



Disciplinary Policy & Procedure

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Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

1. Scope

The procedure applies to all staff directly employed by schools and academies. The procedure is not to be used to deal with matters of unsatisfactory performance due to lack of capability and absence due to ill-health. Separate procedures exist to deal with matters of this nature.

Within this policy, references to the school, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments.

Where the Headteacher is the subject of disciplinary proceedings, all references to the Headteacher should be replaced with Chair of Governors or the Chair of the Trust Board or equivalent designation within an Academy Trust.

This policy has been developed following consultation with the national trade unions for teaching and support staff.

2. Policy

This policy takes into account the [Acas Code of Practice on Disciplinary & Grievance Procedures](#).

This policy seeks to support and encourage all employees to achieve and maintain the required standards of conduct and provides a fair and consistent method of dealing with alleged failure to observe those standards as well as supporting employees to recognise and resolve any shortfall. It encompasses the following principles:

- No formal disciplinary action will be taken against an employee until the case has been fully investigated and a Disciplinary Hearing has taken place
- The employee will be advised of the nature of the allegation ([Appendix 11](#)) and given the opportunity to prepare and present their case before any decision about disciplinary action is made
- The employee can be accompanied by a trade union representative or a work colleague, at any stage of the disciplinary process, including investigation meeting(s). See [Annex A](#) for details about the role of the companion. Where an employee is not a member of a trade union and is unable to find a suitable work colleague to support them, they can make a request to bring another designated person with agreement of the school
- No employee will be dismissed for a first breach of discipline except in cases of gross misconduct when the sanction may be summary dismissal i.e. without notice
- Any level of sanction can be applied which is deemed appropriate for the nature of the misconduct
- An employee will have the right to appeal against any disciplinary action taken or sanction applied
- Where disciplinary action is being considered against an employee who is a trade union representative, this procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement
- Meetings should be held during the employee's normal working time unless otherwise agreed with the employee. Where the employee is suspended from duty, the school can consider alternative meeting venues (outside of school) if appropriate
- The timeframes specified within this procedure are the minimum. It is recognised that at times it may be necessary to extend the specified timeframes; where this is the case the extension must be reasonable and the employee must be notified accordingly.

3. Local Authority's entitlement to give advice (for Community, Voluntary Controlled, Community Special and Maintained Nursery Schools)

The Local Authority has a statutory entitlement (under [The School Staffing \(England\) Regulations 2009](#) [as amended]) to send a representative to attend all proceedings relating to the dismissal of any teacher (including the Headteacher and Deputy Headteacher) and offer advice. Any advice offered by the Local Authority representative at these proceedings must be considered when reaching a decision. All advice offered by the Local Authority representative, and decisions reached in light of that advice should be fully documented.

4. Authority to take Disciplinary Action

Governing Boards are responsible for establishing procedures for the regulation of conduct and discipline of staff at work.

4.1 Delegation to Headteacher

The [School Staffing \(England\) Regulations 2009](#) (as amended) allow the Governing Board to delegate all its functions relating to staff employment in schools, including dealing with disciplinary matters and taking initial dismissal decisions, to the Headteacher. Therefore, where the Headteacher has delegated responsibility, it is expected that the Headteacher will conduct Disciplinary Hearings with support from an HR Advisor. In cases where the potential outcome of a Disciplinary Hearing is likely to be dismissal, it is recommended that the Headteacher has two additional governors, to form a Disciplinary Hearing Panel to hear the case. An example of where this could be the case is where the allegation constitutes gross misconduct or where the employee has a live final written warning on their record.

Where the Headteacher is not considered to be suitable to hear the case, either because they have previously been involved in the case (e.g. as part of the investigation, or they are the investigating officer, or could not be seen to be impartial, or for any other valid reason), the case should be considered by a Disciplinary Hearing Panel consisting of three other governors.

Where the Headteacher of a Local Authority school is the subject of disciplinary action, the case will be considered by a Disciplinary Hearing Panel of three governors at any formal Disciplinary Hearing, with a Local Authority representative present to give advice if relevant (see [Section 3](#) above).

4.2 No delegation to Headteacher

Where the Governing Board has not delegated responsibility for staffing matters to the Headteacher, any formal Disciplinary Hearing will be conducted by a Disciplinary Hearing Panel consisting of three governors.

All appeals against disciplinary sanctions will be heard by an Appeal Hearing Panel consisting of three governors.

The Disciplinary and Appeal Hearing Panels should consist of governors who have not previously been involved in the case, and who are not staff governors and, ideally, not parent governors.

It is strongly recommended that an HR representative is present in an advisory capacity to the Headteacher/Disciplinary Hearing Panel/Appeal Hearing Panel at any Disciplinary Hearing and Appeal Hearing.

5. Investigation/Suspension

When a disciplinary matter arises, it is important to carry out an investigation to establish the facts as soon as possible. During the investigation it may be deemed necessary to suspend the employee (see [Annex A](#) for additional guidance on suspension and conducting an investigation).

6. Stage 1: Informal Stage - Informal Management Meeting

Issues related to standards of conduct should be dealt with at the earliest opportunity.

Some issues can be dealt with informally and appropriate support should be provided to the employee to achieve the required standard. The employee will be given a reasonable opportunity to achieve the required standard and informed that in the event of insufficient improvement formal disciplinary action will be taken.

The employee should be advised that informal efforts to resolve the issue **are not** part of the formal disciplinary process. A record of the informal meeting **will not** be held on the employee's personnel file but will be securely retained by the manager for a period of 6 months and can be referred to should a similar allegation of misconduct arise within this period. The employee should be given the opportunity to make comments on any letter/record and this will be kept with

the manager's records. See [Appendix 8](#) for an example letter.

If a pattern emerges where the conduct remains satisfactory during the 6 month period but declines soon after, then the line manager can proceed to deal with the matter under the Formal Stage.

7. Stage 2: Formal Stage - Disciplinary Hearing

If following an investigation, the investigation report recommends that the employee has a case to answer and for the matter to be considered formally at a Disciplinary Hearing, the Headteacher should convene a formal Disciplinary Hearing as soon as possible.

Within Stage 2 – where the case is being heard by a Disciplinary Hearing Panel, all references to Headteacher should be replaced with Disciplinary Hearing Panel. The Disciplinary Hearing Panel, consisting of three school governors) should select a Chairperson to chair the hearing.

7.1 Prior to the Disciplinary Hearing

The employee must be given **10 working days'** notice of the Disciplinary Hearing in writing (see [Appendix 14](#)). This notification will include:

- The date, time and place of the hearing
- The names of those to be present at the hearing
- The allegation(s) and whether if, upheld, they constitute misconduct or gross misconduct and possible sanctions
- If the Investigating Officer intends to call witnesses, the names of the witnesses
- The employee's right to produce information and the date by which this must be received
- The employee's right to call witnesses and provide witness statements and the date by which they must notify the school of the names of the witnesses and provide the witness statements
- The employee's right to be accompanied by a trade union representative, or a work colleague
- A copy of the evidence produced to support the case against the employee, and this will include the investigation report and witness statements
- A copy of the school's Disciplinary Policy & Procedure
- The employee's responsibility for communicating the details of the Disciplinary Hearing to their companion and providing the companion with a copy of the paperwork
- The employee being asked to confirm whether they require any adjustments for the hearing.

A copy of the disciplinary pack will be sent to all other relevant parties at the same time. This includes the Headteacher, the HR Advisor to the Headteacher, and the Investigating Officer.

The employee must submit any information they want to be considered at the hearing in support of their case, including the names of witnesses they wish to call and their witness statements, no later than **3 working days** before the date of the hearing.

A copy of the additional information provided by the employee must be sent to all other relevant parties as referred to above.

If new evidence is presented after the given timeframe, the Headteacher will determine whether or not the new evidence will be considered as part of the hearing. This may lead to an adjournment to allow time for the Headteacher to make their decision.

7.2 Attendance at the Disciplinary Hearing

The employee should make every effort to attend the Hearing.

If the employee is unable to attend due to ill-health, the school may wish to seek advice from Occupational Health about the employee's fitness to attend the hearing. Where the medical advice remains that the employee is unfit to attend the hearing, it would be reasonable to consider alternative options e.g. employee can submit a written statement, or the employee's companion can attend to present the employee's case on behalf of the employee. If the alternatives are not suitable, to consider holding the hearing in the employee's absence and a decision reached on the evidence available. The employee should be informed where this is the case. Schools may wish to seek advice from HR.

If the employee's companion is not available to attend on the date and time for the hearing proposed by the school, the school must postpone the hearing to a date and time proposed by the employee or their companion, provided that the alternative date and time is both reasonable and not more than **5 working days** after the date originally proposed. Any extension of this timeframe will be at the discretion of the Headteacher.

7.3 Persons present at the Disciplinary Hearing

- Headteacher
- HR representative (in an advisory capacity to the Headteacher)
- Investigating Officer (to present the investigation findings and to respond to questions from the employee and/or their companion, and the Headteacher)
- Employee (subject of the disciplinary case)
- Employee's companion (this can be a trade union representative or a work colleague or another designated person agreed with the school)
- Notetaker (this can be the Clerk to the Governing Board or another suitable person from the school)
- Witnesses, if required.

7.4 At the Disciplinary Hearing

At the Disciplinary Hearing, the employee and their companion are entitled to be present at all times except when any matter falls solely for the Headteacher to consider with advice from the HR Advisor.

If witnesses are being called, they should appear one at a time and should only be present whilst they are giving evidence.

The Headteacher explains the procedure to be followed (see [Appendix 6](#) for guidance), states the allegation(s) against the employee and asks whether the employee admits or denies the allegation(s).

If the employee **admits** to the allegation(s):

1. The Headteacher asks the employee if they wish to offer an explanation for the allegation(s) against them and to present any mitigating circumstances
2. The Headteacher asks the Investigating Officer if they have any comments to make on the explanation or mitigating circumstances offered by the employee
3. The Headteacher can ask questions of the employee concerning the employee's explanation/mitigation
4. The Headteacher asks both parties to withdraw whilst the Headteacher, advised by an HR Advisor, reaches a decision on the evidence presented.

If the employee **denies** some or all of the allegation(s):

The Hearing should proceed in the following manner:

5. The Headteacher asks the Investigating Officer to present the investigation findings and call any witnesses
6. The Headteacher invites the employee and employee's companion to ask any questions of the Investigating Officer and any witnesses called
7. The Headteacher may ask any questions of the Investigating Officer and any witnesses called
8. The Headteacher asks the employee to present their case and call any witnesses. At times, an employee may ask their companion to present their case. This should be allowed, but the companion will not be able to answer questions on behalf of the employee
9. The Headteacher invites the Investigating Officer to ask any questions of the employee and any witnesses called
10. The Headteacher may ask any questions of the employee and any witnesses called
11. The Headteacher invites both parties to sum up their respective cases in the order in which they were presented. The Headteacher may wish to adjourn the Hearing briefly, if necessary, to allow both parties to prepare their summations
12. During the summing up no new evidence should be introduced by either party
13. Following the summations, the Headteacher invites both parties to withdraw whilst the Headteacher, advised by an HR Advisor, reaches a decision.

