



STAFF DISCIPLINARY POLICY

Member Academies:	Beamont Collegiate Academy Bridgewater High School Broomfields Junior School Great Sankey Primary School Meadowside Community Primary and Nursery School Padgate Academy Penketh High School Penketh South Primary School Priestley College Sir Thomas Boteler Church of England High School
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Version	Date	Action
1		Originated by Graham Jones, HR Advisor (Working with Schools Ltd)
2	07/02/2018	Finance, HR & Operations Committee
3	05/10/2018	Agreed at JCNC
4	06/02/2019	CET/JCNC Approval – Padgate Academy included
5	12/12/2019	Broomfields Junior School and Meadowside Community Primary added as member academies
6	18/06/2020	Addition of 'Sickness Absence During the Disciplinary Process' approved at Finance, HR & Operations Committee

1 Purpose

- 1.1 The purpose of the disciplinary procedure is to consider how to resolve a matter related to the conduct of an employee through agreed and recognised channels which ensure that all concerned are aware of their rights and obligations.

2 Introduction

- 2.1 This disciplinary procedure has been determined by The Challenge Academy Trust (TCAT) in accordance with the advice of the Trust's HR Advisers, consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government and the Advisory, Conciliation and Arbitration Service (ACAS). It applies to all staff employed within the staffing complement of the academies within TCAT.
- 2.2 At any stage throughout the disciplinary procedure an employee is entitled to consult and be represented by his/her Professional Association or Trade Union, or colleague.
- 2.3 The responsibility for managing the disciplinary process within TCAT academies will rest with the Principal/Headteacher who will be the only employee empowered to issue warnings, deal with other associated action or take initial dismissal decisions. The Local Governing Body may also take disciplinary action and in any case will be responsible for disciplinary action involving the Principal up to the appeals stage, from which the Trustees shall be responsible. Responsibility for disciplinary matters involving the Chief Executive Officer shall rest with the Trustees.
- 2.4 As a general rule before the formal disciplinary process is invoked and depending on the nature of the unsatisfactory conduct, concern about the issue will be expressed in the normal course of supervision. Appropriate time for improvement should be allowed and, as appropriate, guidance, supervision and training provided.
- 2.5 The following steps should be followed in sequence to seek to deal formally with a potential disciplinary matter:

3 Management Input

- 3.1 It may be necessary for the Principal/Headteacher to draw to an employee's attention, concern about the manner in which he/she is carrying out his/her duties and the individual's general behaviour. It is anticipated that informal advice will be the first step through which such concerns are addressed. Where this does not achieve the desired effect, the next stage would be formal management instruction. Management input of this nature is not considered to be within the terms of the disciplinary procedure, but any employees aggrieved by this process shall have the right to implement the grievance procedure.

4 Suspension

- 4.1 Where it appears that an employee may be guilty of gross misconduct or for any urgent cause for which it is considered that an exclusion from the academy premises seems

necessary, the Principal/Headteacher or the Local Governing Body has the power to suspend an employee on normal pay. In the event that an employee is absent from work due to sickness, and this absence is covered by a medical certificate, the employee will receive their normal pay, which in these circumstances is pay in line with their occupational sick pay.

