

Disciplinary Procedure for School Based Staff

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Aims and Objectives of the Procedure

The school is committed to providing a high quality of education for its pupils. In order to achieve this, it is expected that the conduct and performance of all employees will be of the highest standard. The expected standards of behaviour are set out in the Contract of Employment, the Disciplinary Rules, the Schools Dignity at Work Policy, and all other appropriate legislative requirements.

The procedure is intended to follow best practice as set out in the ACAS Code of Practice.

The aims and objectives of the procedure are as follows: -

- (i) To provide a fair and equitable process for dealing with situations where an employee's conduct is called into question.
- (ii) To seek improvement in an individual's conduct or performance.
- (iii) To reinforce expected standards of behaviour or performance.
Where the Head teacher has been directly involved in disciplinary procedures leading to dismissal, has
ii) instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.

Introduction Where the LEA has made representations to the Chair of the Governing Body on grounds of serious concerns about the performance of the Head teacher.

a) This procedure applies to all staff in a Community or Controlled School, but in the case of allegations against a Head teacher, the role identified for the Head teacher should be undertaken by the Chair of the Governing Body (or a nominated governor).

Pe

b) This procedure is not concerned with issues relating to sickness or capability issues, for which separate procedures exist. Separate procedures also exist for dealing with child protection matters although the Child Protection Coordinator may consider it appropriate, depending on the circumstances, for cases to be dealt with under this procedure where they relate to matters concerning an employee's conduct.

(d)

c) The purpose of this procedure is to provide machinery for dealing with disciplinary matters and to ensure that as far as possible, disciplinary action is consistently and fairly applied.

Other - Specify

d) A representative of the LEA as nominated by the Director of Children's Services, has the right to attend any formal disciplinary hearing in a Community or Controlled School, where dismissal may arise, to give advice. In the case of Aided Schools a representative of the LEA may be available to give advice, at the request of the School.

(e)

e) Disciplinary action may be preceded by a period of suspension (with full pay) where justified by the nature of the alleged offence.

(f) Brief description of allegation or concern raised

f) Should any procedure be equitable process for dealing with allegations where an employee's conduct should be expunged from the employee's personal record and the employee notified accordingly.

The Procedure

conduct is called into question.

Definitions of Conduct

a) Misconduct

A minor breach or failure to meet the general standards/rule related to conduct. In such cases an informal warning or a first written warning may be appropriate.

(ii) To seek improvement in an individual's conduct or performance.

(iii) To reinforce expected standards of behaviour or performance.

ii)

b) **Serious Misconduct**

Serious breaches of the general standards/rules related to conduct. In such cases a first warning may be a final warning.

c) **Gross Misconduct**

A breach of a rule or standard, which is a fundamental breach of contract and would result in dismissal, except in exceptional circumstances.

Investigatory Interviews

When a matter for concern arises about an employees conduct investigations will need to be undertaken. For all disciplinary incidents and to comply with Sections 35 and 36 of the Education Act 2002, it is advisable that investigations are undertaken by the Deputy Head teacher (or other appropriate Senior Teacher) allowing the disciplinary hearing to be chaired by the Head teacher.

Before any formal disciplinary action is taken a full investigation will take place by the Deputy Head teacher, who will establish the facts/details promptly before recollections fade, by conducting an investigatory interview with the employee concerned. The employee must be informed of their right to be accompanied at any relevant interview, by a trade union representative, professional association representative, or colleague within the school. No other person may represent an employee at any stage of the procedure.

Where appropriate, statements should be obtained from any available witnesses and signed to indicate that they are an accurate record. It is important that all employees co-operate fully with any investigation. It is also important that, when pupils are witnesses to incidents, where possible, they should be interviewed separately on the same day that an incident occurred, before their recollections fade and to avoid collusion. Advice should be sought from the Principal Education Welfare Officer prior to any such interviews involving children take place, but initial statements should be taken using the pro-formas attached at appendices 1 and 2.