The Decision

14. The Headteacher considers the evidence presented, seeking advice from the HR Advisor
15. If there is any uncertainty about the information presented, or the discussion raises the need for further questioning of either party's evidence, the Headteacher should invite both parties to return so that further clarification can be sought from either or both parties
16. If the Headteacher wishes to question either party on matters which have not already been raised, or new evidence emerges at this stage, either party may request an adjournment to carry out further investigation before responding. The Headteacher will make a decision on any such requests including the length of any adjournment
17. The Headteacher makes a decision taking into account the evidence that has been presented, and this decision may at times be based on a balance of probabilities. On reaching a decision about whether the allegation has been upheld or not, both parties will be invited to return to the hearing
18. Where the allegation is upheld (i.e. substantiated), the employee will be informed of this, and before deciding the level of sanction, the employee will be offered a short adjournment to prepare any mitigation that they would like taken into account
19. Both parties will be invited to return to the hearing, and the employee will be asked to provide any mitigation they would like to be considered before a decision is taken on the sanction
20. A short adjournment will be called during which the Headteacher, in deciding the level of sanction, will consider the nature and level of the current offence in relation to the employee's job, any mitigation offered by the employee, and the employee's current disciplinary record
21. Both parties will be invited to return to the hearing and the Headteacher will inform them of:
 - The precise nature of the misconduct; and whether it is misconduct or gross misconduct
 - Any mitigating circumstances which have been considered
 - What disciplinary action (See [Section 9](#)), is being taken and the length of the time for which the disciplinary action is valid, or in the event of dismissal whether it will be with or without notice (the latter will only be in cases of gross misconduct)
 - The consequences of further misconduct within the set period of the disciplinary sanction issued. For instance, that

it may result in a higher level of sanction

- Their right of appeal and the appropriate timescale within which the employee needs to submit their appeal.
22. Where the allegation is not upheld all references to the matter will be removed from the employee's file. However, for allegations concerning safeguarding/child protection, only allegations which are found to be false or malicious will be removed from the employee's file. For further details on the allegations which need to be kept on file, see Paragraph 7.1 of [Annex A](#) of this procedure - Additional Guidance. Please also refer to the [Dealing with Allegations or Concerns Raised Against Staff \(including Supply Teachers\), Volunteers and Contractors](#) procedure
23. The outcome of the Disciplinary Hearing should be confirmed to the employee in writing within **5 working days** of the date of the hearing (see [Appendix 15](#))
24. At times, due to the complex nature of the case and the extent of the evidence presented, it may not always be possible for the Headteacher to reach a decision within the timeframes set for the day of the Disciplinary Hearing. At times the hearing itself may continue late into the day, and it may be considered reasonable to allow the employee and their companion to go home. In these circumstances, the employee will be notified of the outcome and the corresponding reasons in writing within **5 working days** of the date of the hearing (see [Appendix 15](#)).

8. Stage 3: Appeal Hearing

An employee has the right to appeal against any formal disciplinary action. The appeal is against the decision reached at the Disciplinary Hearing and should not be a re-hearing of the case.

If the employee wishes to appeal against the disciplinary action imposed, they must confirm this in writing to the Chair of Governors or another person designated by the school e.g. Clerk to the Governing Board, within **10 working days** of the written notification of the disciplinary action, stating their grounds and reasons for appeal which can be based on any of the following:

- The severity of the disciplinary action (e.g. sanction is considered too harsh in relation to the misconduct/gross misconduct)
- The findings of the Disciplinary Hearing are disputed on a point of fact that may have influenced the outcome
- There was a failure to adhere to agreed procedure that may have affected the outcome
- New evidence.

Where no appeal is lodged within the given timescales, the matter will be closed.

The Chair of Governors/Clerk to the Governing Board will arrange for an Appeal Hearing to be convened within **6 working weeks** of receiving the employee's appeal.

The Headteacher, and who for the purposes of the appeals procedure will be known as 'The Presenting Officer', will be required to present the management case at the appeal hearing. They will also provide a written management case statement in response to the grounds of appeal raised by the employee.

It is recommended that the Presenting Officer seeks advice from the HR Advisor present at the Disciplinary Hearing when completing the management case statement.

8.1 Prior to the Appeal Hearing

The employee must be given **10 working days'** notice of the Appeal Hearing in writing (see [Appendix 16](#)).

The written notification will include:

- The date, time and place of the hearing

- The names of those to be present at the hearing
- The employee's right to call witnesses where the grounds of appeal include new evidence
- The employee's right to be accompanied by a trade union representative or a work colleague
- Documentation to be considered at the hearing, including that from the Disciplinary Hearing, and including the employee's appeal and the Presenting Officer's management case statement
- Possible outcomes of the appeal hearing
- A copy of the school's Disciplinary Policy & Procedure
- The employee's responsibility for communicating the details of the appeal hearing to their companion and providing the companion with a copy of the paperwork
- The employee being asked to confirm whether they require any adjustments for the hearing.

A copy of the same must also be sent out to the Appeal Hearing Panel, the Presenting Officer and the designated HR Advisor.

If the employee's companion is not available to attend on the date and time proposed by the school for the hearing, the school must postpone the hearing to a date and time proposed by the employee or their companion, provided that the alternative date and time is both reasonable and not more than **5 working days** after the date originally proposed. Any extension of this timeframe will be at the discretion of the school.

In the event that the employee is unable to attend due to ill-health the school may wish to consider a postponement on the same terms as above. However, if the employee is unable to attend on the rescheduled date and time, the hearing may proceed in their absence. The employee should be informed where this is the case.

If the employee considers there is new information that has come to light which they have not included in their initial written appeal statement, they should submit this information no later than **3 working days** before the hearing. A copy of the additional information provided by the employee must be sent to all other relevant parties as referred to above.

8.2 At the Appeal Hearing

At the Appeal Hearing the same format will be followed as for the Disciplinary Hearing but with the order of the presentations being reversed i.e. the employee and/or their companion will present their case first giving their reasons for appealing.

Where the appeal is on the grounds of new evidence the Appeal Hearing Panel may consider adjourning the hearing if it is determined that further investigation is required in relation to the new evidence. Where this is the case the most appropriate person to carry out this additional investigation would be the Headteacher in their role as Presenting Officer. The Appeal Hearing will be reconvened where the findings of the investigation will be presented and considered. The employee will be given **10 working days'** notice of the reconvened Appeal Hearing.

The Decision

The same principles in terms of the process apply as for the Disciplinary Hearing.

Once the Appeal Hearing Panel has reached a decision, both parties should be recalled and informed of the decision by the Chairperson.

The Appeal Hearing Panel may take one of the following decisions at the conclusion of the appeal hearing:

- Uphold the appeal and dismiss any disciplinary action
- Substitute a lesser level of disciplinary action

- Dismiss the appeal and uphold the disciplinary action.

If the appeal is upheld then all records relating to the disciplinary action must be removed from the employee's file.

The decision of the Appeal Hearing Panel is final and should be confirmed in writing to the employee within 5 working days of the Appeal Hearing (see [Appendix 17](#)).

9. Disciplinary Sanctions

There are three levels of sanctions which can be applied depending on the nature and severity of the misconduct:

- **Written Warning**
- **Final Written Warning**
- **Dismissal***

***NB:** Dismissal will generally be with notice and will be applied from the date of the written notification of the outcome of the Disciplinary Hearing. Dismissal without notice should only occur where gross misconduct has been established. In this case, the dismissal is with immediate effect i.e., from the date the decision is reached.

If the employee appeals successfully against a dismissal decision then the notice of dismissal shall be withdrawn or, if the notice period has already been exhausted or the employee had been dismissed without notice, the employee will be reinstated with effect from the date that their employment had ended, and adjustments to pay made.

9.1 Duration of Warnings

- **Written Warning** to remain on the employee's file for 12 months
- **Final Written Warning** to remain on the employee's file for 2 years.

The warnings should set out:

- How long the warning will remain current
- The nature of the misconduct
- The change in behaviour or improvement required
- The consequences of further misconduct within the set period of the sanction.

Provided the employee's conduct has remained satisfactory throughout the duration of the warning period, all reference to it should be removed from the employee's file upon expiry of the warning period.

Previous expired warnings should not be taken into account when determining a current disciplinary sanction unless a pattern emerges of lapses in conduct soon after the expiry of warnings.

Here, the employee's disciplinary record can be taken into account in any future hearing and in deciding the duration of any future warning.

Outcomes relating to allegations of safeguarding/child protection should remain on the employee's confidential personnel file in accordance with [Annex A](#) - Section 7.1 Keeping Records (where the allegation is related to safeguarding/child protection), and for the reasons contained therein.

9.2 Other Sanctions

Other sanctions may also be used in conjunction with formal warnings. However, in all cases advice must be taken from HR. The following may be considered:

- Transfer to another post
- Demotion with or without protection of salary.

10. Referral to External Professional Agencies (Disclosure and Barring Service/Teaching Regulation Agency/Other Regulated Professional Body)

10.1 Referral to the Disclosure and Barring Service (DBS)

The school, as a regulated activity provider, has a legal duty to make a referral to the DBS in specified cases relating to safeguarding. Such a referral must be considered at the conclusion of the disciplinary process where the employee is dismissed (or would have been dismissed had they not resigned) or where the employee has been removed from regulated activity.

Please also see Section 3 of [Annex A](#) within this procedure for guidance where a referral to the DBS may be appropriate at the point when the employee is suspended from duty.

Guidance on making a referral to the DBS can be found [on GOV.UK](#).

10.2 Referral to the Teaching Regulation Agency (TRA)

If the employee is a teacher, the school is under a statutory duty to consider referral of cases involving serious professional misconduct to the TRA. Where a teacher has been dismissed for serious professional misconduct, or would have been dismissed had they not resigned first, the school must consider whether to refer the case to the TRA. Guidance on making a referral to the TRA can be found [on GOV.UK](#).

10.3 Referral to Any Other Regulated Professional Body

Where there is a duty to refer an employee who is a member of a regulated Professional Body, the guidance provided by the relevant professional body should be followed. The professionals referred to here include, for example, Occupational Therapists and Physiotherapists engaged by the school.

11. Grievances Raised during a Disciplinary Process

Where an employee raises a grievance during a disciplinary process, the disciplinary process may, if considered reasonable and appropriate, be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

12. Criminal Proceedings

Under the Disciplinary Code, any act which could be subject to criminal proceedings is classified as gross misconduct.

If an employee is charged with, or convicted of a criminal offence, consideration should be given to what effect the charge or conviction has:

- On the employee's suitability to do the job and risks attached
- On the employee's relationship with their employer, work colleagues and the children.

13. Annex A - Additional Guidance

1. INVESTIGATION

When a matter of concern regarding conduct arises, it is important that a thorough investigation takes place to establish the facts as soon as possible. It is important to be able to demonstrate that any subsequent disciplinary action is based on reasonable attempts to investigate all the circumstances surrounding the alleged incident.

The Headteacher, in their role as the Commissioning Officer, must consider the appropriate person to conduct the investigation having regard to the seniority status of the accused employee and the nature of the allegation. The Investigating Officer should be neutral and independent and not otherwise involved in deciding the outcome of the case. It is strongly recommended that the Headteacher should not, unless absolutely unavoidable, carry out investigations as this will automatically exclude them, on grounds of impartiality and objectivity, from taking part in any subsequent Disciplinary Hearing.