- 4.2 In the event of an allegation of potential gross misconduct of a Principal/Headteacher, the Chief Executive Officer or the Local Governing Body shall have the authority to suspend.
- 4.3 Suspension is traumatic for the member of staff, their family, and their colleagues as well as pupils/students and their parents. It is, therefore, important to have, and follow, an appropriate procedure to ensure that suspension does not occur unnecessarily and to avoid potential challenges when it is believed to be appropriate and takes place.
- 4.4 It is important to consider whether there are any suitable alternatives to suspension. It may still be possible for the employee to undertake duties other than their normal role.
- 4.5 Other than for gross misconduct, suspension should only be used:
- Where a pupil/student or pupils/students are at risk;
 - Where an allegation of misconduct has been made against the member of staff and it is judged that their continued presence in the workplace may impede or prejudice the investigation;
 - Where an allegation of misconduct has been made against a member of staff the nature of which could involve potential risks to pupils/students or other employees.
- 4.6 In cases of allegations of potential child abuse, if a decision not to suspend is taken, this should be clearly documented with reasons and the Chair of Governors will be informed. The Principal/Headteacher should be fully aware of Child Protection Procedures and should consult the academy's Safeguarding and Child Protection policy when dealing with allegations against members of staff. The Local Authority Designated Officer (LADO) should be informed at the earliest opportunity of any cases where there is an allegation against a member of staff which might suggest abuse has taken place.
- 4.7 Where an employee is suspended by the Principal/Headteacher/Local Governing Body during the investigation of a complaint or allegation and throughout the period of suspension the employee shall receive normal pay. If an employee is subsequently dismissed he/she shall not be entitled to wages (or salary) other than the sum (if any) due up to the date of dismissal, but he/she shall be allowed to retain any sum already paid to him/her during the period of his/her suspension. If he/she is reinstated there shall be full restitution of earnings.
- 4.8 The suspension will be kept under continual review and in no circumstances will the process be subject to unnecessary or unwarranted delays. The Local Governing Body may (in accordance with the procedures set out below) end a suspension. The Principal/Headteacher may also end a suspension, where the Local Governing Body has delegated this function to the Principal/Headteacher. It is recognised that sometimes there may be a recommendation that a suspension be lifted without the matter ever having been referred for a disciplinary

hearing.

5 Sickness Absence During the Disciplinary Process

- 5.1 In cases where an employee signed off sick during the investigatory process/formal proceedings, the date of the meetings will not be moved unless the individual's general practitioner or occupational health gives a firm and unequivocal written statement that the individual will not be fit to attend the investigation or disciplinary hearing. It will not be possible to postpone a hearing indefinitely. Where there is a difference of medical opinion please refer to the Managing Attendance Procedure.
- 5.2 If no satisfactory medical evidence is produced or following a previous postponement, a meeting date will be set and the individual will be given the following options:
- To attend the meeting at the date and venue fixed;
 - To attend the meeting on the date fixed but at a venue away from the site;
 - Not to attend the meeting but to send written representations.

6 Management Investigation

- 6.1 Except in cases where the Principal/Headteacher is the subject of possible disciplinary action, the Principal/Headteacher or appropriate member of Senior Leadership Team shall act as the Investigating Officer. In certain cases where, for example, the Principal/Headteacher is likely to be a key witness at the hearing(s), another individual will be nominated to act as the Investigating Officer. The Investigating Officer will be required to collect statements in writing from any witness who may be called to support their statements at any subsequent hearing.
- 6.2 The Investigating Officer will formally write to all those individuals who are required to attend the investigation interview, informing them of the nature of the events being investigated (including the date and time of any specific incident) the date, time and venue for the interview, and giving them the opportunity to be accompanied by a Trade Union/Professional Association representative, or colleague. The employee should be informed in writing that an allegation of misconduct which requires investigation has been received, that an Investigatory Officer has been designated and the identity of that individual.
- 6.3 If there is a specific allegation being made against an employee, then that individual should be made fully aware of the allegation prior to the investigation interview in order that s/he may prepare a response to the allegation. The employee must also be informed of the requirement to co-operate with the investigation, such as attending the investigatory interview.
- 6.4 The Investigating Officer will write to the employee being investigated to confirm the findings of the Management Investigation. In most cases there will be one of three outcomes:
- i. Complete exoneration from the allegations made. In this case a letter should be sent to all employees involved thanking them for their co-operation throughout the Management Investigation process.

- ii. A decision that there has been some level of misconduct but that it can be best dealt with through advice, support or a 'management instruction'.
- iii. A decision that disciplinary action should be taken.

6.5 In the latter case, the employee should be advised that disciplinary action is going to be taken, and that s/he will be notified of the date, time and venue of the disciplinary hearing in the near future. A copy of the disciplinary procedure must be provided to the employee.

7 Formal Disciplinary Procedure

7.1 Where the Principal/Headteacher considers that the conduct of an employee may warrant disciplinary action, the Principal/Headteacher will call the employee to a hearing to determine whether or not to give a formal warning. This might be after the matter had been dealt with initially through the management input mechanism identified above or following a management investigation conducted by a senior member of staff or the Principal/Headteacher.

