

Subject

Disciplinary Policy and Procedure Management Guidance Notes

SUMMARY Guidance notes for managers dealing with disciplinary matters.

Action required and due date:

For the Attention of

All School Managers with responsibility for disciplinary issues

Relevant Policies

Disciplinary Policy and Procedure for Staff employed under the Purview of School Governing Body

Superseded Previous Guidance

Discipline at Work Management Guidance Notes (April 2000)

Date of Issue

Reference

OLA/YEAR/THREEDIGITNUMBER

Further Information

Telephone

Andy Collinge, Senior HR Adviser (0161 770 4239)

E-mail

andy.collinge@oldham.gov.uk

This guidance note will be placed on the Children, Young People and Families Intranet Pages

- 1. Defining Required Standards of Conduct**
- 2. When to Apply Formal Procedures**
- 3. Examples of Misconduct**
- 4. Examples of Gross Misconduct**
- 5. The Role of the Investigating Officer**
- 6. Guide to Undertaking an Investigation**
- 7. The Role of the Trade Union Representative**
- 8. Disclosure of Documents**
- 9. Allegations of Professional Abuse**
- 10. Venue and Timing of Interviews / Hearings**
- 11. Employee Absence Due to Ill Health**
- 12. The Disciplinary Hearing**
- 13. Complaints to An Employment Tribunal**
- 14. Key Actions**
- 15. Other Sources of Information**
- 16. Future Developments**

Appendices

- A) Process for Handling Allegations of Professional Abuse**
- B) Model Witness Statement Form**
- C) Model Format for a Disciplinary Report**
- D) Sample Letter (Confirmation of Suspension)**
- E) Sample Letter (Notification of Investigatory Interview)**
- F) Sample Letter (Notification of a Disciplinary Hearing)**
- G) Sample Letter (Confirmation of a Written Warning/Final Written Warning)**
- H) Sample Letter (Confirmation of Summary Dismissal)**
- I) Sample Letter (Notice of an Appeal Hearing)**
- J) Sample Letter (Notification of Appeal Decision)**

MANAGEMENT GUIDANCE NOTES

1) Defining Required Standards of Conduct

All employees are subject to set standards of performance in terms of the quality and quantity of work they undertake and their behaviour at work.

Some standards are expressly defined in formal documentation for example, job descriptions, local and nation conditions of service and school policy and procedures. Other standards are implied in any contract of employment for example, following a reasonable management instruction and working in a professional manner. It is for managers to ensure that all standards and expectations are made explicit and are measurable, consistently maintained and realistic.

2) When To Apply Formal Procedures

Informal counselling and discussions may prove to be unsuccessful, a verbal warning may have previously been given, or an alleged offence may be of a serious nature in which case the formal disciplinary procedure should be invoked.

Great care must be taken to ensure equal opportunities and that any disciplinary procedures, are not discriminatory and are applied irrespective of gender, race, marital status, age, disability, religion or sexual orientation.

A formal procedure is required to demonstrate a fair and consistent consideration of allegations against an employee but the main purpose of the procedure remains: to encourage an employee whose conduct is causing concern, to improve.

When a matter of concern comes to light, a Headteacher or Senior Manager should make enquiries sufficient to satisfy the need for a formal investigation or otherwise. He/she should not conduct a 'mini-investigation' at this stage. All parties involved should be interviewed: under the procedure, quickly and before there is the opportunity for collusion.

The member of staff against whom disciplinary action may be taken should be informed that there is a matter to be investigated and advised to seek representation. S/he should be informed broadly of the matter to be investigated. A decision whether or not to suspend must be taken. Either way, an assurance should be given that he/she will have every opportunity to state his/her case and that neither the investigation or the suspension (as appropriate) presumes either guilt or innocence. Any decision to commence with a formal investigation should be confirmed to the employee in writing.

3) Examples of Misconduct

The following are just some examples of misconduct that in the majority of cases would fall short of dismissal. The examples below are for guidance only and if Headteachers are unsure of whether or not a particular behaviour constitutes

misconduct they should contact their nominated Senior Human Resources Adviser for clarification.