1.1 Role of the Commissioning Officer

The Commissioning Officer is responsible for commissioning the investigation and for undertaking a detailed, objective, and considered review of the investigation report and all supporting evidence upon its completion.

In determining whether there is a case to answer and whether the matter should proceed to a formal Disciplinary Hearing, the Commissioning Officer must independently assess:

- The findings of fact established by the investigation;
- The sufficiency, relevance, and reliability of the evidence obtained;
- Whether the allegations, if substantiated, would amount to potential misconduct/gross misconduct under this Policy; and; and
- Whether further enquiries are required before a decision can properly be made.

The Commissioning Officer must exercise independent judgment and must not rely solely on the recommendation of the Investigating Officer. While the Investigating Officer may provide a recommendation, the decision as to whether the matter proceeds to a formal Disciplinary Hearing rests solely with the Commissioning Officer.

The Commissioning Officer shall record the rationale for their decision.

1.2 Terms of Reference for the Investigation

Once an Investigating Officer has been appointed, their role and responsibilities should be clearly explained in their 'terms of reference' (see Appendix 18). These should include:

- The reason for the investigation
- The precise issues to be investigated
- How the investigation will be conducted
- The proposed timeframe
- All key and relevant evidence to be gathered
- Whether they are expected to make recommendations at the end of the investigation about whether or not the matter should proceed to a formal disciplinary meeting
- Who their findings should be reported to.

The extent of the investigation will depend on the nature and seriousness of the alleged misconduct. For example, in the

case of poor timekeeping, a meeting with the employee and a record of attendance, and previous informal efforts to deal with the matter may be the only form of investigation required prior to a decision on whether or not to convene a formal Disciplinary Hearing. In other cases, the alleged misconduct may be of a more serious nature and will require a more detailed investigation.

It is important to identify the type of evidence needed and this will be determined by the nature of the alleged misconduct. The investigation will usually require the person making the allegation and any witnesses to the alleged incident to be interviewed as soon as possible in order to obtain as accurate an account of events as possible. However, there may be other forms of evidence that may be relevant e.g. documentary evidence, CCTV footage, computer records. Care should be taken to ensure such evidence is obtained as a priority as it may be destroyed before being obtained.

Often, further facts will come to light during the investigation. This may present the need for the Investigating Officer to carry out further investigation and may involve interviewing other witnesses or revisiting certain areas of the investigation with the witnesses or the employee for clarification or fresh evidence.

During any investigation meetings, care should be taken to adopt a probative approach and to avoid using leading questions. Any questions should encourage individuals to recall their version of events in their own words. Witnesses must be advised of the purpose and confidential nature of the interview and that they must not discuss the investigation with people outside of it. Reasonable notice (**1 working day**) should be given to the witnesses of the interview ([Appendix 13](#)).

Witnesses must be informed that they may be required to give evidence at any subsequent Disciplinary Hearing.

At times a witness may be reluctant to give evidence or will only do so if they are given an assurance of anonymity. In such circumstances, the Investigating Officer should try and establish the reasons for such reluctance and ensure the witnesses are aware of their obligation to help assist with establishing the facts. It would also be reasonable to investigate the motivation of any witness and why there is any reason for anonymity.

No guarantee of complete anonymity can be given to witnesses as there is always a risk that if the matter becomes subject to legal proceedings, they may be required to present evidence.

Where a child is a witness to an alleged incident, it is the responsibility of the headteacher, in conjunction with the parents/carer, to determine whether they may be interviewed or questioned. Any such interview will only be carried out following advice from the Local Authority Designated Officer for Child Protection (LADO). However, this does not preclude the headteacher asking the child to give a written account of events.

The employee should be notified of the allegation(s) and asked to attend a meeting with the Investigating Officer (see [Appendix 12](#)). They should be informed that the meeting is not a disciplinary meeting but an opportunity for them to respond to the allegation(s) and to assist in establishing the facts. The employee should be given reasonable notice (**5 working days**) of the meeting and advised that they may be accompanied by a trade union representative or a work colleague (companion). At the meeting, any explanations put forward by the employee, including whether there are any special circumstances to be taken into account must be considered and investigated.

If the employee unreasonably refuses to attend the investigation meeting, they should be informed that the investigation will be concluded on the basis of the remaining evidence gathered.

If the employee is unable to attend due to ill-health, the school should seek advice from occupational health about the employee's fitness to attend the meeting. Where medical advice suggests the employee is unfit to attend the meeting, consideration can be given to alternatives to a meeting. For example the employee can be asked to submit a written statement or provide a written response to questions from the investigating officer.

All meetings held with the employee and witnesses must be recorded. The Investigating Officer needs to plan how the

meetings will be recorded; they can take notes of the meeting themselves, have a notetaker, use a recording device with the consent of the interviewee and/or their companion with the notes to be transcribed/typed up. The notes should record:

- The date and place of interview
- Names of all parties present
- An accurate record of the interview (the notes taken do not need to record every word that is said but they should capture the key points of any discussion)
- Any refusal to answer a question
- The start and finish times, and details of any adjournments.

Notes from all interviews should be typed up to ensure a legible copy. The employee and any witnesses interviewed as part of the investigation should be given a copy of their statement to check that they agree it is accurate. This should be done as soon as possible after the meeting. Once the interviewee has checked the document they should sign and date the statement confirming it is an accurate reflection of the conversation. Where the interviewee considers there are inaccuracies in the record, they should submit their amendments to the Investigating Officer for consideration. If the Investigating Officer agrees with the amendments, they should make the amendments to the statement, and the revised statement should be sent back to the interviewee. If the Investigating Officer disagrees with the amendments, then the copy received from the interviewee should be appended to the original statement. The interviewee should be informed accordingly.

At the end of the investigation, it may be appropriate to have a further meeting with the employee to obtain a further statement on presentation of the facts of the investigation. Where discussion with the employee results in further information being obtained which needs investigating, the investigation must continue for the information to be explored. It may be necessary to reconvene the meeting with the employee following the investigation of the information.

Once the investigation has been concluded, the Investigating Officer will submit their findings in the form of an investigation report. Where there is an expectation, under the terms of reference, for the Investigating Officer to give recommendations at the end of the investigation, these can be one of the following:

- There is a case to answer and for the matter to be considered formally at a Disciplinary Hearing. Here, the Investigating Officer will be required to present their findings at any such hearing
- There are grounds for informal action under the procedure
- There is no case to answer and no grounds for further action.

2. SAFEGUARDING/CHILD PROTECTION RELATED INVESTIGATION

Allegations relating to safeguarding/child protection against employees should be dealt with in accordance with the ["Dealing with Allegations or Concerns Raised Against Staff \(including Supply Teachers\), Volunteers and Contractors"](#) procedure. This procedure states:

Every effort should be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, even if:

- The individual refuses to co-operate, having been given a full opportunity to respond to the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions because the individual's period of notice expires (where the staff member has resigned) before the process is complete.

Where an investigation has established that there is a case to be considered at a Disciplinary Hearing and where the employee has left through resignation or other means, the matter would need to be concluded at a Disciplinary Inquiry. The Disciplinary Inquiry would follow the same process as that set out for a Disciplinary Hearing including the appeal hearing process.

3. SUSPENSION

In certain circumstances it may be deemed necessary to suspend an employee from work during an investigation. Suspension should be for the minimum amount of time possible in all circumstances and will be with full contractual pay. Suspension has no implication of guilt.

The Headteacher and the Governing Board have authority to suspend an employee but only the Governing Board has the authority to end a suspension.

Suspension might be considered appropriate in the following circumstances:

- The allegation being investigated (if upheld) may constitute gross misconduct
- The employee's presence at work might hinder or influence the investigation
- The presence of the employee constitutes a serious risk to pupils, staff, school property or themselves
- The conduct of an employee is subject to criminal investigation/charges, and the alleged offences relate to or may affect the employee's duties or suitability for duties in a professional capacity
- Strong recommendation by the Local Authority's Designated Officer (LADO) at Allegations against Staff & Volunteers (ASV) meeting.

The school should undertake an appropriate risk assessment (see [Appendix 7](#)) to determine if suspension is appropriate. Suspension should not be an automatic response to a serious allegation. Options to avoid suspension should be considered in all cases and may include:

- Temporary redeployment to another role or another location;
- Work under supervision of another designated person; or
- Any other measure that the school may deem a reasonable alternative to suspension.

Where it is deemed necessary to suspend, the employee will be notified in writing of the suspension giving reasons for the suspension (see [Appendix 9](#)).

Where the allegations relate to safeguarding/child protection and there is strong evidence to support that the 'harm test' has been met (the person has harmed a child or put a child at risk of harm), there may be a case to make a referral to the Disclosure and Barring Service at this stage. It is strongly recommended that the school seek advice from the LADO prior to doing so. Advice should also be sought from the LADO about notifying the employee where it has been decided to make such a referral.

Other than not attending work and not undertaking the duties of the job, all the employee's other contractual obligations remain in force during the period of suspension. Therefore the employee must make themselves available to attend meetings and hearings at the request of management. In the event that the employee is unwell during a period of suspension they should report their sickness absence to their designated contact and provide medical certificates in line with the school's sickness absence procedures.

The suspension should be kept under continued review and the employee informed in writing of the progress of the case (see [Appendix 10](#)).

Being suspended from work can be very distressing for an employee and they can be left feeling very vulnerable. It is recommended that the employee is given details of any Employee Assistance Programme (EAP) that the school may have in place so that the employee can access support if needed.

The Headteacher should appoint a designated contact at the school for the employee during their period of suspension. The employee should be given the contact details of the designated contact. The designated contact should not be involved in the disciplinary process. In the event they are identified as a witness to the investigation, the Headteacher should consider appointing a different member of staff as the designated contact and inform the employee accordingly.

If a suspended employee is to return to work, consideration must be given to what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor) to assist the employee in their return to work.

4. ROLE OF THE COMPANION

Employees have a statutory right to be accompanied, regardless of length of service, by a trade union representative or a work colleague at a Disciplinary Hearing and any subsequent appeal hearing. Under this Procedure the employee will be afforded the right to be accompanied to investigation meetings. If the companion is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the hearing and also time to familiarise themselves with the case and confer with the employee before and after the hearing.

A companion has the right to address the hearing in order to:

- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting.

A companion can also confer with the employee during the hearing.

A companion does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish them to do so
- Prevent the Investigating Officer from explaining their case.

Given the importance of the companion's role, it is good practice to allow them to ask questions and participate as fully as possible.

5. DISABILITY DISCRIMINATION UNDER THE EQUALITY ACT 2010

Reasonable adjustments should be made for employees or their companions who have a disability within the meaning of the [Equality Act 2010](#) to ensure they are not disadvantaged and can participate fully in the disciplinary processes. The nature of the reasonable adjustments, which have to be considered, will depend on an assessment of all the facts and circumstances of each case. Schools may wish to seek advice from HR.