Having investigated all the facts the Deputy Head teacher should decide whether to drop the matter, arrange informal coaching or support, or arrange for the matter to be dealt with under the formal stage of the disciplinary procedure.

The employee should be given advance written notice of the investigatory interview, and its purpose. The employee should be broadly informed of the nature of the matter under investigation but it may not be possible at this stage to be specific about the exact nature of the allegations until the investigation stage is complete. A copy of a standard letter inviting an employee to an investigatory interview is attached as Appendix 3.

The investigatory interview is a vital stage in the disciplinary procedure. The purpose is to establish the facts of the case, either on the evidence available or the balance of probabilities. Based on this information, a decision will be made about whether to proceed to a disciplinary hearing.

It may be necessary to hold a number of investigatory interviews as new evidence emerges. However, it is important that the employee is made fully aware at the end of each investigatory interview what the next stage may be i.e.

i) That further witnesses need to be interviewed ii) Or that there is insufficient evidence and the investigations are concluded or iii) That informal coaching/counselling will take place or iv) That a disciplinary hearing will be convened.

It is important that the investigations are concluded as quickly as possible to avoid any undue stress being caused to the employee and the witnesses.

If the matter is to be referred to a formal disciplinary hearing a letter must go to the employee notifying him/her of the allegations. A sample letter, which may be used, is attached as Appendix 4.

Disciplinary Action

Prior to any disciplinary action being taken against an employee the employee should be notified whether the status of the meeting will be informal or formal.

a) Informal Action

Minor disciplinary offences or failures to meet the required standards will usually be dealt with in the first instance by means of informal advice, coaching or counselling, rather than through the disciplinary procedure. Sometimes a Head teacher or other appropriate senior teacher may issue an informal oral warning - but they need to discuss problems with employees with the objective of encouraging and helping achieve an improvement. Employees need to be clear what action will be taken if they fail to improve. Informal warnings and counselling are not part of the formal disciplinary procedure and the employee should be made aware of this. The employee does not have the right to be represented at this informal stage, although requests by employees to be accompanied by a colleague should not be unreasonably refused. There is no right of appeal against such informal action.

b) Formal Action

Formal disciplinary action will normally be appropriate either:

- After the issue of an informal oral warning has failed to achieve the improvement in conduct or;
- As a result of an initial act of misconduct depending upon the circumstances.
- Whilst an incremental approach will normally be appropriate, the level of disciplinary action will depend upon the circumstances of the case. For example in a case where the initial act of misconduct or omission is more serious, but does not constitute gross misconduct, the issue of the first and final warning may be appropriate as the first warning. Therefore, it is not necessary for all the stages in the procedure to be followed before employment is terminated.
- The employee should be notified of his/her right to be represented by a Trade Union representative or colleague within the school throughout all the formal stages of the disciplinary process.

i) Initial Warning (Oral/Written)

Where an employee's work, conduct or omission is such to warrant formal disciplinary action, then the Deputy Head teacher should conduct an investigatory interview with the employee concerned and give him/her the opportunity to provide an explanation of the matter in question. If the explanation is not considered satisfactory the Deputy Head teacher will decide either:

To issue an informal oral warning as above OR

To refer the matter and present the case to a formal disciplinary hearing, which will be chaired by the Headteacher.

Prior to any formal disciplinary hearing taking place the employee should receive in writing the allegations being made against him/her and where practicable copies of any supporting evidence. The Headteacher may issue a formal oral or a written warning (depending on the seriousness of the offence). Such a warning should explain the nature of the complaint and any implications arising there from, including the consequences of further offences or a failure to improve.

In the case of formal oral warnings the employee will be advised that the warning constitutes the first formal stage of the disciplinary procedure and that a note will be placed on his/her personal file, and disregarded for disciplinary purposes after 6 months. The right of appeal must be stated.

A written warning may be appropriate where an employee fails to meet acceptable standards of conduct or where a verbal warning has previously been given. The warning will be issued by the Head teacher for a period of 1 year and will be recorded and placed on the employees' file. The right of appeal must be stated.