Misconduct

- i. Unsatisfactory Timekeeping
- ii. Absence without permission
- iii. Unsatisfactory standards of work not related to capability
- iv. Failure to follow recognised procedures, e.g. holiday and sickness notification
- v. Rudeness or incivility to pupils, members of the public, parents or fellow members of staff

The above examples may if persistently committed constitute gross misconduct, especially if further offences are committed whilst the employee currently has a live warning on file.

4) Examples of Gross Misconduct

The following are just some examples of gross misconduct and are not an exhaustive list. As with all allegations Headteachers should seek advice from their Senior Human Resources Adviser before coming to a decision as to whether a particular action constitutes gross misconduct.

Gross Misconduct

- i. Harassing, bullying or abusing pupils or colleagues for any reason, including reasons relating to sex, race, sexual orientation, disability, age, political convictions or religious beliefs.
- ii. Possessing, using, displaying or dealing in illegal drugs of any kind.
- iii. Drunken, disorderly, indecent or immoral conduct, including wilful assaults or fighting with fellow employees, parents, pupils or members of the public.
- iv. Other conduct outside work which could result in a loss of trust in an individual as an employee, or a conviction which renders it unlawful for the individual to carry out their duties e.g. a Schedule 1 Offender in a post which comes into unsupervised contact with children.
- v. Malicious damage to school or council property at any time, or theft of money from other employees or members of the public.
- vi. Fraud or deliberate financial irregularity involving the school's money or resources. Abuse of Leave entitlements, the Councils Sick Pay Scheme or similar procedures.
- vii. Unauthorised use of the schools premises, property, or equipment.
- viii. Unauthorised use or misuse of school information. This would include issues involving confidentiality and the Data Protection Act 1998.
- ix. Misuse or unauthorised use of the school's computer systems/equipment e.g. e-mail and internet facilities, personal use, including contravention of the School's guidelines for acceptable use of the internet.
- x. Deliberate and serious breach of safety rules and instructions.

- xi. Gross negligence in performing duties which causes or might cause unacceptable loss, damage or injury e.g. loss of a vehicle/destruction of confidential documents/accidents involving pupils or staff.
- xii. Sexual misconduct whilst working or on council property or with any person in or under the School's care including professional misconduct or sexual offences involving staff or pupils.
- xiii. Serious breach of school rules.
- xiv. Bringing the school or LA into serious disrepute.
- xv. Failure to declare an interest when involved in Recruitment or similar activity where discretion can be applied
- xvi. Deliberately disobeying a reasonable and lawful contractual instruction from management, or serious act of insubordination.

5) The Role of the Investigating Officer

The nominated investigating officer will be responsible for investigating the circumstances of the allegation. His/her findings will determine whether or not the matter will proceed to a formal disciplinary hearing. There is a need for speed, thoroughness and accuracy. For the case to proceed, the investigating officer needs to believe that, on the balance of probabilities, there was an act of misconduct or omission of duty serious enough to warrant a formal response.

The investigating officer should ensure that at the earliest opportunity, the employee and any witnesses to the 'incident' are asked to provide written statements, which may be used as documentary evidence.

An important part of the investigation will be to interview the employee under investigation and any witnesses. The purpose of the interview is to allow the employee / witnesses to give their version of events and to clarify anything that has been recorded in previous written statements. The investigatory officer may be accompanied at the interview by a senior colleague or an LA HR representative. An accurate record of any interviews must be kept and a copy given to the interviewee prior to any subsequent hearing.

The employee's representative is invited to be present to support and advise but not to answer questions on behalf of the employee.

If pupils have witnessed an incident they can be asked to write or give a verbal account. Children share and can enhance stories very quickly and every attempt should be made to get their opinions before they have had the opportunity to collude. Pupils should not be informed of the reason for the enquiries nor should pupils be asked to act as witnesses at the Hearing. If pupils are being interviewed, parents should be given an opportunity to be present or, failing parental availability, a member of staff should act *in loco parentis*.

In the light of all the information gathered, the investigating officer will determine if, on the balance probabilities, there is a case to be answered and recommend the way forward to the Headteacher/Chair of Governors as appropriate.

At the hearing, the investigating officer presents the case to the relevant body and is available to answer questions from the relevant body and the employee/representative.