6. GUIDANCE ON NOTE TAKING AT HEARINGS

- Formal note-taking at hearings is not a requirement of either the disciplinary or appeal procedure but is advisable to do so. If the Headteacher/Chairperson of the Panel makes the decision that notes will be taken, the provision of the note-taker will be the responsibility of the school
- The Headteacher/Panel and HR Advisor may take notes at hearings for their own purposes which are adequate to enable for key decisions to be made. These are informal notes and are not for distribution to attendees

- The outcome of the hearing must be fully documented, including the issues that were considered (including mitigation) in reaching the decision and the detailed rationale behind the decision
- The Headteacher/Panel may allow digital recordings with the agreement of all parties e.g. in the case of a person with a disability when a digital recording may be necessary and regarded as a reasonable adjustment.

7. KEEPING RECORDS

It is important, and in the interests of both the school and the employee, to keep written records during the disciplinary process. Records should include:

- The complaint against the employee
- The employee's defence or mitigation
- Findings made and the actions taken
- The reasons for actions taken
- Whether an appeal was lodged
- The outcome of the appeal
- Any grievance raised during the disciplinary process; and
- Any subsequent developments
- Notes from any formal meetings/hearings.

Records should be treated as confidential and should be retained in accordance with the data protection principles under the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Schools should seek guidance from their Data Protection Officer prior to sharing or distributing the disciplinary paperwork to a third party.

7.1 Keeping Records (where the allegation is related to safeguarding/child protection)

See [Dealing with Allegations or Concerns Raised Against Staff \(including Supply Teachers\), Volunteers, and Contractors](#) procedure and [Keeping Children Safe in Education](#) statutory guidance. These procedures set out the potential outcomes for safeguarding/child protection allegations as follows:

- Substantiated: there is sufficient evidence to prove the allegation
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- False: there is sufficient evidence to disprove the allegation
- Unfounded: there is no evidence or proper basis which supports the allegation being made.

Details of allegations that are found to have been malicious or false should be removed from an employee's personnel file. For all other allegations it is important to ensure that the following details are kept on the individual's confidential personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- A note of any action taken, and decisions reached and the outcomes as categorised by the KCSIE statutory guidance
- A declaration on whether the information will be referred to in any future reference.

Please refer to [Appendix 4 of the Dealing with Allegations or Concerns Raised Against Staff \(including Supply Teachers\)](#),

[Volunteers, and Contractors](#) procedure for a pro-forma which can be used for this purpose.

A copy should be provided to the individual concerned where agreed by the Local Authority children's social care or the police.

The purpose of retaining this record is:

- To enable accurate information to be given in response to any future employment reference;
- To provide clarification if a future DBS disclosure reveals information from the police that an allegation was made which did not result in a criminal conviction; or
- To prevent unnecessary re-investigation if an allegation re-surfaces after a period of time.

In accordance with the KCSIE statutory guidance, the record should be retained at least until the individual has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

8. COLLABORATION OF GOVERNING BODIES

The [Schools Governance \(Collaboration\) \(England\) Regulations 2003](#), S.I 1962 and as amended by the [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#), S.I 1624 Part 1 Regulation 4, enable the Governing Boards of two or more maintained schools to work together in relation to staffing functions including dismissals. These provisions allow schools to draw on a wider pool of governors for the purposes of the disciplinary processes.

14. Annex B - Disciplinary Code for Schools

This document and the rules contained within it may be amended or extended following consultation with the trade unions through the appropriate machinery.

1. Scope

This Code applies to all employees of the school. The school's [Code of Conduct](#) should also be referred to when considering the disciplinary process.

2. Principles

Offences, which breach the Disciplinary Rules set out below, can be considered as either Gross Misconduct or Misconduct according to the seriousness of the offence and the nature of the employee's job.

The disciplinary rules contained in this document are applicable to all employees.

The list and types of misconduct in these rules is neither exclusive nor exhaustive.

This document and the rules contained within may be amended or extended following consultation with the trade unions through the appropriate machinery.

3. Definitions

3.1 Gross misconduct

Conduct that is so serious that it fundamentally breaches the employment contract and destroys the employer's trust and confidence in the employee and that, if the offence is established, and there are no acceptable mitigating circumstances, will result in dismissal without any previous warnings.

A dismissal for gross misconduct is justified at the first offence and may, depending on the circumstances, be without notice.

It is strongly recommended that in cases where gross misconduct and summary dismissal is considered the Headteacher and/or Governing Board should seek advice from their HR provider.

3.2 Misconduct

Misconduct is when an employee's inappropriate behaviour or action contravenes workplace rules.

Misconduct will not **normally** warrant dismissal without previous warnings. In the case of misconduct an employee shall be entitled to at least a written warning before a decision to dismiss is made.

4. Disciplinary Rules

4.1 Gross Misconduct

The following are examples of offences that would normally be considered as gross misconduct. This list **is not exhaustive** and the Headteacher/Panel may consider a derivative of these examples as an offence constituting gross misconduct. However they may also be considered as misconduct according to the seriousness of the offence and the nature of the employee's job.

4.1.1 Acts which take place in the course of employment:

- a. Any act which could be subject to criminal proceedings (certain circumstances may call for the discretion of the Headteacher depending upon the nature and context of the offence and the employee's role)
- b. Stealing from the school, its staff or the public
- c. Deliberate damage to or deliberate neglect of school property (unless for justifiable reasons of protection or safety)
- d. Gross negligence in failing to attend to or to carry out the duties of the post
- e. Falsification of any document, for monetary advantage or for any other purpose
- f. Deliberate falsification of qualification or information which is a stated requirement of employment and/or which could result in financial gain
- g. Soliciting or accepting gifts or gratuities
- h. Involvement in any acts of bribery
 - i. Attempted use/or use of official position for improper purpose
 - j. Dishonest or improper use of information obtained in the school's employment
- k. Doing unauthorised private work (whether paid or not) during hours when contracted to work for the school or during periods of sick leave
- l. Sexual harassment or sexual misconduct
- m. Child abuse or other conduct giving rise to safeguarding/child protection issues or any other inappropriate conduct towards a child
- n. Fighting or physical assault at work either with fellow employees or other persons; including maltreatment of persons in the care of the school. This does not include reasonable self-defence in the case of an assault on employee (refer to the school's [Violence at Work Policy](#))
- o. Serious breaches of safety regulations, endangering yourself or other people, including deliberate damage to, neglect or misappropriation of safety equipment
- p. Deliberate disclosure without authorisation, to the media of information about an employee or student who has AIDS/HIV
- q. Acts of bullying or harassment, on the grounds of age, disability, gender, sexual orientation, race and ethnicity, and religion or belief
- r. Serious insubordination – undermining of the Leadership and Management of the school
- s. Unauthorised disclosure of information classified as confidential by the school, governors or the Local Authority
- t. Raising grievances which have been determined to be malicious
- u. Being under the influence of drink or drugs (other than those that have been medically prescribed) so that performance of duties is detrimentally affected and/or which could endanger anyone's safety
- v. Conduct resulting in breach of trust and confidence
- w. Any act that could bring the school into serious disrepute
- x. Serious breaches of, or abuse of, the school's [ICT Usage Policy](#)
- y. Serious breaches of the school's [Social Media Policy](#)
- z. Serious breaches of the school's [Code of Conduct](#)
- aa. Serious breaches of professional standards e.g. [Teachers' Standards](#) for teaching staff.

4.1.2 Acts which take place outside the course of employment:

- a. Criminal offences which have been committed outside the course of employment and where:
 - Employment by the school in any way enabled or assisted in the commission of the offence
 - School property was used to aid the commission of the offence
 - Continued employment would:
 - i. Put at risk those served or employed by the school
 - ii. Adversely impact upon the school's reputation or ability to perform its function.
- b. Any other conduct in an employee's personal life giving rise to safeguarding/child protection issues and/or impacting on their suitability to continue in post. This includes a failure to disclose relevant information to the school which may impact on employment.

4.2 Misconduct

The following are examples of offences that would normally be considered as misconduct. However, they may also be considered as gross misconduct according to the seriousness of the offence and the nature of the employee's job.

4.2.1 General

- a. Refusal to carry out a reasonable instruction within the remit of the employee's job description
- b. Offensive or abusive behaviour (including harassment on grounds of age, disability, gender, sexual orientation, race and ethnicity, and religion or belief) towards others
- c. Sleeping on duty unless expressly permitted.

4.2.2 Absence from Duty and Timekeeping

- a. Unauthorised absence from work/absence from work without leave
- b. Failure to report absence from work, in accordance with the school's set procedures, and the reason for such absence
- c. Failure to provide a medical certificate as required under sickness absence procedures
- d. Poor timekeeping
- e. Abuses of the sick pay scheme including failure to provide acceptable reasons for short-term sickness absence
- f. Unacceptable levels of absence for reasons other than sickness.

4.2.3 Neglect of Duty

- a. Failure to discharge obligations in accordance with a statute or contract of employment without sufficient cause
- b. Negligent, careless or wilfully inadequate standards of work
- c. Failure to account properly for or to make a prompt return of any money or property, which comes into the possession of an employee during the course of duty.

4.2.4 Misuse/Falsification of Information

- a. Knowingly or through neglect making a false, misleading or inaccurate oral or written statement in respect of official business
- b. Failure to disclose a conviction, caution, reprimands or final warnings that are not 'protected' as defined by the

[Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) as amended

- c. Communicating to persons outside of the school, any committee meeting proceedings or the contents of any document unless required by law or authorised to do so or unless seeking advice of their union on the implications of the meeting
- d. Deliberate disclosure without authorisation to colleagues, any members of the public or person known to an employee or client, of information about an employee or student who has AIDS/HIV.

4.2.5 Misuse of School Materials/Equipment/Resources

- a. Unjustifiable wastage of school materials/equipment/resources
- b. Deliberate failure to report any loss or damage to any property of the school, within the employee's area of responsibility
- c. Unauthorised use of school vehicles whether during or outside the working day. Unauthorised use of school vehicles for personal journeys including journeys to and from home or during the lunch break
- d. Unauthorised use of any school facilities for private purposes unless authorised by a relevant school authority to do so
- e. Use or waste of school material without express authority
- f. Use of school labour, materials, equipment or resources for private purposes.