It is recognised that there will be circumstances where the Headteacher, rather than the Deputy will have had an involvement in investigating an employee's misconduct and would deem that issuing a formal written warning would be appropriate. Having already being involved in the case the Headteacher would normally have to refer the case to a panel of governors to recommend that a written warning be issued. However, if an agreement is reached with the employee and the employee's representative not to refer the case to a panel of governors, then such a warning may be issued by the Headteacher, subject to the employee being given the right of representation and the right of appeal.

ii) **Further Written Warning**

Where an employee commits a further disciplinary offence, or a subsequent but different offence, whilst the first written warning is still live, then he/she may be issued with a further written warning by the Head teacher. The written warning will be recorded on the employees file for a period of up to 2 years, depending on the circumstances. The right of appeal must be stated.

iii) **Final Written Warning**

Dependent upon the circumstances a final written warning may be issued either following an initial warning, following a further warning; or where an act of serious misconduct has occurred.

A final written warning may be given by the Head teacher as a first warning for incidents of serious misconduct or through repeated misconduct where previous warnings have been issued. Such warnings are recorded on an employee's file normally for a period of 2 years. (A first and final written warning may be issued in some instances, as an alternative to dismissal). The employee will be given the final written warning, with the precise nature of the offence set out and a statement confirming that any further proven acts of misconduct may lead to dismissal. The right of appeal must be stated.

iv) **Dismissal**

An employee shall only be dismissed for Gross Misconduct or following incremental warnings given for repeated offences committed whilst a final warning is still live. Such dismissal for Gross Misconduct will be a summary dismissal without notice. For those dismissals due to incremental warnings for repeated offences, the dismissal will be with notice (or pay in lieu of notice).

New staffing regulations and Guidance under Sections 35 and 36 of the Education Act 2002 states that a governing body can give delegated powers to a Head teacher to make the "initial dismissal decision". However, prior to any such initial dismissal decision being considered the Head teacher should seek advice from the HR Team, as a representative of the LEA, as nominated by the Director of Children's Services, has the right to attend any formal hearing where dismissal may arise.

The staffing regulations does stipulate that a Headteacher should be given devolved responsibility to make the initial dismissal decision unless particular circumstances apply which are as follows:

- i) Where the Head teacher is unwilling to perform these functions and whose previous history at the school did not include any such responsibilities.
 - (i) To provide a fair and equitable process for dealing with situations where an employee's conduct is called into question.
 - (ii) To seek improvement in an individual's conduct or performance.
 - (iii) To reinforce expected standards of behaviour or performance.
- Where the Head teacher has been directly involved in disciplinary procedures leading to dismissal, has
 - ii) instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.
 - iii) Where the LEA has made representations to the Chair of the Governing Body on grounds of serious concerns about the performance of the Head teacher.

Notice Period

If the Head teacher has made the initial decision to dismiss an employee he/she should confirm that decision in writing, stating the right of appeal to a committee of the governing body. The effective date on which a dismissal should take place and notice periods applied, as appropriate, will be the date on which the initial dismissal decision was made and not the appeal hearing date. The employee will be reinstated should any submitted appeal be successful. The employee shall have the decision of the disciplinary hearing confirmed in writing including details of appeal within 7 days. A copy of a standard letter, which may be used, is attached at Appendix 5.

Other - Specify

Other Modes of Disciplinary Action

(e) Nature of allegation or Other - Specify
 If there are any extenuating circumstances, and as an alternative to dismissal, consideration may be given to demotion to a lower graded post or suspension on half pay for a specific period.
 Sexual Physical Emotional
 Inappropriate Language Appropriate Behaviour
 Inappropriate Other - Specify

Suspension

(f) Any employee may be suspended on full pay, by either the Head teacher or the Governing Body, (or alternatively be transferred to another role within the school or within the Authority) depending on circumstances as follows: -
 To provide a fair and equitable process for dealing with situations where an employee's

- i)
 - a) Whilst an investigation is made into matters of a serious nature, where the possibility of dismissal may arise.
 - b) Where there are grounds for doubt as to the suitability of the employee to continue working in his/her present position or
 - c) Pending criminal investigations or proceedings.