Responsibility for the investigation may be delegated to a representative of the Director of Children's Young Peoples and Families Services, usually the schools nominated Senior HR Adviser. If the headteacher, or a member of the school senior management team has been nominated, he/she should seek HR advice/support on the investigation process.

The investigating officer is not party to the decision at the disciplinary hearing.

6) Guide to Undertaking An Investigation

The responsibility of the Investigating Officer is to:

- i. Find out all the relevant facts promptly before memory fades. This includes taking statements from witnesses and any initial explanation from the individuals involved.
- ii. Ensure that statements and/or interview notes are compared and attempt to resolve any discrepancies.
- iii. Establish the exact nature of the allegations and the nature of the evidence to substantiate it.
- iv. Summarise the findings of the investigation in a report. The report is to be structured in a clear, concise and logical format, supported by full documentary evidence attached as appendices in sequential order.
- v. Make a recommendation regarding follow on action, for example: no case to answer so therefore no action needed, informal standard setting required, or commencement of the formal disciplinary process. Any disciplinary penalty will be decided by the Relevant Body.
- vi. If a disciplinary hearing results, presents the evidence in a logical sequence, answering any questions posed to them.

In fulfilling this responsibility Investigating Officers will need to:

- i. Ensure the investigation is carried out as soon as possible after the event.
- ii. Be thorough and fair.
- iii. Remain impartial and objective, and guard against making assumptions.
- iv. Keep an open mind and avoid introducing any bias into your questioning.
- v. Guard against giving personal opinions, getting involved in arguments or making personal remarks.
- vi. Consider whether there are any mitigating circumstances and whether these are relevant to the allegation(s).
- vii. Maintain confidentiality as appropriate and be sensitive to witnesses concerns about appearing at hearings.
- viii. Take detailed notes and statements from all parties concerned and ensure, as far as possible that all statements are signed and dated.
- ix. Make sure statements and /or interview notes are compared and attempt to resolve any discrepancies.

Gathering Evidence

- i. Your main aim should be to establish the full facts. This includes talking to staff members directly involved and exploring how these individuals see the problem and its causes, as well as talking to any other members of staff or if necessary pupils involved.
- ii. If the investigation is complex and the investigation interviews are likely to be lengthy you should consider having an assistant minute your interviews to enable you to concentrate fully on the task in hand.
- iii. Prepare your questions for appellants and witnesses prior to the interview. This will give you a basis for your investigation and help to ensure that no key points are left unexplored.
- iv. Ensure that all dates, locations, times and figures are recorded accurately.

Taking a Statement

When taking statements investigating officers should be mindful of the following:

- i. Do not bring undue pressure onto appellants or witnesses in order to generate a statement.
- ii. Statements should be taken as quickly as possible after an allegation has been made, this minimises the recollection being biased by peer pressure or collusion.
- iii. No attempts should be made to lead witnesses.
- iv. Employee/witness interviews should be held in a private room.
- v. All witness statements should be signed and dated. It is important to try and get statements agreed as soon as possible after the interview has taken place.
- vi. Witnesses should be advised that their statements may be made available to all parties involved in any potential disciplinary. Witnesses should also understand that they may be called to give evidence at any disciplinary hearings.
- vii. Witness statements should be recorded as logically as possible. A template for witness statements is included in appendix C of these guidance notes.

Preparing a Disciplinary Report

Once an investigation is completed the Investigating Officer will need to prepare a report for the Headteacher/ and or Governing Body.

If the matter is to proceed to a disciplinary hearing, the Investigating Officer will be responsible for writing the case which will outline the:

- i. Employee's service history, role and responsibilities including details of any 'live' warning relating to the employees previous conduct.
- ii. Allegations and how they became known
- iii. Full supporting evidence in sequential order including any relevant policies, record etc.
- iv. Role taken by the investigating officer

- v. Apparent sequence of events
- vi. Evidence in support of the case
- vii. Conclusions reached

Appendix D outlines a suggested format for drafting a disciplinary report.

7) The Role of the Trade Union Representative

The role of the Trade Union Representative is in essence a supportive one. Both Trade Unions and Panel members should be aware that Trade Union representatives are not expected to answer questions on behalf of their members. Their role is one of support and advice.