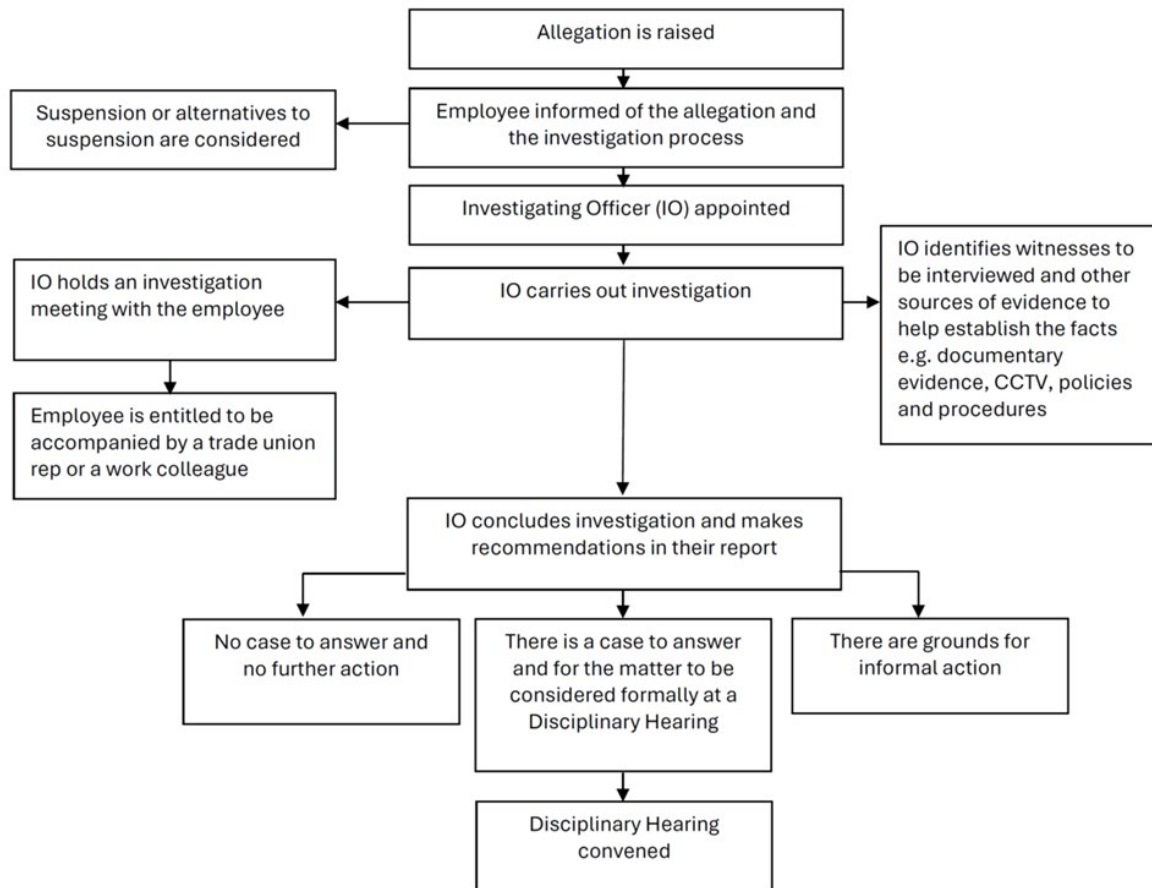
4.2.6 Discrimination

- a. Discrimination against an employee, pupil/student, parent or a member of the public on **any grounds** including age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion and belief, sex, and sexual orientation.

4.2.7 Health and Safety

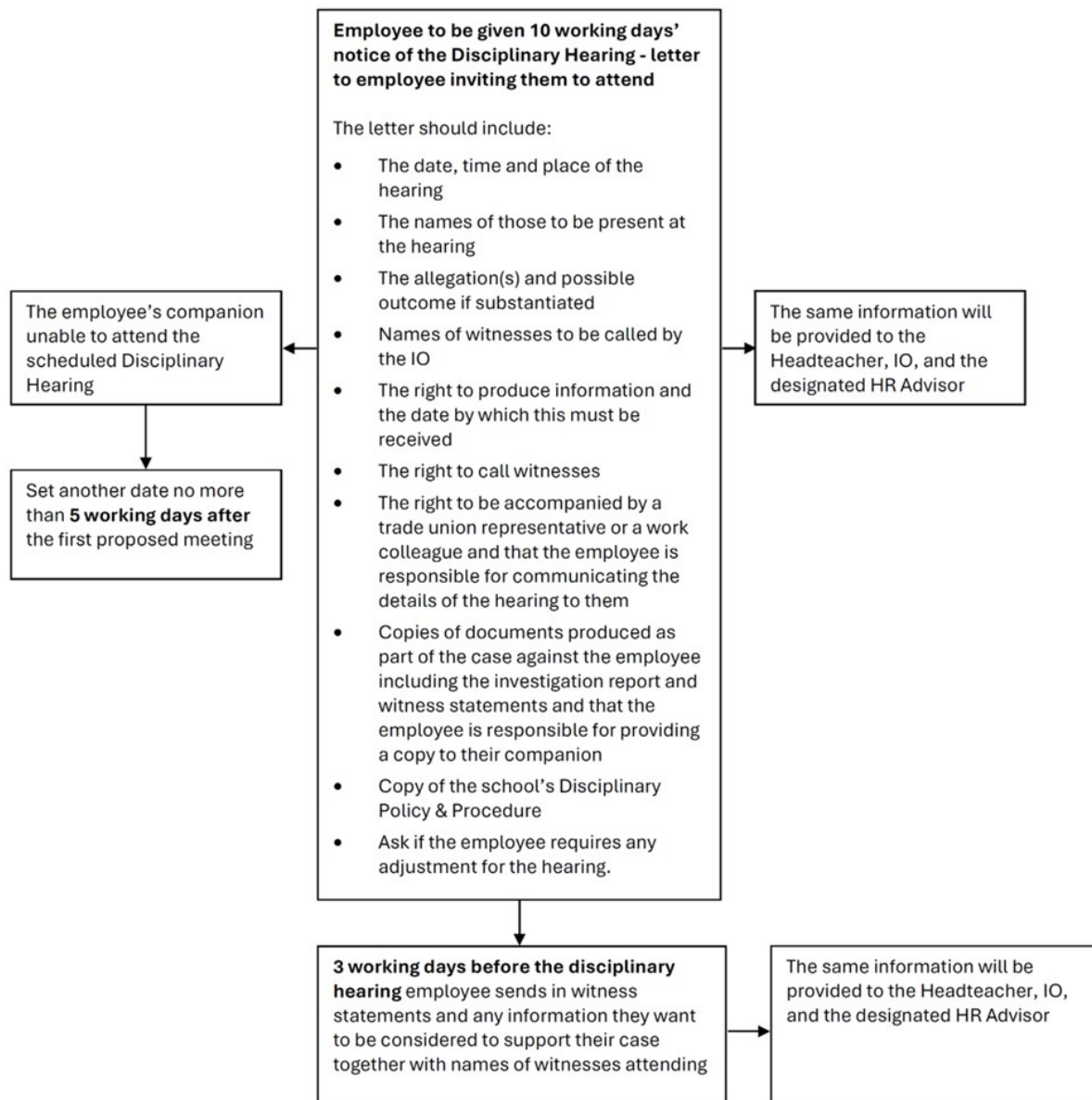
- a. Failure to comply with the obligation placed upon the employee under the terms of the [Health and Safety at Work etc. Act 1974](#)
 - b. Failure to wear appropriate protective clothing or use necessary safety equipment provided by the School for particular duties
 - c. Failure to comply with accident reporting procedures
 - d. Failure to comply with department hygiene requirements
 - e. Dangerous or reckless behaviour involving risk of injury to the employee or to other persons or other conduct at work likely to diminish safety standards
 - f. Neglecting to carry out any instructions of a medical officer appointed by the school, while absent from duty on account of sickness, committing any act or adopting any conduct to delay return to duty
 - g. Smoking in areas designated as "no smoking".
-

15. Appendix 1 - Investigation Flowchart



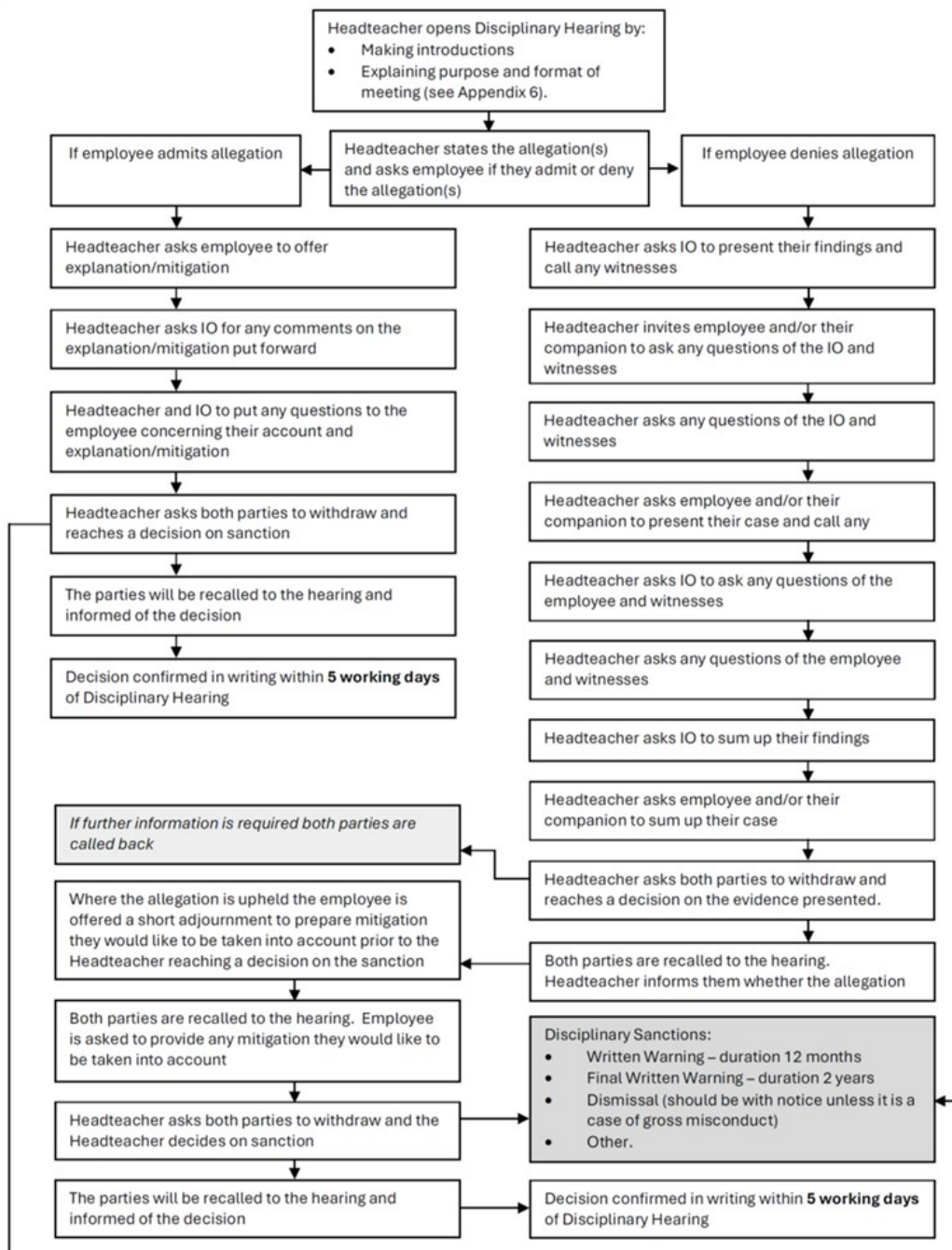
[Appendix 1 - Investigation Flowchart in PDF](#)