The employee should be interviewed briefly by the Head teacher or Governing Body and told why he/she is being suspended. The employee should be given the right to be represented, but will proceed as necessary if a representative is unavailable. The interview shall be arranged in consultation with a Principal HR Advisor who shall have the right to attend on behalf of the

- (ii) To seek improvement in an individual's conduct or performance.

- (iii) To reinforce expected standards of behaviour or performance.

Director of Children's Services. The details of the suspension must be confirmed in writing. There is no right of appeal against this form of suspension.

This form of suspension is not disciplinary action.

Such suspension should only be imposed after careful consideration and should be reviewed every 4 weeks to ensure that is not unnecessarily protracted.

If following investigation it is decided that there is no case to answer, the suspension shall be lifted and the employee allowed to resume his/her normal work.

If following investigation it is decided that there is a case which may constitute gross misconduct, the suspension will remain in force and a formal hearing will be held in accordance with this procedure.

If following investigation it is decided that there is a case to answer which is not gross misconduct then the suspension shall be lifted, the employee allowed to resume his/her normal work and a formal hearing will be held in accordance with this procedure.

A copy of the format for conducting a suspension hearing is attached as an Appendix 6.

Right of Representation

Where it is considered necessary to take formal disciplinary action, the employee concerned must be given adequate notice of the right of representation and given at least 5 working days notice of the proposed hearing date. Employees may only be represented by a Trade Union representative or colleague from within the school. However, employees may not be accompanied by a colleague who may be called as a witness to the hearing. Witnesses may be accompanied by a trade union representative or colleague, but may not speak on their behalf. If the employee's representative is not able to attend on the chosen date, then (s)he may offer an alternative date so long as it is within five working days after the date proposed. The employee's representative may address the hearing but may not answer questions on the employee's behalf.

Hearing Dates

Once the allegations have been prepared and any supporting written information and/or documentary evidence is available for issue to the employee the hearing date should be set. Whenever possible a mutually convenient date should be agreed with the employee and their representative to ensure the hearings do not have to be delayed or postponed at short notice.

The format for a Disciplinary Hearing is attached as an Appendix 7.

Exchange of Written Evidence

Any written evidence must be exchanged in advance of the Hearing, normally no later than 5 days prior to the Hearing. Both parties must indicate which witnesses will be present at the Hearing, if any. Details of witnesses to be called by both parties should also be exchanged in advance of the hearing.

Sickness of Employee

Where during a period of suspension an employee produces a medical certificate then the suspension will be lifted and sickness absence will be substituted. Where an employee is unable to attend an investigatory interview or disciplinary hearing they must produce a Doctor's medical certificate. Where the sickness continues beyond one week the employee will be required to attend the Occupational Health Unit in order that the Occupational Health Physician may determine whether or not they are fit to attend the interview or hearing, before a decision is made to proceed with the hearing in his/her absence. The employee must be advised in advance and be given the opportunity to have their case presented by their representative.

Other Exceptional Circumstances

In certain exceptional circumstances it may be argued that a contract of employment has been frustrated when an event occurs which makes it impossible for the contract of employment to be performed. For example, cases related to criminal offences against children might be considered to be a frustrating event where bail conditions restrict access to children or a remand in custody has taken place. Such an event would prevent an employee from fulfilling their contract of employment where access to children is a prerequisite. Advice should be taken from the HR Team.

Appeals

The employee has the right to appeal against a decision involving any formal disciplinary action, including dismissal, to a panel of at least 3 governors from the governing body.