The Disciplinary Policy explicitly states that representation for employees extends to Trade Union/Professional Association Representatives or work based colleague. This definition does not include Solicitors, whose role would be more suited to matters that are outside of the internal process i.e. Employment Tribunals.

8) Disclosure of Documents

The following protocol will apply all disciplinary investigation cases in relation to the Disclosure of Documents.

In general terms the following will apply.

- i. The employees representative can only request that the investigating officer interviews a potential witness up to the point where the Investigating Officer makes a decision whether or not the case should be referred to a disciplinary hearing. Once this decision has been made the representative cannot request that the Investigating Officer interviews anyone. It will then be up to the TU representative to interview any further witnesses should they wish to do so.
- ii. If a decision is taken not to proceed to a hearing then the TU representative and the employee do not receive any papers whatsoever.

The Investigating Officer

- i. The employee's representative may ask the Investigating Officer, in writing, to interview a specific person or persons.
- ii. The written requests should state why the representative wishes the person to be interviewed, why the representative does not wish to conduct the interview themselves and what information the representative wishes to ascertain.
- iii. The final decision whether or not to accede to the representatives request lies with the Investigating Officer.

Both representative and Investigating Officer should be aware that they may be asked to justify why they did not interview a particular witness.

9) Allegations of Professional Abuse

There may be instances within schools where staff are alleged to have committed a potential disciplinary offence that comes under the umbrella of 'professional abuse'. In these instances Headteachers must contact their nominated Senior HR Adviser in the first instance to discuss and report the allegation. In cases where there are serious concerns the matter is usually dealt with via an interagency discussion at the first instance. In this forum the case would be discussed by representatives from the school, the HR Department, the Pupil Welfare Dept, the LA nominated Child Protection Officer, and the Police Liaison Officer. In cases involving Aided Schools it is also usual to involve the Diocesan Officer in any discussions. The result of these discussions would be to either:

- i. Take no further action or informal action.
- ii. Refer the matter to the Police/Child Protection Officer for further investigation.
- iii. Refer the matter to the internal disciplinary process.

Appendix A outlines the stages involved in managing allegations of this nature.

10) Venue and Timing of Interviews / Hearings

Governors/Headteachers are responsible for ensuring that all interviews and Disciplinary or Appeal Hearings are held in a private room, which will ensure that there are no disturbances. At Hearings, witnesses should be asked to wait outside of the room until called in order to avoid allegations of collusion. LA offices may be available for Hearings if these are felt to be more appropriate than school premises.

Interviews and Hearings should be held at a convenient time - perhaps in the afternoon to enable the member of staff to leave afterwards. Alternatively, if a number of witnesses are required and if Governors are in employment, it may be necessary to meet outside of school hours.

11) Employee Absence Due to Ill Health

If the Council's Occupational Health Adviser judges that attendance would be injurious to the employee's health then the hearing will be postponed, however the length of this postponement will be assessed at regular intervals taking into account the impact of the employee's absence on the school.

If the employee is subsequently unable to attend a rearranged hearing then he/she can:

- i. have his/her representative attend on his/her behalf
- ii. submit his/her response in the form of a written statement, or
- iii. both

The Disciplinary Hearing may still go ahead in his/her absence. The outcome of the hearing may be a decision to impose a disciplinary sanction, which in cases of gross misconduct may include summary dismissal.

In the event of an employee resigning or having his/her contract of employment terminated on the grounds of incapability due to sickness absence, then in the cases involving potential gross misconduct it may be appropriate to proceed with a hearing in accordance with this procedure in any event. The outcome of the hearing will be recorded on the former employees file and if the employee is dismissed then there will be a record kept for any future reference requests.

12) The Disciplinary Hearing

The Hearing must be minuted and the decision notified to the full Governing Body at the next termly meeting following the expiration of the appeal period. A confidential minute that the meeting took place, which members of the Governing Body were present and the decision made is sufficient. A full account of the case as it was presented and responded to, as well as the reasons for the decision made, should be carefully recorded and kept on file in the event of a claim to an Employment Tribunal.