16. Appendix 2 - Preparation for Disciplinary Hearing Flowchart



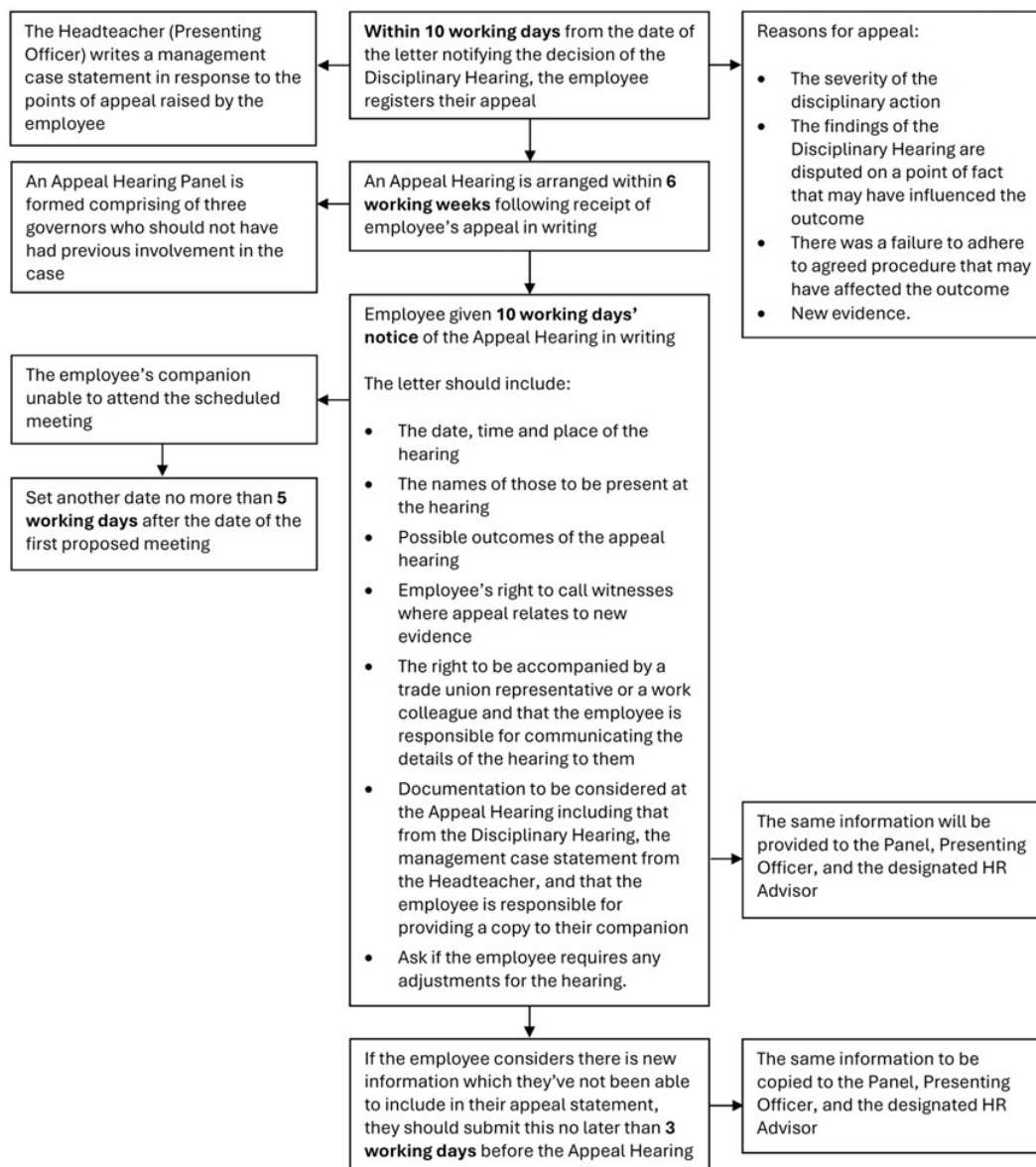
[Appendix 2 - Preparation for Disciplinary Hearing Flowchart in PDF](#)

17. Appendix 3 - Disciplinary Hearing Flowchart



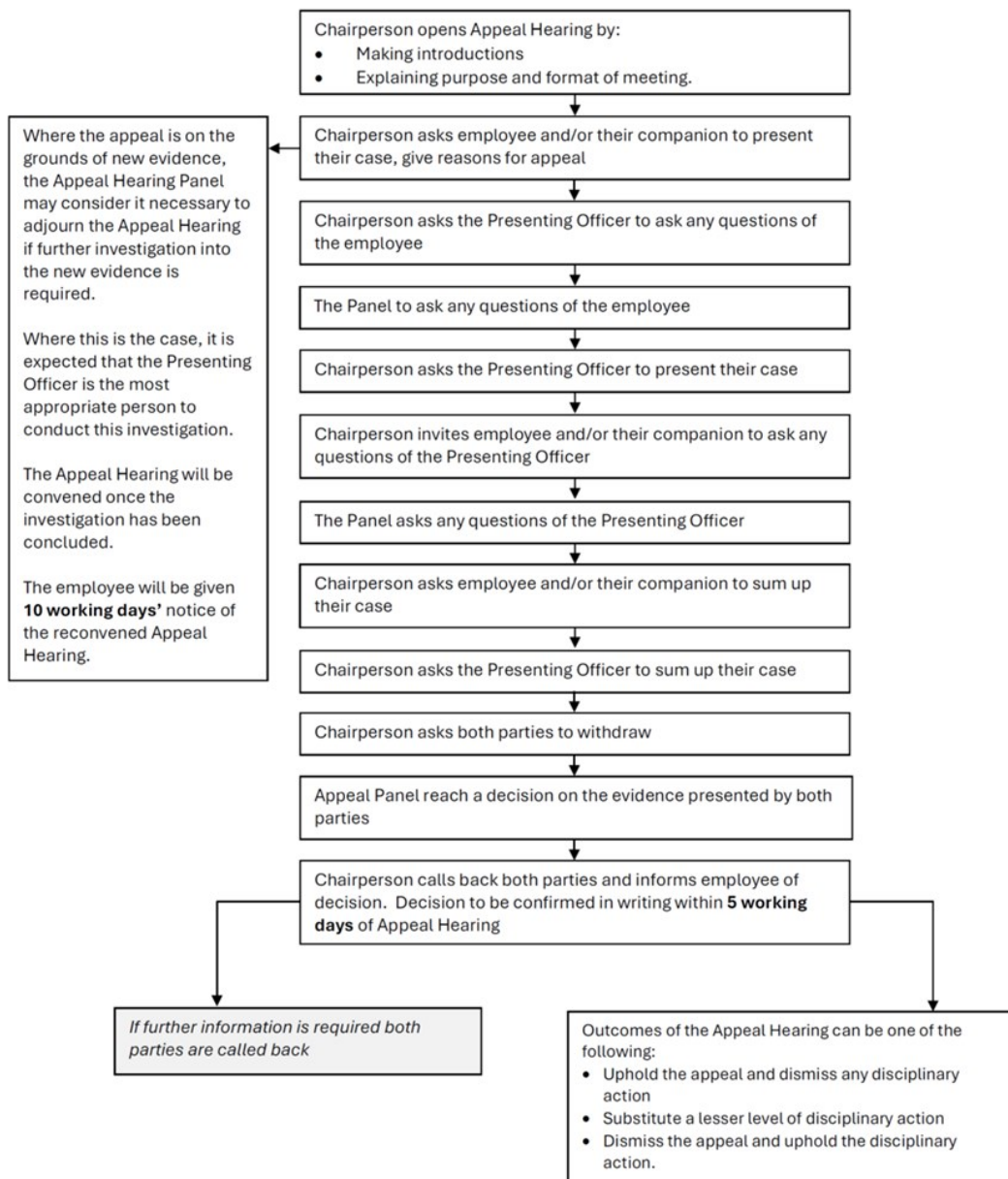
Appendix 3 - Disciplinary Hearing Flowchart in PDF

18. Appendix 4 - Preparation for Appeal Hearing Flowchart



[Appendix 4 - Preparation for Appeal Hearing Flowchart in PDF](#)

19. Appendix 5 - Appeal Hearing Flowchart



[Appendix 5 - Appeal Hearing Flowchart in PDF](#)

20. Appendix 6 - Front Sheet and Opening Statement for the Headteacher/Chair of Panel

(INSERT NAME OF EMPLOYEE)

Disciplinary Hearing

Date of Hearing: *(insert date of hearing)*

Time of Hearing: *(insert time of hearing)*

Venue: *(insert venue)*

Headteacher/Disciplinary Hearing Panel:	<i>(Insert name of Governor 1)</i>
	<i>(Insert name of Governor 2)</i>
	<i>(Insert name of Governor 3)</i>
Investigation Officer:	<i>(Insert name of Investigating Officer)</i>
HR Advisor:	<i>(Insert name of HR Advisor)</i>
Employee's Companion:	<i>(Insert name of representative and if a trade union representative state which trade union)</i>
Names of Witnesses being called by the Investigating Officer:	<i>(List the names of witnesses)</i>
Names of Witnesses being called by the Employee:	<i>(List the names of witnesses)</i>

Allegation(s):

Insert the allegation(s) here as outlined at the outset

Documents Enclosed:

List the documents which are being enclosed under cover of this Front Sheet

Opening statement for the Headteacher/Chair of Panel

“Thank you for attending the meeting today. I will start with introductions, I am *(name)*, I will be chairing the meeting today and this is *(introduce the other members of the panel)*. Can I ask you to introduce yourselves as well so that we all know who is who.

The purpose of the meeting today is to consider the allegation(s) made against you. An investigation has been carried out which has found that you have a case to answer. I will now go through the order of the meeting today:

- I will read out the allegation(s)
- I will ask you if you admit to the allegation(s) wholly or in-part.

If you **admit** to the allegations wholly:

- I will ask you if you would like to offer an explanation and if there are any mitigating circumstances that you would like the panel to take into consideration
- The Investigating Officer and I/the Panel may ask any questions of you on the explanation given
- I will then ask both parties to leave the room and wait outside so that I/the panel can reach a decision on the evidence presented. All parties will be called back into the room once a decision has been reached.

If you **do not admit** to the allegations wholly or in part:

- I will ask *(insert name of the Investigating Officer)* to present their findings during which he/she may call witnesses
- You and your companion *(insert name of companion)* may ask *(insert name of the Investigating Officer)* and any witnesses that are called questions about the facts presented by them
- Any witnesses called will appear one at a time and remain in the room only whilst they are giving evidence
- The panel may also ask questions of the Investigating Officer or the witnesses
- I will then ask you and your companion to present your case during which you may call any witnesses. Then *(insert name of Investigating Officer)* and the panel may ask you and your witnesses questions on the facts presented by you and your witnesses
- After this, both parties will be invited to sum up their case in the order in which presentations were made
- After this I will ask both parties to leave the room and wait outside whilst the panel reach a decision. I will call everyone back into the room when a decision has been reached
- If during our deliberations I/we need to seek clarification from either party about the evidence that has been presented, both parties will be called back into the room
- If it is found that the allegation(s) has/have been upheld then you will be afforded the opportunity to provide mitigation prior to reaching a decision about sanction. A short adjournment will be allowed, if required, to allow you prepare your mitigation
- I would just like to clarify the role of *(insert name of employee's companion)* in this meeting. He/she may: present your case, sum up your case, respond on your behalf to any view expressed in this meeting; however, he/she cannot answer any questions on your behalf which are put to you in this meeting
- Does anyone have any questions about the order and the process of the meeting?

I will now read out the allegation(s) against *(insert name of employee)*.

(State the allegation(s) here)

(Insert employee's name) do you admit to the allegation(s) which has/have been made against you?”

... Continue the meeting in the order as stated above.