The employee should notify the Head teacher, in writing, of their intention to appeal, within 7 calendar days of receipt of the initial decision, outlining the reason for the appeal. The grounds for appeal may include, for example, the severity of the punishment, perceived unfairness of the judgement, new significant evidence coming to light, or alleged procedural deficiencies.

Appeals are a re-hearing of the case at the previous stage excluding consideration of any allegations which were not found proven. Where the facts of the case are not in dispute, or there are no procedural issues arising from the conduct of the original hearing, but only the severity of the penalty is at issue, then both sides may agree a statement of facts to be jointly submitted in evidence.

New evidence may only be introduced where it is significant and was not previously available to either side. In such situations it must be disclosed at least 3 days prior to the appeal hearing. If the employee provides new evidence governors may request the appeal be adjourned to enable further investigations and a review of the original decision to take place.

If an employee appeals against a dismissal decision and is successful then the employee will be reinstated.

Notifying the LEA

The effective date on which a notice of dismissal would be applied will be the date on which the initial dismissal decision was made. However, should any subsequent appeal hearing overturn the initial dismissal decision then the Chair of the Appeal panel should notify the LEA in order that the notice of dismissal can be revoked. The LEA HR Team will make the necessary arrangements to amend the Payroll and Personnel records to reflect the governors' decision.

General Teaching Council

Under the General Teaching Council for England (Disciplinary Functions) (Amendment Regulations 2003), the LEA as the employer, must refer cases of teacher dismissal (or resignations by teachers prior to disciplinary action being taken for gross misconduct) to the GTC and the DFES.

Records of Warnings

The following records will be maintained of formal disciplinary action: a) Formal Oral Warnings A note of formal oral warnings will be kept on the employee's file and disregarded for disciplinary purposes after 6 months b) Written Warnings Copies of written warnings will be kept on the employee's file and disregarded for disciplinary

When

Initial written warning - 12 months

Further written warning - up-to 24 months

Final written warning - normally 24 months, in exceptional circumstances a different period may be specified

warnings are no longer live and are therefore normally disregarded for disciplinary purposes after the specified time, they are not expunged from the employee's file. They will remain on file as a factual record of the employee's employment history but no reference will be made to them.

Trade Union Officials

Although normal disciplinary standards should apply to their conduct as employees, no formal disciplinary action is to be taken against an accredited representative of a trade union or teachers association until the circumstances of the case have been discussed with a senior trade union representative or full-time officer of the trade union or the teacher's association concerned.

Disciplinary Rules for School Based Staff

Disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and the conduct of employee relations. They also assist an organisation to operate effectively. Rules benefit both employers and employees as they set the standards of conduct at work and provide a fair method of dealing with alleged failures to observe them.

It is unlikely that any set of rules can cover all situations that may arise. A distinction can, however, be made between "Gross Misconduct" and "Misconduct".

1. GROSS MISCONDUCT

Any employee suspected of committing an act of gross misconduct will be suspended on full pay pending investigation. If, after proper investigation, it is decided that the employee has committed such an act or if the act is admitted, he/she will be dismissed without the normal period of notice or pay in lieu of notice, unless there are mitigating circumstances.

The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

1.1 Theft and Dishonesty

Dishonesty associated with the place of work or job being undertaken, for example: -

- (i) Stealing from the school, employees or the public.
- (ii) Unauthorised removal of the school's property.
 - (iii) Deliberate falsification of expense claims, bonus returns or timesheets for financial gain.
- (iv) Falsification of qualifications which is a stated requirement of employment or which results in financial gain.
- (v) Working for another employer, paid or otherwise, during working hours whilst absent due to sickness
- (vi) Wilful falsification, omissions, or failure to disclose any other details requested on an application form or at interview (e.g. qualifications, criminal convictions, reason for dismissal) or which is a stated requirement of employment or which results in financial gain.
 - (vii) Failure to disclose criminal convictions which are not spent in accordance with the Rehabilitation of Offenders Act.