The formal format for the meeting ensures natural justice (an equal say and every opportunity for clarity at all stages) and a systematic consideration of the facts. It is therefore in the interests of the employee and the relevant body to strictly adhere to it.

It is possible to agree a variation to the format if it is in the interests of clarity and for ease of understanding. Such an agreement will be made before the Hearing commences.

13) Complaints to an Employment Tribunal

An employee with one year's continuous service, who thinks he/she has been dismissed unfairly, can complain to an Employment Tribunal. If a governing body is in doubt about how employment law affects a particular case, they should get further advice from their nominated LA Senior HR Adviser.

If asked to respond, as the employer, at an Employment Tribunal, the LA will be mindful of any advice given during the disciplinary investigation / proceedings. Where a successful claim is made as a result of a Governing Body decision made against LA advice or in the absence of LA advice (where it is a legal requirement to consult the Director of Children, Young People and Families), the Governors may be required to meet any costs from the school budget.

14) Key Actions

School Managers and Governors involved in the disciplinary process should familiarise themselves with the Disciplinary Policy and Procedure, the ACAS Code of Practice on Disciplinary and Grievance Procedures, and this guidance before undertaking a disciplinary investigation or hearing a disciplinary case.

15) Other Sources of Information

Please refer to the Disciplinary Policy and Procedure Document.

16) Implications for Schools

Schools must adhere to the timescales and process outlined in the Disciplinary Policy and Procedure and pay due attention to the advice contained in this guidance. Any planned deviation from the above documents should be discussed with the schools nominated Senior Human Resources Adviser. School Managers and Governors should be aware that failure to follow advice from the LA in terms of process and sanction may render the school liable for any future costs resulting from Employment Tribunal decisions.

17) Future Developments

There are no further statutory changes planned in this area in the short term.

Appendix A

Process for handling an Allegations of Professional Abuse

Might arise as a complaint, grievance, during discussions etc

**Allegation
Suspicion
Concern**

If allegation concerns the Head, the Nominated Governor replaces the Head in procedures

Head

- * Log action and information
- * Do not tell anyone, not even staff involved
- * Usual rules of confidentiality re child protection matters apply

Consult with LA

Incident definitely did not happen

Action is not abusive

Action may be abusive

**No further
action**

**Internal
establishment
action**

**Interagency
discussion at
Strategy Meeting**

Consider:

- why has child made allegation
- should interagency referral be made?
- support

**Informal
action**

**Disciplinary
process**

**Investigation by SSD
and/or Police**

Appendix B

Model Witness Statement Form

This should include full details of the following:

Confirmation that this is a statement by witness giving name, position etc

Details, date place time etc of incident being investigated

Confirmation of names and positions of all those present (from whom of course additional statements can be requested)

Reason for witness being able to see/comment on the incident/occurrence

Position in which the witness was able to see the incident

Full details of what was observed, sequence of events, names of other people present, believed facts or injury or other occurrences, etc, in the witnesses own words as far as possible

Sketch or plan if appropriate

The witness should be requested to sign the form as a true and accurate record

Date, time and place the statement was taken

A record that the witness may be requested to attend any possible future hearing related to the investigation

Appendix C

Model Format for a Disciplinary Report

The following guidelines formulate a suggested format for a disciplinary report.

Try to keep the report as concise as possible depending on the complexity of the investigation. Witness statements and supporting evidence should be attached as appendices and cross-referenced with the report.

Introduction:

Background information relating to the member of staff

Length of Service/ hours of work etc
Post and Nature of Duties
Training and Qualifications
Details of previous misconduct, if still on file
Background information relating to the workplace (if relevant) i.e. environment, staffing levels, number of pupils, layout etc

Allegations(s):

These need to be very specific
Dates, time and place etc of the occurrence should be detailed
Nature of the misconduct

Investigation:

How the allegations were brought to your attention
How you carried out the investigation
What action you took during your investigation (if appropriate)
Witness Statements should be referred to
Any other source of information/policy or procedure you accessed.