21. Appendix 7 - Suspension Risk Assessment

This form can be used to assist the consideration of suspension and alternatives to suspension. In cases involving allegations of child abuse/safeguarding, the Local Authority's Designated Officer (LADO) should be consulted about suspension.

Details of Employee		
Name:	Post:	How long has the employee been employed at the school:
Details of any similar previous concerns/allegations		

Details of Employee	
Name:	Post:

Details of allegation(s)			
	Yes	No	Not Known
Does the nature of the allegation suggest the person has behaved in a way that has harmed a child, or may have harmed a child?			
Does the nature of the allegation suggest the person has possibly committed a criminal offence against or related to a child?			
Does the nature of the allegation suggest the person has behaved towards a child or children in a way that indicates he or she may pose risk of harm to children?			
Are the police investigating the allegation?			
Do the police have objection to the employee continuing to work during the investigation?			
Does the LADO have objection to the employee continuing to work during the investigation?			
Has the individual accepted that the version of events provided is accurate?			
If substantiated, is the allegation(s) of a nature likely to constitute gross misconduct?			

Assessment of Risk					
Potential Hazard		Likelihood (tick one)			
		Very Low	Low	Moderate	High
Is there a risk to the safety or welfare of others?					
Detail					
Is there a risk to the individual's safety or welfare?					
Detail					
Is there a risk to school premises or property?					
Detail					
Is there a risk to the investigation (e.g. potential for interference)?					
Detail					
Is there a risk to reputation and/or service delivery if the individual is allowed to stay at work?					
Detail					

Alternatives to Suspension	
Are there alternatives to suspension which would lessen the risk? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If Yes, please outline the possible alternative(s) below. If No, please explain why.	
Details:	

Overall assessment (Please provide any relevant comments below)

DECISION: SUSPEND <input type="checkbox"/> DO NOT SUSPEND <input type="checkbox"/>
If decision is NOT to suspend please outline any recommended control measures/alternatives to suspension below: (if employee does not accept these, this may require the assessor to review their decision not to suspend).

Date on which suspension/alternative arrangements confirmed to employee		Is a referral being made to DBS? (see Annex A - Section 3)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date written confirmation letter given/sent to employee:	
---	--	--	---	--	--

Date of review of suspension/alternative arrangements		Insert below details about what has changed and if this strengthens/weakens the original decision on suspension:
---	--	--

Continue with suspension: <input type="checkbox"/>	End suspension and return employee to work: <input type="checkbox"/>
--	--

Name and designation of Manager undertaking the review:

22. Appendix 8 - Stage 1: Informal Management Meeting

Dear *(insert employee's name)*

Informal Management Meeting

Further to our meeting on *(date)* I am writing to confirm that I have had the need to speak to you about concerns relating to your conduct in carrying out your professional duties.

[State the concerns which were discussed about the employee's conduct, including the response from the employee, stressing expected behaviours going forward and support that may have been agreed.]

Please be advised that these informal efforts to resolve the issue are not part of the formal disciplinary process. A record of the informal meeting will not be held on your personnel file. It will be securely retained by me for a period of 6 months and may be referred to should a similar allegation of misconduct arise within this period to demonstrate that an informal approach to deal with unsatisfactory conduct was attempted and to demonstrate the success or failure of such an approach. Failure to comply with the informal advice and guidance provided may result in formal action under the Disciplinary Policy & Procedure.

You have the opportunity to give your response to this letter if you wish and this will be kept with the copy of this letter. If you wish to provide a response please do so by *(date)*.

Yours sincerely,

Headteacher

23. Appendix 9 - Notification of Suspension

Dear *(insert employee's name)*

I refer to the allegation that you *(details of the allegation)* which needs to be investigated under the school's Disciplinary Policy & Procedure.

Following an appropriate risk assessment, I am writing to confirm the decision taken under the school's Disciplinary Policy & Procedure, to suspend you from work with effect from *(insert date)* for a period of *(insert number of days/weeks)* until *(insert end date)*. Your suspension is without prejudice and on full pay.

The reason for your suspension is because *(insert appropriate reason/s as listed below)*:

- *The allegation being investigated (if upheld) could constitute gross misconduct*
- *Your presence at work might hinder or influence the disciplinary investigation*
- *Your presence constitutes a serious risk to pupils, staff, school property or yourself*
- *Your conduct is subject to criminal investigation/charges, and the alleged offences relate to or may affect your duties or suitability for duties*
- *It is a strong recommendation by the Local Authority's Designated Officer (LADO) following the recent Allegations against Staff & Volunteers (ASV) meeting held on *(insert date)*.*

Having considered alternatives to avoid suspending you from work, which included:

- *Temporary redeployment to another role or another location*
- *Work under supervision of another designated person*
- *Insert any other measures that the school considered as a reasonable alternative to suspension.*

it was considered that these were not reasonable safeguards to address the measured risks.

The decision to suspend you will be reviewed on *(insert date)* and may be extended or ended dependent upon the progress of the investigation. As suspension can be lifted at any time, you are regarded as being available for work or to attend for any reason related to the investigation during your period of suspension.

Please do not return to the school unless it is with my express agreement. Please do not contact any other member of staff, pupil at the school or any member of the Governing Board without my knowledge or agreement, whilst the suspension is in force, this includes by the use of any social media sites.

You are required to maintain confidentiality in respect of your suspension from work and any matters that relate to this investigation. For the avoidance of doubt this does not preclude you from speaking to or taking advice from your trade union representative or work colleague you have chosen to support you. In the case of the latter you must inform me of the name of the colleague prior to making contact with them. Please be advised that a breach of confidentiality may in itself be subject to disciplinary action.

Should you be sick during your period of suspension please inform your designated contact named below. You should provide medical certificates to cover your sickness absence in the normal manner.

Requests for annual leave or requests for leave under the Special Leave Policy should be made in the normal manner and will remain subject to approval by management prior to the leave being taken.

During your period of suspension, you are not allowed to undertake any other paid work during the hours that you are contracted to work at the school.

Following the investigation, if it is considered that you have a case to answer, the school's Disciplinary Policy & Procedure will be followed, and you will be notified accordingly. If the matter subsequently progresses to a Disciplinary Hearing and you need to contact any school employee to prepare your own witness statement you must inform me before making contact with the relevant employee.

(Name of designated person) will be your designated point of contact at the school during the period that you are away from the school. He/she will keep you informed of general activities and news at the school. If you wish to contact the school for any reason please telephone *(name of designated person)* on *(insert telephone number)*.

If you wish to collect any personal belongings at the school please contact *(name of designated person)* who will make the appropriate arrangements.

I appreciate that this will be a difficult time for you and would like to inform you that the school's confidential Employee Assistance Programme (EAP) is available if you require support at this time. You can contact them on *(insert contact details)*.

A copy of the school's/Trust's Disciplinary Policy & Procedure is attached/enclosed.

Yours sincerely

Headteacher/Chair of Governors

Encl.

24. Appendix 10 - Notification of Suspension Review

Dear *(insert employee's name)*

Review of Suspension

I am writing to inform you that your suspension will continue until *(insert date)* as the investigation into the allegation(s) has not been concluded.

I would like to remind you that the school's confidential employee assistance programme is available for you to access if you wish to do so. Details have been previously provided to you.

OR

I am writing to inform you that the investigation into the allegation(s) that you *(enter details of the allegations)* has now been concluded and recommends that the matter progresses to a formal Disciplinary Hearing.

The school will make arrangements for a Disciplinary Hearing to be convened, and you will be notified accordingly once these arrangements have been finalised. You will be given due notice of the hearing in accordance with the Disciplinary Procedure, and you will be supplied with the relevant paperwork to support the case against you.

You will have the right to be accompanied to the hearing by a trade union representative or a work colleague.

Your suspension remains in force until the outcome of the Disciplinary Hearing is known.

I would like to remind you that the school's confidential Employee Assistance Programme (EAP) is available for you to access if you wish to do so. Details have been previously provided to you.

OR

I am writing to inform you that the investigation into the allegation(s) that you *(enter details of the allegations)* has been concluded and finds no case against you. As a result your suspension has been lifted with immediate effect.

Please attend work on *(date)* at *(time)* when I will meet with you to discuss the arrangements to support your return to work and give you the opportunity to ask any questions that you may have about your return to work. For the avoidance of doubt, I will not be able to discuss any aspect of the investigation.

Yours sincerely

Headteacher/Chair of Governors

25. Appendix 11 - Notification of Allegation(s) and Investigation

Dear *(insert employee's name)*

Investigation

I am writing to advise you that you are the subject of an investigation under the school's Disciplinary Policy & Procedure. The investigation will consider the following allegation(s) against you:

[Insert the allegation(s)]

[If relevant, insert brief details for example, this relates to the incident which occurred on (date)].

During the investigation process it may become necessary for the school to amend or add to the allegation(s), in which case you will be notified accordingly.

Please note that *(insert name of assigned Investigating Officer)* will undertake the investigation in accordance with the school's Disciplinary Policy and Procedure (copy enclosed for your information). *(Name of Investigating Officer)* will arrange to meet with you as part of the investigation to seek your response to the allegation(s). The Terms of Reference for the investigation are attached.

I would like to inform you that this will not be a disciplinary meeting. The purpose of the meeting will be to give you the opportunity to respond to the allegation(s) and assist in establishing the facts.

You may be accompanied to the meeting by a trade union representative or a work colleague.

I realise that this will be an anxious time for you and would like to give you details of the school's employee counselling service so that you may seek help and support if you need it. You can contact them on *(insert contact details)*.

Should you require additional support or adjustments, for the meeting with the Investigating Officer, to accommodate a disability, then please let me know so that we can consider this further and make the necessary arrangements.

Finally, I take this opportunity to remind you that this is a confidential matter and you are required to maintain confidentiality in regards to this investigation. For the avoidance of doubt, this does not preclude you from speaking to or taking advice from your chosen companion. Please be advised that a breach of confidentiality may in itself be subject to disciplinary action.

If you have any questions about the content of this letter please contact me.

Yours sincerely

Commissioning Officer

26. Appendix 12 - Notification of Investigation Meeting

Dear *(insert employee's name)*

Investigation Meeting

I have been appointed as Investigating Officer to investigate the following allegations against you:

[Insert the allegation(s)]

[If relevant, insert brief details for example, this relates to the incident which occurred on (date)].

In accordance with the school's Disciplinary Policy and Procedure I would like you to attend an investigation meeting on *(date)* at *(time)* at *(location)*.

I would like to inform you that this is not a disciplinary meeting. The purpose of the meeting is to give you the opportunity to respond to the allegation and assist in establishing the facts. You can be accompanied to the meeting by a trade union representative or a work colleague.

Should you require additional support or adjustments to accommodate a disability, then please let me know as soon as possible so that we can consider this further and make the necessary arrangements.

In the event that your companion is unable to attend the meeting then please let me know as soon as possible so that the meeting can be rescheduled. The proposed date of the rescheduled meeting will need to be on or before *(insert a date that is 5 working days after the original date)*.

To ensure that the investigation can be conducted as fairly as possible you are required to keep the matter, and anything discussed at the investigation meeting, confidential. Any breach of confidentiality may be considered a disciplinary matter.