7.2 The Principal/Headteacher considers whether:

- a) the seriousness of the offence merits it; or
- b) previous formal warning or warnings have been effective; or
- c) there is a further unconnected event of unsatisfactory work or misconduct.

7.3 Hearings or interviews at which disciplinary action is to be considered shall occur as soon as possible after the event or action which has caused concern and only after an investigation has taken place and the employee has been given ten working days' notice in writing. The employee will be informed of:

- the conduct which appears to justify disciplinary action, and the source of complaint, unless exceptionally, there are particular reasons why they should not be named (e.g. if the case involves whistleblowing)
- the right of the employee to be accompanied by a representative of a recognised Trade Union, Professional Association or work colleague.

7.4 Copies of all documents to be relied upon shall be supplied to all parties concerned at least 5 working days prior to the date of the hearing.

7.5 At the hearing, the Principal/Headteacher shall consider only the facts presented in the presence of the employee and have the power to deal with the case in one of the following ways:

- i. Complete exoneration and reinstatement (where employee has been suspended);
- ii. Reinstatement (where employee has been suspended);
- iii. Granting an opportunity, following request from the employee, to resign as an

alternative to dismissal. (Employees should be strongly advised to consult with their trade union or professional association representative if considering making such a request);

- iv. Reprimand or warnings (see section 8);
- v. Granting an opportunity to accept a reduction in position or status as an alternative to dismissal;
- vi. Granting, in appropriate cases, opportunity to obtain medical advice or treatment before any further decision is taken;
- vii. Dismissal.

7.6 The decision of the Principal/Headteacher will be communicated to the employee in writing within five working days.

8 Sanction

8.1 If the Principal/Headteacher has heard the case and determined that, on the balance of probability, the allegation against the employee has been upheld, the Principal/Headteacher may deliver one of the following sanctions:

- An oral warning;
- An oral warning confirmed in writing;
- A written warning;
- A final written warning;
- That the employee should be dismissed.

8.2 There is no appeal in the event of an oral warning not confirmed in writing.

8.3 The Principal/Headteacher is empowered to make initial dismissal decisions. In cases where the Principal/Headteacher is subject to the disciplinary action, the matter will be referred for consideration to a Disciplinary Committee of the Local Governing Body. The Committee will comprise of three Governors and will decide whether or not to issue a warning, which may be written or a final written warning or, in very serious cases, a decision to issue notice of dismissal.

8.4 A formal warning or resolution to issue of a notice of dismissal will:

- a) be in writing or confirmed in writing by the Principal or Clerk to the Governors on behalf of the Local Governing Body as appropriate;
- b) be delivered by hand or special delivery;
- c) in the case of formal warnings explain that they will be recorded in the employee's personal file;
- d) explain the reasons for the disciplinary action;
- e) explain the right of appeal;

f) be copied to the employee's Trade Union or Professional Association representative.

8.5 The Principal/Headteacher will maintain a Register of Disciplinary Action which will contain a copy of any written warning issued to employees.

9 Expiry of Disciplinary Action and Expunging of Records

9.1 Should any disciplinary action be withdrawn or, as a result of a hearing, a decision is made to take no action, any written reference to the action shall be expunged from the employee's personal file and Register of Disciplinary Action immediately.

9.2 Where an employee completes a period of 12 months satisfactory service, or longer period if specified when the warning was issued, following a formal warning, the warning will be expunged from the Register of Disciplinary Action and he/she will be notified to that effect. Details of spent warnings shall remain in personal files to be utilised for reference purposes in line with the DCSF guidance, on safer recruitment.

9.3 In exceptional circumstances when the disciplinary action was as a result of unprofessional conduct against a pupil/student, or when a Principal/Headteacher or Local Governing Body considers that a disciplinary warning should not be automatically expunged, this should be made clear when the warning is issued. Any arrangements for a review of the warning should be made clear. The employee should have the right to make representations for its expunction and to appeal any decision not to expunge a warning.

