can I just go to work to pay my lottery money and collect my belongings?

A: Sorry, but you can have no contact with the workplace until the disciplinary investigation has been concluded. Arrangements can be made to collect belongings.

Q: I am so shocked by the allegation that I am feeling ill.

A: I will arrange through the school for you to see occupational health or EAP.

Q: The process is taking too long and I feel as if I need to talk to someone about how I feel.

A: I will request through the school that they arrange for you to have an appointment with Occupational Health.

Q: What do 'suspended' and 'off site' mean? Are they the same thing?

A: 'Suspended' means you are suspended from your job because the allegation is such that you cannot be at work to do your job.

'Off site' means you must be away from work whilst consideration is given to the allegation and whether you should be suspended or not.

Q: Have I been sacked?

A: No, an investigation will be carried out by an investigating officer and a report will be sent to the relevant committee (or Headteacher) who will consider the investigating officer's report and if required invite you to a disciplinary hearing. However, one outcome of gross misconduct could be your dismissal.

Q: Will my pay be affected?

A: During the investigation you will normally remain on full pay.

Q: Will my colleagues at work be told about the allegation?

A: No, your colleagues may know you are off site pending investigation, but they have no right to know anything about your case. Your manager may be advised about the outcome in particular if they are asked to put some management issues in place or monitor the situation.

Q: If during my time off site, if I see a colleague socially or shopping / in the street can I talk to them?

A: There is nothing to stop you talking to a colleague if you do meet them but neither of you should discuss the allegation or case.

Q: How long will the investigation take?

A: Each case is different, but I will try and keep you updated about the progress and the likely date for the interview with the person(s) responsible for hearing the disciplinary, however the process should be completed as quickly as is reasonably possible.

**Sample letter
Pre-disciplinary management instruction**

Dear

PRE-DISCIPLINARY MANAGEMENT INSTRUCTION

During my meeting with you on, we discussed the following concerns:

-
-

I have noted the following points which you made in response:

-
-

My concerns about the conduct are:

-
-

I am therefore issuing a pre-disciplinary management instruction as follows:

-

The purpose of this Instruction is to advise and assist you to improve your future conduct. Failure to remedy your conduct and adhere to this Instruction may lead to formal disciplinary action being taken.

This instruction will be held on your file from today.

Yours sincerely

**Sample letter
Pending preliminary fact-finding exercise
Off-site or other options**

Dear

PRELIMINARY FACT-FINDING EXERCISE

I refer to our meeting (or telephone conversation) on concerning allegations relating to

I confirm that whilst initial preliminary fact-finding exercise continues you have been asked to remain off site with effect from on full pay (give reasons based on any risk assessment conducted) / or other option.

During the preliminary fact-finding exercise, you should not discuss the allegation(s) with anyone, apart from your trade union representative, professional association rep or designated work colleague (subject to approval from myself). However, you are free to discuss other matters relating to the school with relevant staff.

a) Off site

You are therefore asked not to attend school without permission. If you have personal effects at school you wish to collect, please inform me and I will make the necessary arrangements for you to attend for this purpose.

b) Other options

You are therefore required to work

The preliminary fact-finding exercise will be concluded as swiftly as possible, at which time I will inform you whether any further investigations or actions will be taken.

If you have any queries regarding this letter, please contact me on the above telephone number.

Yours sincerely,

Sample letter
Allegations of minor offences or more serious offences

Dear

DISCIPLINARY PROCEDURE – ALLEGATIONS OF MISCONDUCT

In light of the outcome of the preliminary fact-finding exercise (where appropriate), I write to confirm the disciplinary allegation(s) that I will be investigating (OR that I will be appointing to investigate).

The allegation(s) are:

1.
2.
3.

You will be given the opportunity to respond to the allegation(s) and will be invited to an investigatory meeting. You will be sent a letter providing details of the date, time and venue of the meeting.

At the investigatory meeting you will have the right to be accompanied by trade union or professional association representative or 'designated' work colleague.

Please find attached a copy of the school's Disciplinary Procedure.

Yours sincerely

**Sample letter
Allegation of gross misconduct**

Dear

DISCIPLINARY PROCEDURE – ALLEGATION OF GROSS MISCONDUCT

I refer to your meeting with me on regarding an allegation of gross misconduct in that you:

1.
2.
3.

(NB You should state the reason(s) from the list of gross misconduct offences in the procedure, and provide detail of specific examples of the alleged gross misconduct eg serious neglect of duty in that you)

The above list of reasons is not exhaustive, and other allegations may also be considered as gross misconduct.

I confirm that I have appointed to undertake the role of investigating officer. and (where appropriate) in the role of support officer. Information on the role of the support officer can be found in the disciplinary procedure attached.

a) Where employee is suspended

In view of the nature of the allegation you have been suspended on normal pay pending a formal investigation. You should, therefore, not return to school or contact your colleagues. Your support officer will keep you up to date on relevant school matters. Please be aware that this includes discussion of the allegation(s) in any capacity including phone, e-mail and social networking sites.

b) Where the employee is not suspended from work

You are therefore required to work

During the investigation you should not discuss the allegation(s) with anyone, apart from your trade union representative, professional association rep or designated work colleague (subject to approval from myself). Please be aware that this includes discussion of the allegation(s) in any capacity including phone, e-mail and social networking sites. However, you are free to discuss other matters relating to the school with relevant staff.