1.2 Failure to Undertake the Requirements of the Job

- i) Gross negligence in failing to attend to, or carry out, the normal agreed duties of the job in which the safety of pupils or their education is put at risk as a consequence.
- ii) Deliberate refusal to carry out lawful, reasonable and safe instructions or the normal agreed duties of the job.

1.3 Infringements of Health and Safety

Serious infringements of safety rules or other negligent actions which seriously place the health and safety of other persons in danger, for example; -

- (i) Damage to, neglect of or removal of safety equipment.
- (ii) Smoking in identified "no smoking" areas containing inflammable or explosive materials
 - (iii) Being unfit to perform duties satisfactory as a result of taking alcohol or drugs not in accordance with medical advice.

1.4 Improper Use of Information

- i) Wilful unauthorised disclosure of information classified as strictly confidential which could be harmful to the school or employees by employees who in the course of duty have access to such information, e.g. personal information on employees, schools pupils etc.
- ii) Use of information obtained in the course of employment, for personal gain, or others personal gain.

1.5 **Behaviour in the Workplace** Gross Insubordination Acts of violence or vandalism in the course of employment,

for example: -

(i) Malicious damage to school or employee property.

(ii) Actual physical violence/assault or, in certain circumstances, threatened physical violence/assault to pupils, colleagues or associates of the school.

(iii) Fighting at work

(iv) Sexual misconduct at work, for example: -

(i) Sexual misconduct whether criminal or not.

(ii) Sexual relations with pupils.

(iii) Use of City Council Computer equipment to knowingly access pornographic web sites or store or transmit pornographic or other sexually explicit material

(iv) Use of other City Council equipment (e.g. fax machines, mobile phones) to knowingly access, receive, store or transmit pornographic or other sexually explicit material

1.6 **Off Duty Conduct** Misconduct not in the course of employment for example: -

(i) An act of criminal sexual misconduct.

(ii) Drug offences committed by employees whose jobs bring them into contact with young people.

(iii) Inappropriate/sexual relations with pupils.

(iv) A conviction for theft by an employee whose job involves handling cash or valuable goods

(v) Damage to council property

(vi) Off duty use of computer equipment or other equipment supplied or provided by the City Council to knowingly access pornographic web sites or otherwise knowingly access, receive, store or transmit pornographic or other sexually explicit material.

1.7 **Breach of School or Council Policy** i) Serious bullying, victimisation, intimidation or harassment of other employees, pupils, clients or members of the public ii) Unlawful discrimination against other employees, pupils, clients or members of the

public iii) Serious breach of the City Councils IT Security and Privacy Policy

1 **Other** Bringing the School or City Council into serious disrepute

2 **MISCONDUCT**

Misconduct of a degree less serious than that, which warrants dismissal for a first offence, will nevertheless lead to dismissal if persistent. The disciplinary procedure will be followed when dealing with misconduct. Some more serious acts of misconduct might justify omitting the first stage of the disciplinary procedure by issuing a final warning in the first instance if there is not a satisfactory explanation. Only when the disciplinary procedure has been exhausted will misconduct lead to dismissal, unless there are mitigating circumstances.

The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

2.1 **Behaviour in the Workplace** Absenteeism and lateness, for

example: -

- (i) Failure to remain at work during working hours without permission or sufficient cause of absence.
- (ii) Frequent failure to attend work punctually.
 - (iii) Failure to notify absence due to sickness in accordance with the agreed procedures.
- (iv) Failure to provide medical certificates when required.
- (v) Excessive levels of absence without good cause (excessive levels of sickness absence are dealt with under the Attendance Management Policy).

2.2 **Dishonesty - minor wrongs, for example:**

- (i) Making unauthorised private telephone calls and/or sending personal mail at the school's expense.
- (ii) Unauthorised personal use of school plant, premises, equipment, machinery or vehicles.
 - (iii) Unauthorised use of the Internet for personal purposes.
 - (iv) Installation or use of unlicensed or unauthorised software on City Council computer equipment.