10 Appeals

10.1 In the event of an appeal against the decision of a Principal/Headteacher or the Disciplinary Committee in cases regarding the Principal/Headteacher, the complainant should do so in writing. The complainant must set out the grounds of the appeal within ten working days of the relevant decision. The matter will be referred to the Disciplinary Committee where the Principal has issued the initial sanction. In cases where the Principal/Headteacher is the subject of a disciplinary decision of the Disciplinary Committee of the Local Governing Body, the appeal shall be considered by the Trustees. The meeting will be held within fifteen working days (or by mutual agreement as soon as practicable thereafter) of the receipt of the formal notice of appeal. The employee will be informed of the place, date, time and purpose of the meeting.

10.2 The employee will be entitled to attend before the Local Governing Body with his/her Professional Association/Trade Union representative or work colleague if he/she so wishes to present his/her appeal.

10.3 The Local Governing Body/Trustees may uphold the appeal or confirm the original decision and may decide to impose a lesser penalty, but cannot impose a more severe penalty.

10.4 An appeal decision of the Local Governing Body/Trustees will be final.

11 Dismissal

- 11.1 Once a decision has been taken to dismiss an employee the Principal/Headteacher (or Chair of Trustees in respect of the dismissal of a Principal/Headteacher) is responsible for providing a written statement of reasons for the dismissal as required by law.

12 Trade Union and Professional Association Officials

- 12.1 No disciplinary action shall be taken against an official of a recognised Trade Union or Professional Association who is an employee until the circumstances have been discussed with a full-time or designated district or area official of the Trade Union or Professional Association concerned.

Appendix 1

Disciplinary Rules

In accordance with the requirements of the Employment Protection (Consolidation) Act as amended by the Trade Union Reform and Employment Rights Act 1993, and the ACAS Code of Practice "Disciplinary Practice and Procedure in Employment" this is to notify you of the school's disciplinary rules.

(a) Gross Misconduct

Gross Misconduct is generally seen as misconduct serious enough to destroy the contract between the employer and employee making any further working relationship and trust impossible. An allegation of gross misconduct may therefore lead to immediate suspension from work, pending investigation. If, after due consideration, the allegations are substantiated, the employee will be dismissed without notice unless there are any mitigating circumstances. Examples of gross misconduct relating to all employees include:

- i. Unauthorised removal, possession or theft of property belonging to the school, a fellow employee, pupil/student, or member of the public.
- ii. Acts of violence including the physical assault of a fellow employee, pupil/student or member of the public.
- iii. Falsification of qualifications or information which are a statutory or essential requirement of employment or which result in additional remuneration.
- iv. Sexual misconduct at work.
- v. Deliberate damage to Trust property.
- vi. Deliberate falsification of records, attendance sheets, bonus sheets, subsistence and expense claims etc.
- vii. Disclosure of confidential matters to public sources, where not required for industrial relations purposes; (including disclosure to the third party, without authority of personal confidential information acquired during the course of employment at the academy) or the unauthorised use or disclosure of any computer-held or computer-generated information from which a living individual can be identified.
- viii. Acceptance of bribes or other corrupt practices.
- ix. Other offences of dishonesty.
- x. Conviction for a criminal offence unconnected with the academy but which removes an employee's acceptability to remain in employment, eg sexual abuse of a child, drugs offence etc.
- xi. Serious breaches of safety rules including deliberate damage to, or misappropriation of, safety equipment.
- xii. Serious negligence, which causes or might cause unacceptable loss, damage or injury.
- xiii. Holding unauthorised paid employment during paid academy time.

- xiv. Failure to meet the registration requirements of a statutory regulatory body.
- xv. Serious incapacity through alcohol or being under the influence of illegal drugs*.
- xvi. Serious acts of insubordination.
- xvii. Bullying, intimidation, victimisation or other forms of harassment.
- xviii. Downloading or distributing pornographic, obscene, offensive or illegal material.
- xix. Serious maladministration of statutory tests and examinations.
- xx. Serious acts of discrimination.
- xxi. Bringing the Trust/Academy or their own individual professional reputation into question through inappropriate use of social media.

(b) Other Misconduct

The great majority of breaches of disciplinary rules will not be sufficiently serious to warrant dismissal without previous warning. Examples of offences which will not normally result in dismissal without previous warning are listed below and relate to all employees.