Statement of Case:

From the information gathered, present your view of the sequence of events:

Salient points from the witness statements should be highlighted
If appropriate, clarify management's expectations of what should have happened
Explain the correct procedures
Demonstrate whether the member of staff had received sufficient training, support and information to meet these expectations and comply with procedures.
Consider the member of staff's explanation/statement as to what happened

Consider any mitigating factors and whether they have any relevance to the case

Summary and Recommendations for follow on action:

Deal with each allegation separately

Summarise the nature of the allegation

Emphasise any risks (to pupils, other staff, school reputation etc) if applicable

State reasons as to why the misconduct is unacceptable, i.e. how important/serious it is

State your reasons why you feel the allegations are proven or otherwise (witness statements/supporting evidence)

Appendix D

Confirmation of Suspension

CONFIRMATION OF SUSPENSION ON FULL PAY

Dear

I am writing to confirm that at an interview on [DATE] at which you were accompanied by [NAME], I informed you that serious allegations of gross misconduct have been made against you and that pending further investigations you are suspended from work on full pay.

The allegation(s) made against you are as follows: -

- i)
- ii)

The suspension is not in itself a disciplinary measure. It is a neutral act and assumes neither guilt nor innocence and is in accordance with the locally agreed disciplinary procedure.

During the period of your suspension you are instructed not to contact any members of staff or the governing body at the school.

I would advise you to seek representation from your trade union at the earliest opportunity.

(* I appreciate that you are in a difficult position and may require some support in the circumstances and [NAME] is available as a contact for this purpose [Tel.No.])

Arrangements are being made to resolve this matter as quickly as possible and [NAME] has been nominated as the Investigating Officer. He/she will contact you at the earliest opportunity regarding the investigation.

Yours sincerely,

Headteacher / Chair of Governors

Appendix E

Notice of an Investigatory Interview

INVESTIGATORY INTERVIEW - LOCAL DISCIPLINARY PROCEDURE

Dear

I am writing to inform you that in accordance with the Local Disciplinary Procedure, you are required to attend an Investigatory Interview on [] at []. I have been nominated as the investigating officer in this case.

The purpose of the interview is to discuss an allegation that you []. The meeting is not in itself a disciplinary measure but may result in formal disciplinary action being taken.

As the allegation made against you is one of potential gross misconduct, if proven this allegation may result in your dismissal from the post of.....

You have the right to be accompanied at the meeting by your Trade Union /Professional Association representative or a work based colleague.

Yours sincerely,

Investigating Officer

Appendix F

Notice of a Disciplinary Hearing

DISCIPLINARY HEARING - LOCAL DISCIPLINARY HEARING

Dear

I am writing to inform you that you are required to attend a Disciplinary Hearing on [DATE] at [TIME] in/at [LOCATION] with the Disciplinary Panel of the Governing Body of [SCHOOL].

At the Hearing you will be asked to answer the following allegation(s) of [gross*] misconduct.

[allegations itemised and specific]
etc.

One outcome of the meeting may be that disciplinary action is taken against you /
*As the allegation(s) against you is/are one of gross misconduct, if proven, you may be dismissed.

You have the right to be accompanied at the Hearing by your Trade Union / Professional Association Representative or work based colleague. Enclosed with this letter is a copy of all written documentation that will be presented. The following will be present at the Hearing as witnesses

[NAME]
etc.

If you wish to submit any further written evidence in support of your case you should forward it to me c/o the Children's, Young People and Families Service by along with the names of any witnesses you intend to call to give evidence on your behalf.

Please do not hesitate to contact me if you have any questions in relation to the above arrangements.

Yours sincerely,

Investigating Officer

Appendix G

Confirming the Disciplinary Decision (Written Warning/Final Written Warning)

WRITTEN WARNING - LOCAL DISCIPLINARY PROCEDURE

Dear

You attended a Disciplinary Hearing in accordance with the local Disciplinary Procedure on [DATE] with the Disciplinary Panel of the Governing Body of [SCHOOL]. You were accompanied by [REPRESENTATIVE] . [INVESTIGATING OFFICER] presented the case and [NAMES, TITLES] were also present in an advisory capacity.

At the Hearing, you were given the opportunity to answer the following allegations(s) of [gross] misconduct:

- i. [allegation(s) as previously identified];
- ii. etc.