Yours sincerely,

(Insert name)

Investigating Officer

27. Appendix 13 - Notification of Investigation Meeting to Witness

Dear *(insert employee's name)*

Investigation Meeting

I am currently in the process of conducting an investigation into allegation(s) concerning *(insert employee's name)*.

You have been identified as a witness who may be able to provide information to assist in establishing the facts.

I would like you to attend an investigation meeting on *(insert date)* at *(insert time)* at *(insert location)* so that I may discuss the matter with you.

To ensure that the investigation can be conducted as fairly as possible you are required to keep the matter, and anything discussed at the investigation meeting, confidential. Any breach of confidentiality may be considered a disciplinary matter.

I would be grateful if you could confirm your attendance please.

Yours sincerely,

(Insert name)

Investigating Officer

28. Appendix 14 - Notification of Disciplinary Hearing

Dear *(insert employee's name)*

Disciplinary Hearing

I am writing to advise you that as a result of the investigation into the allegation(s) that you *(set out summary details of the alleged misconduct)*, your attendance is required at a formal Disciplinary Hearing.

The Hearing will take place on *(date)* at *(place)* at *(time)* and will be heard by *(list those hearing the matter)*.

I must inform you that if the allegation is upheld (i.e. substantiated) it may constitute gross misconduct under the Disciplinary Code for Schools and, without any acceptable mitigation, may lead to your dismissal.

OR

I must inform you that if the allegation is upheld (i.e. substantiated) it will constitute misconduct under the Disciplinary Code for Schools and may lead to a written warning/final written warning

In the event that you are already subject to a written warning/final written warning, this will be taken into account when determining the level of sanction.

The following witnesses will be called to give evidence at the Disciplinary Hearing in support of the Management Case:

(State the names of witnesses)

The school's HR representative will attend to support *(me/the Disciplinary Hearing Panel)* on process and procedural matters.

(Name of notetaker) will attend to minute the hearing.

You have the right to be accompanied by a trade union representative or a work colleague. It is your responsibility to arrange for a companion to accompany you to the Hearing. If your chosen companion is unable to attend the scheduled hearing, you may propose another date and time for the meeting to take place to me. Any such alternative date must be on or before *(enter date 5 working days after the date being proposed in this letter)*.

You also have the right to produce written statements and to invite witnesses to give evidence in support of your case. You should ensure that copies of any written statements upon which you wish to rely at the hearing are sent to me no later than 3 working days before the hearing, therefore by *(insert date)*, together with the names of any witnesses that will be attending.

I enclose copies of the documentation which will be considered at the hearing which includes the Investigation Report, Witness Statements and a copy of the school's Disciplinary Policy & Procedure. It is your responsibility to pass a copy of the paperwork to your companion should they request it.

I appreciate that this will be a difficult time for you and would like to inform you that the school's Employee Assistance Programme (EAP) is available if you require support at this time. You can contact them on *(insert contact details)*.

Should you require additional support or adjustments to accommodate a disability, then please let me know so that we can consider this further and make the necessary arrangements.

If you have any queries with regards to the contents of this letter or the Disciplinary Policy & Procedure please contact me.

Yours sincerely

(Headteacher/Chair of Governors)

29. Appendix 15 - Notification of Outcome of Disciplinary Hearing

Dear *(insert employee's name)*

Outcome of Disciplinary Hearing on *(insert date)*

Following the Disciplinary Hearing on *(date)*, I write to confirm that *(I/the Disciplinary Hearing Panel)* have determined that:

The allegation(s) against you has/have not been upheld and no further action will be taken

OR

The allegation(s) against you has/have been upheld in full (i.e. substantiated) and constitute (misconduct/gross misconduct)

OR

The following allegation(s) (give details) have been upheld against you but (I/the Disciplinary Hearing Panel) concluded that allegation(s) that you (give details) were not substantiated.

The reasons for reaching this decision are *(insert reasons)*.

As a result, *(I/the Disciplinary Hearing Panel)* have decided that *(insert any of the following)*:

- You should receive a *(written warning/final written warning)* to remain on your record for *(12 months/2 years/other)* and this letter constitutes notice of the same
- You are to be dismissed and your employment terminated with effect from *(date)*
- No formal action will be taken on this occasion but *(I/the Disciplinary Hearing Panel)* require(s) you to *(details of standard of conduct required)* and remind you that failure to maintain such standards may result in further disciplinary action being taken against you
- You should receive a *(written warning/final written warning)*, but as you are already subject to a (written warning/final written warning), you will receive a (final written warning/you will be dismissed) *(set out details of improvement expected of employee, if applicable)*
- To assist and support you in attaining these standards *(details of support structures)*. Your progress will be reviewed at the meeting with *(headteacher/line manager)* in *(insert)* weeks' time
- If you fail to reach the required standards, further disciplinary action may be taken against you, which could lead to *(a final written warning being issued/or your dismissal without further warning)*.

Notes from the Disciplinary Hearing are attached for your information.

You have the right to appeal against the disciplinary action in accordance with the school's Disciplinary Policy & Procedure. If you wish to appeal, you must submit a written statement of appeal to *(insert name and contact details e.g. Clerk to the Governing Board)* within **10 working days** of receipt of this letter. The letter should clearly state the grounds of the appeal, which can be based on any or all of the following:

- The severity of the disciplinary action (e.g. sanction is considered too harsh in relation to the misconduct/gross misconduct)
- The findings of the Disciplinary Hearing are disputed on a point of fact that may have influenced the outcome
- There was a failure to adhere to agreed procedure that may have affected the outcome
- New evidence.

Any appeal will be heard by an Appeal Hearing Panel.

Yours sincerely

(Headteacher/Chair of Disciplinary Hearing Panel)

30. Appendix 16 - Notification of Appeal Hearing

Dear *(insert employee's name)*

Appeal Hearing

Following your letter of *(date)* notifying the school that you wish to appeal against the decision taken at the Disciplinary Hearing held on *(date)*, I am writing to inform you that an Appeal Hearing will take place on *(date)* at *(time)* at *(venue)* to hear your appeal.

You are appealing on the grounds of: *(select whichever is relevant)*

- The severity of the disciplinary action (e.g. sanction is considered too harsh in relation to the misconduct/gross misconduct)
- The findings of the Disciplinary Hearing are disputed on a point of fact that may have influenced the outcome
- There was a failure to adhere to agreed procedure that may have affected the outcome
- New evidence.

The Appeal Hearing Panel will be:

(List the 3 panel governors here)

(Name of Headteacher/Chair of Disciplinary Hearing Panel) will present the school's case in response to your grounds for appeal.

The school's HR representative will attend to support the Appeal Panel on process and procedural matters.

A notetaker will attend to take notes of the meeting.

You have the right to be accompanied by a trade union representative or a work colleague (companion). It is your responsibility to arrange for a companion to accompany you to the hearing and to inform them of the details of the Appeal Hearing. If your chosen companion is unable to attend the hearing on the given date and time, you may propose another date and time for the hearing to take place. Any such alternative date must be no later than *(enter date 5 working days after the date being proposed in this letter)*.

Should you require additional support or adjustments to accommodate a disability, then please do let me know so that we can consider this further and make the necessary arrangements.

The documentation to be considered at the Appeal Hearing is attached which includes that from the Disciplinary Hearing, management case statement from the Headteacher/Chair of the Disciplinary Hearing Panel in response to your appeal, and a copy of the Disciplinary Policy & Procedure. It is your responsibility to provide a copy to your companion should they request it.

The Appeal Hearing Panel may take one of the following decisions at the conclusion of the appeal hearing:

- Uphold the appeal and dismiss any disciplinary action
- Substitute a lesser level of disciplinary action
- Dismiss the appeal and uphold the disciplinary action.

Yours sincerely

(Clerk to the Governing Board/Chair of Governors)

31. Appendix 17 - Notification of Outcome of Appeal Hearing

Dear *(insert employee's name)*

Outcome of Appeal Hearing held on *(insert date)*

Following the Appeal Hearing on *(date)* I am writing to confirm the decision of the Appeal Hearing Panel.

In making their decision the Panel considered all of the information presented to them by you, the Presenting Officer, and the documentary evidence available.

(Indicate here any other factors which have influenced the decision)

It is the Panel's decision to:

Dismiss your appeal and to uphold the decision taken by the Disciplinary Hearing Panel.

OR

Uphold your appeal and dismiss the disciplinary action.

The Panel has reached this decision based on *(state the grounds for the decision)*

You are to be re-instated in your post as *(post title)* with effect from *(date of termination/where the notice has expired from the date of the expiry of the notice period)*.

Any record of the disciplinary action that has been placed on your personnel file will be removed.

OR

Substitute a lesser level of disciplinary action to:

- Written warning/Final Written warning

OR

- Transfer to another post *(state details of post and effective date)*

OR

- Demotion to *(post title) (with/without)* protection of salary.

The Panel may wish to make recommendations around monitoring and review of conduct in the post/any trial periods etc.

I must advise you that there is no further right of appeal.

Yours sincerely

Chair of Appeal Hearing Panel

32. Appendix 18 - Terms of Reference for Disciplinary Investigation

The investigation has been commissioned by:

The investigation has been commissioned in relation to allegation(s) relating to:

Name of employee:

Employee's job title:

Employee's working days from **x:xx** am to **x:xx** pm are:

Allegation(s)

The allegation(s) to be investigated are as follows:

(State the allegation(s) to be investigated)

The investigation is to be carried out in accordance with the guidance contained in Annex A of the Disciplinary Policy & Procedure.

Investigation

The investigation will be carried out by *(insert name and job title of person appointed to carry out the investigation)* who will:

1. Carry out a fair and impartial investigation
2. Arrange to have an investigation meeting with the employee, ensuring that the employee is given 5 working days' notice of the meeting, and advised of their right to be accompanied by a trade union representative or a work colleague (companion)
3. Provide the employee with clear written information about the allegation(s) and the opportunity to respond and provide evidence, and follow up as necessary any information provided by the employee
4. Interview relevant witnesses and collect other relevant evidence (e.g. documentary evidence, CCTV footage). In this instance, *(insert names of witnesses and other evidence to be reviewed/analysed, including any policies and procedures that the school considers have been breached)*. The Investigating Officer will interview any other witnesses that may be identified during the course of the investigation and review other evidence which they consider relevant to assist in establishing the facts
5. Maintain accurate and confidential records, and evaluate the evidence gathered
6. Produce a factual investigation report for the Commissioning Officer, with findings but without recommendations regarding sanctions, but may make one of the following recommendations for the Commissioning Officer's consideration:
 - There is a case to answer and for the matter to be considered formally at a Disciplinary Hearing
 - There are grounds for informal action under the Disciplinary Policy & Procedure
 - There is no case to answer and no grounds for further action.

The investigation will commence on *(date)* and is expected to conclude by *(date)*, subject to the complexity of the case and availability of witnesses.

23 Feb 2026

Policy has been reviewed and refreshed. Refer to the Schedule of Amendments for full detail. [Schedule of amendments](#)

05 Feb 2025

Policy has been reviewed and refreshed. Refer to the Schedule of Amendments for full detail. [Schedule of amendments](#)

30 Nov 2022

Policy has been reviewed and refreshed. Refer to the Schedule of Amendments for full detail. [Schedule of amendments](#)