2.3 **Neglect of duty, for example:**

- (i) Failure to wear protective clothing, use protective equipment or adopt safe working practices where required to by law or management.
- (ii) Failure to make an entry, where it is the employee's normal duty to make in any book, document or record.
 - (iii) Negligent use of school property or property leased or hired by the school, in such a way as is likely to cause serious damage or loss.
- (iv) Failure to discharge, without sufficient cause, the normal obligations which statute or the contract of employment places on the employees.
- (v) Failure to follow procedures for reporting accidents at work, violence to staff or other notifiable occurrences.

2.4 **Insubordination, for example:**

- (i) Being deliberately disobedient and failure to carry out a reasonable instruction issued by a line manager
- (ii) Use of Offensive language against a line manager

2.5 Bullying, victimisation, intimidation or harassment of other employees, clients, governors or members of the public in the course of employment.

2.6 Threatening or abusive behaviour and/or offensive language which arises directly out of or in connection with employment and which is directed at Senior staff, colleagues or members of the public.

2.7 Knowingly being an accessory to a disciplinary offence.

2.8 Making a malicious complaint of harassment and bullying against another employee.

2.9 Refusal to co-operate with any formal internal investigation.

2.10 **Infringements of Health and Safety** Neglect of employee's own health, for example: -

- (i) Remaining at work whilst unfit to do so.
- (ii) Undertaking paid or voluntary work or any other conduct outside normal working hours whilst absent from duty due to sickness which could prejudice return to work.

2.11 **Off Duty Conduct**

- i) Failure to disclose financial or non-financial interests which could conflict with the school's interests.
- ii) Undertaking additional employment or activity outside normal working hours which would be detrimental to the obligations of the employee to satisfactorily perform their duties of the School or which conflicts with the School's interests.

2.12 **Breach Of School Policy** Smoking on school or other premises where it is contrary to the school's policy.

Breach of the City Council's IT Security and Privacy Policy.

- (g) (i) To provide a fair and equitable process for dealing with situations where an employee's conduct is called into question.
 - (ii) To seek improvement in an individual's conduct or performance.
 - (iii) To reinforce expected standards of behaviour or performance.
- Where the Head teacher has been directly involved in disciplinary procedures leading to dismissal, has
- ii) instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.
 - iii) Where the LEA has made representations to the Chair of the Governing Body on grounds of serious concerns about the performance of the Head teacher.

**No
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rio
ds**

Where did the alleged incident take place? Classroom Corridor Playground

(d) School Trip In transport In family home
Other - Specify State level of provision.

(e) Nature of allegation or concern. Sexual Physical Emotional
Neglect Inappropriate Language (i) To provide a fair and equitable process for dealing with situations where an employee's conduct is called into question.

(e) Length of service in current post Inappropriate Handling (ii) To seek improvement in an individual's conduct or performance.
(f) Brief description of allegation or concern raised (iii) To reinforce expected standards of behaviour or performance.
Where the Head teacher has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.

On what basis is the member of staff employed?
i) Permanent Temporary Fixed Term Supply
Agency Worker Other
conduct is called into question.

**No
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member of staff previously?

DETAILS OF THE PERSON COMPLETING THIS FORM

	Name _____ (d)	Where did the alleged incident take place? Classroom
(ii) To seek improvement in an individual's conduct or performance.	Designation _____ (e)	School Trip Other - Specify _____
	Date _____	Nature of allegation or concern. Sexual Physical Neglect Inappropriate Language
(iii) To reinforce expected standards of behaviour or performance.	Contact Details _____ (f)	Handling
		Brief description of allegation or concern raised To provide a fair and equitable process for dealing with situations where an employee's conduct is called into question.

4. PROCEDURES FOLLOWED Please tick Date

Notification to LEA Designated Child Protection Officer Principal Officer - Education Welfare Service Day Month Year

Where the Head teacher has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the dismissal in question.