If you do not understand anything or if you have any queries or wish to gain access to school to retrieve items, you should contact me.

Please find enclosed a copy of the school's Disciplinary Procedure. You are entitled to be represented by a recognised trade union representative or work colleague if you so choose.

Yours sincerely

**Sample letter
Invitation to investigatory meeting**

Dear

INVITATION TO INVESTIGATORY MEETING

I have been appointed to investigate the following allegation(s) under the school's Disciplinary Procedure.

(as per the allegation(s) letter sent to the employee)

1.
2.
3.

I therefore require you to attend an investigatory meeting with me on:

Date:

Time:

Venue:

You are entitled to be represented by a recognised trade union representative or designated work colleague if you so choose.

In the meeting I will be seeking your responses to questions relating to the allegation(s). Please note that your representative may not answer questions on your behalf.

It is important for you prepare your response to the allegations outlined above, so that I can consider all relevant information.

If there is anything which you do not understand, or if you have any questions regarding this matter, please contact me.

Yours sincerely

Investigating Officer

**Sample letter
Requirement to attend a disciplinary hearing**

Dear

**DISCIPLINARY PROCEDURE – ALLEGATION OF MISCONDUCT /
SERIOUS MISCONDUCT**

I require you to attend in a disciplinary hearing as follows:

Date:

Time:

Venue:

At the disciplinary hearing I will be considering the following allegation(s):

1.
2.
3.

Paragraph options

Misconduct

This is being considered as an act of misconduct under the school's Disciplinary Procedure, a copy of which is enclosed. At the hearing, I will be considering the allegation including the statements attached to this letter.

Serious misconduct

This is being considered as an act of serious misconduct under the School's Disciplinary Procedure a copy of which is enclosed. At the hearing, I will be considering the allegation(s) including the investigating officer report and other relevant evidence attached to this letter.

If you are found responsible for the alleged misconduct / serious misconduct this may lead to the issue of a formal warning as set out in the procedure.

You are entitled to be represented by a recognised trade union representative or work colleague if you so choose. You are also able to call witnesses should you so wish. Please advise names of any witnesses you will be calling. (The Committee will be calling as witnesses). (If appropriate)

It is important for you and your representative to prepare your response to the allegation carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

**Sample letter
Outcome of disciplinary hearing**

Dear

DISCIPLINARY PROCEDURE – ALLEGATION OF MISCONDUCT / SERIOUS MISCONDUCT

I refer to your disciplinary hearing with on when your representative was present (when you chose not to have a representative present) about an allegation of (add details).

In response you stated that Having considered all the details and circumstances of the event I am now satisfied that you

a) did not commit an act of *misconduct / serious misconduct in that you and the allegation is therefore unsubstantiated, and no further action will be taken.

b) did not commit an act of *misconduct / serious misconduct and I have decided *that there is no case to answer / to deal with this matter through a pre disciplinary management instruction ie

c) did commit an act of *misconduct / serious misconduct in that you and I am now issuing you with a recorded *oral warning / written warning / final written warning under the school's Disciplinary Procedure.

If you again commit a similar act or commit a further act of indiscipline you may ultimately be dismissed. It is hoped however that there will be no further action on the school's part. This warning will last for a period of (oral warning = 6 months; written warning = 12 months; final warning = 2 years).

Your conditions of service give you a right of appeal against this decision to the Staff Dismissal Appeal Committee of the Governing Body. If you wish to exercise this right you may do so either individually or through your trade union by notifying the Clerk to the Governors in writing, giving grounds for the appeal, within 10 days from the date you receive this letter. You have a right to appear before the Appeals Committee with or without a representative of a recognised trade union or work colleague.

Yours sincerely,

Headteacher

**Sample letter
Allegation of gross misconduct
(Requirement to attend a disciplinary interview)**

Dear

**DISCIPLINARY PROCEDURE – ALLEGATION OF GROSS MISCONDUCT OR
MISCONDUCT AFTER A FINAL WRITTEN WARNING**

Further to my letter of I require you to attend in my office at on
..... regarding the following allegation:

This is being considered as an act of gross misconduct / misconduct after a final written warning under the school's Disciplinary Procedure, a copy of which is enclosed. At the interview I (or the Staff Dismissal Committee) will be considering the allegation including the investigatory report by the Deputy (or other nominated person), a copy of which is attached.

If you are found responsible for the alleged incident this may lead to your dismissal as set out in the procedure. You are entitled to be represented by a recognised trade union representative or work colleague if you so choose. You are also able to call witnesses should you so wish. Please advise names of any witnesses you will be calling. (The Committee will be calling as witnesses). (If appropriate)

It is important for you and your representative to prepare your response to the allegation carefully so that I (or the Staff Dismissal Committee) can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

**Sample letter
Lifting of suspension**

Dear

GROSS MISCONDUCT ALLEGATION – LIFTING OF SUSPENSION

I have now received the investing officer's report in relation to the allegation(s) of gross misconduct in that:

1.
2.
3.

OR

I have now considered the conclusions of the preliminary fact-finding exercise in relation to the allegation(s) of gross misconduct in that:

1.
2.
3.

Having taken in to account all the relevant information available to me, I have found the allegation to be unsubstantiated and no further action will be taken on this matter.

Your suspension from work has now been lifted and I require you to return to work on (Name) will be in contact with you to discuss arrangements for your return.

Yours sincerely,