The Disciplinary Panel gave careful consideration to the information presented by [INVESTIGATING OFFICER] and of the responses of yourself [and your representative] and concluded that:[summarise the conclusions reached in respect of each allegation and whether proven or not].

In view of these conclusions, I am writing to confirm the decision conveyed to you at the Hearing: that you be given a written/ final warning which will be placed on your personal file for a period of [(1) 6 months / 12 months, (2) 1 year, (3) 1 year/ 18 months] after which time it will be disregarded for disciplinary purposes. You should be aware that any further proven allegations within this time scale may result in further disciplinary action being taken against you.

The following improvements are required in respect of your future conduct: [define the acceptable standards]

[NAME] will monitor your progress over the next [TIMESCALE] and you may wish to discuss these expectations with him/her.

You have the right of appeal against this decision to the Appeals Committee of the Governing Body. If you wish to exercise this right, you should write to the Chair of the Governing Body, c/o the school, within 10 working days of receipt of this letter.

Yours sincerely,

On Behalf of the Disciplinary Panel (.....School)

Appendix H

(Summary Dismissal)

SUMMARY DISMISSAL - LOCAL DISCIPLINARY PROCEDURE

Dear

You attended a Disciplinary Hearing in accordance with the local Disciplinary Procedure on [DATE] with the Disciplinary Panel of the Governing Body of [SCHOOL]. You were accompanied by [REPRESENTATIVE] [INVESTIGATING OFFICER] presented the case and [NAMES, TITLES] were also present in an advisory capacity.

At the Hearing, you were given the opportunity to answer the following allegations(s) of gross misconduct.

1. [allegation(s) as previously identified
2. etc.

The Disciplinary Panel gave careful consideration to the information presented by [INVESTIGATING OFFICER] and of the responses of yourself [and your representative] and concluded that

- a) in respect of allegation 1, the case [was proven / not proven]
- b) etc.

In view of these conclusions, I am writing to confirm the decision conveyed to you at the Hearing: that, you be dismissed on grounds of gross misconduct with immediate effect. This decision has not been taken lightly but the Disciplinary Panel has judged your conduct to be so serious as to destroy the employment contract and make any further working relationship and trust impossible.

You have the right of appeal against this decision to the Appeals Committee of the Governing Body. If you wish to exercise this right, you should write to the Chair of the Governors [NAME, ADDRESS] within 10 working days of receipt of this letter.

I regret that I must write to you in these terms but feel it is appropriate in the circumstances.

Yours sincerely,

On Behalf of the Disciplinary Panel (.....School)

Appendix I

Notice of an Appeal Hearing

APPEAL HEARING - LOCAL DISCIPLINARY PROCEDURE

Dear

Thank you for your letter of [DATE] in which you state you wish to appeal against the decision of the Disciplinary Panel as confirmed in a letter of [DATE] from [NAME].

As discussed with [you/your representative], a meeting of the Appeals Committee of the Governing Body of [SCHOOL] has been arranged for [DATE] at [TIME], in/at [LOCATION].

You have the right to be represented at the Appeals Hearing by your Trade Union/ Association Representative or a work based colleague.

A copy of the format for the Hearing is enclosed.

Yours sincerely,

Chair of the Governing Body

Appendix J

Confirming the Appeal Decision

APPEAL DECISION - LOCAL DISCIPLINARY PROCEDURE

Dear

An Appeals Hearing was held on [DATE] at which you appealed against the decision of the Disciplinary Panel which was notified to you in a letter of [DATE]. You were accompanied by [REPRESENTATIVE] . [NAME], [NAME} presented the case on behalf of the school and [NAMES, TITLES] were also present in an advisory capacity.

At the Hearing, you were given the opportunity to indicate why the disciplinary action taken was unreasonable. The Appeals Committee gave careful consideration to the substance of your Appeal. Having heard all the evidence, the Appeals Committee determined that the decision made by the Disciplinary Panel be upheld / revoked. Confirm the appropriate disciplinary action in accordance with appeal outcome - none/same/revoked].

You have now exercised your right of appeal under the Local Disciplinary Procedure and this decision is final.

Yours sincerely,

Chair of the Appeals Committee