WITNESS STATEMENT

Name: Date:

Class: Time:

1. What happened?

2. Who else was there?

3. Where did it happen?

4. When did it happen?

5. Where were you standing/sitting?

6. What happened next?

Signed: Date:

APPENDIX 3

Subject: Investigatory Interview

Dear

I have received a complaint regarding your professional conduct in relation to

..... In order that this matter can be investigated it will be necessary for you to be interviewed. Please

attend an investigatory interview in my office on at

..... This is not a disciplinary hearing. I should advise you that you have the right to be accompanied at the interview by your trade union representative, or colleague within the school.

If the date or time is not convenient please contact me to arrange an alternative date and time. Yours sincerely,

DEPUTY HEADTEACHER

APPENDIX 4

Draft Letter

Subject: Disciplinary Hearing

Dear

I am writing to inform you that you are required to attend an interview with myself (or a panel of governors from the governing body) in accordance with the school's disciplinary procedure, on
at At the interview you will be given the opportunity to answer the following allegations of Gross Misconduct, Serious Misconduct or Misconduct (delete as appropriate): -

Insert allegation(s)

I must advise you of your right to be represented by your trade union representative or a colleague.

(N.B. If the allegation is gross misconduct insert the following: -

As the allegation relates to gross misconduct I must inform you that if the allegation is proven this may lead to your dismissal). Yours sincerely,

Head teacher

APPENDIX 5

SUBJECT: Disciplinary Hearing: Warning

Dear

I refer to the disciplinary hearing you attended in accordance with the school disciplinary procedure on, with myself. Also in attendance were

At the interview you were given the opportunity to answer the following allegation(s): -

- Insert allegations

During the interview consideration was given to the evidence produced by, Investigatory Officer, and to the submissions made by your trade union representative/colleague, on your behalf. I concluded that the allegations were proven and I am writing to confirm the decision to you that you are to be issued with a warning, which will remain on your record for a period of

I must inform you that you have the right to appeal against this decision. If you wish to exercise that right you must write to the Chair of Governors within 7 days of receipt of this decision.

Yours sincerely,

Head teacher

APPENDIX 6

Format for Suspension Hearings

- Introduction
- • Outline the reason that the meeting has been called - keep brief and do not go into detail
- I.e. *I have received a complaint, which is going to be investigated under child protection procedures.*
- In order for the matter to be investigated and in line with the School's Disciplinary Procedure you are to be suspended from duty with immediate effect.
- The period of suspension is with full pay.
- Suspension is a neutral act to protect both parties.
- • Outline terms of the suspension
- – I must inform you that you must not visit the school premises – You must refrain from contacting pupils or colleagues – You must refrain from discussing this matter with any involved parties.
- Offer assurances that we will endeavour to undertake the investigation quickly for matter to be resolved as soon as possible.
- Will contact you as soon as possible and will keep informed.

APPENDIX 7

Format for Disciplinary Hearing

Either the head teacher or a nominated Chair from a panel of 3 governors should chair the disciplinary hearing. However, the format for the disciplinary hearing remains the same. The Chairman shall introduce all the parties concerned and will outline the procedure. The hearing should take place in the following sequence: -

1. The facts of the case are presented by the Investigatory Officer who may call witnesses.
2. Witnesses may be cross-examined by employee/representative.
3. Questions for clarification from all parties (through Chairman).
4. Employee or representative present their case who may call witnesses.
5. Witnesses may be cross-examined by the Investigatory Officer.
6. Chairman/Investigatory Officer or Director of Children’s Services HR representative may place questions direct to employee or representative.
7. The Investigatory Officer sums up (no new evidence to be introduced).
8. Employee or representative sums up (no new evidence to be introduced).
9. All retire from the room except members of the Discipline and Dismissal Committee and the Personnel representative.
10. Deliberation.
11. Parties return. Chairman gives verdict. Inform employees of rights, particularly rights of appeal.
12. Confirmation of decision given in writing by Chairman.

The Governors agreement to Policy

Signed (Chair of Governors) Date

Policies are reviewed every 2 years or as necessary depending on new legislation.