- i. Refusal to comply with the reasonable and lawful instructions of management.
- ii. Negligence in the performance of duties.
- iii. Negligence in the administration of statutory tests and examinations.
- iv. Failure to attend work regularly and punctually during agreed working hours; failure to report inability to attend work due to illness for any other reason, promptly, and in accordance with the school's procedures; unreasonably prolonging absence by neglecting to act on medical advice.
- v. Absenteeism and leaving the workplace without permission.
- vi. Misconduct in relationships with other members of staff, pupils, or members of the public, to include conduct which is not in accordance with the principles of mutual trust, respect and courtesy.
- vii. Swearing or abuse of members of staff, pupils/students, or members of the public.
- viii. Being under the influence of drink or other intoxicants sufficient to affect work performance.
- ix. Non-compliance with sickness pay scheme.
- x. Falsification of qualifications or information other than those which are a statutory requirement for employment.

* Other than where the case would be more appropriately dealt with under separate procedures.

- xi. Abuse of position – using an official position for private advance or for the private advantage of some other person.
- xii. Criminal offences – where the offence/alleged offence has employment implications but is not sufficiently serious to constitute gross misconduct.
- xiii. Employees whose posts are subject to Disclosure & Barring Service clearance – failure to notify line management of any activity likely to result in subsequent criminal investigation, conviction or police caution being served.
- xiv. Damage to Trust property – deliberate damage, misuse, or use without authority of the property of the Trust, fellow employees, or other members of academy community.
- xv. Discrimination – against a member of the public or colleagues on grounds of sex, sexual orientation, marital status, age, race, creed, colour, ethnic or national origin or disability.
- xvi. Rules – failure to observe the provisions of the Academy and relevant Local Authority, Financial Regulations, Policies, Code of Conduct and other applicable rules.
- xvii. Safety – failure to act in accordance with applicable Health and Safety Policies; any act or omission on the part of the employee which endangers the health or safety of themselves, other employees, academy users or members of the public.

The list of Disciplinary Rules is not designed to be an exhaustive list but should provide an indication of the standards required.

Appendix 2a

Procedure of Disciplinary Committee in cases where the Principal/Headteacher is subject to the disciplinary procedure

1. The Principal/Headteacher shall be given at least ten working days'* notice in writing of the date, time and place of the hearing and shall be entitled to be represented by his/her Trade Union or Professional Association representative or work colleague and shall be able to call witnesses and present documents relevant to his/her defence.
2. Copies of all documents to be relied upon at the hearing shall be submitted to the Committee and the parties concerned at least 5 working days prior to the date of the hearing.
3. The Investigating Officer, nominated Governor or representative to put the case in the presence of the employee and to call witnesses.
4. The Principal/Headteacher to have the opportunity to ask questions of the Investigating Officer, nominated Governor or representative on the evidence given by him/her and any witness whom he/she may call.
5. The members of the Committee to have the opportunity to ask questions of the Investigating Officer, nominated Governor or representative and witnesses.
6. The Principal/Headteacher to put his/her case in the presence of the Investigating Officer, nominated Governor or representative and to call such witnesses as he/she wishes.
7. The Investigating Officer, Principal/Headteacher, nominated Governor or representative to have the opportunity to ask questions of the employee and his/her witnesses.
8. The Committee to have the opportunity to ask questions of the Principal/Headteacher and his/her witnesses.
9. All witnesses will withdraw at this point.
10. The Investigating Officer, nominated Governor or representative and the Principal/Headteacher to have the opportunity to sum up their case if they so wish.
11. The Investigating Officer, nominated Governor or representative and the Principal/Headteacher to withdraw.

* For the purpose of this procedure "working days" shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. Hearings need to be arranged in term time except for employees with 52 week contracts or where agreement has been reached with the employee and union representative that such an arrangement meets their agreement.

12. The Committee to deliberate, only recalling the Investigating Officer, nominated Governor or representative and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point giving rise to doubt.
13. The Committee will announce its decision to the employee personally and to his/ her representative, the Governors or the nominated representatives. This will be confirmed in writing within five working days.

Appendix 2b

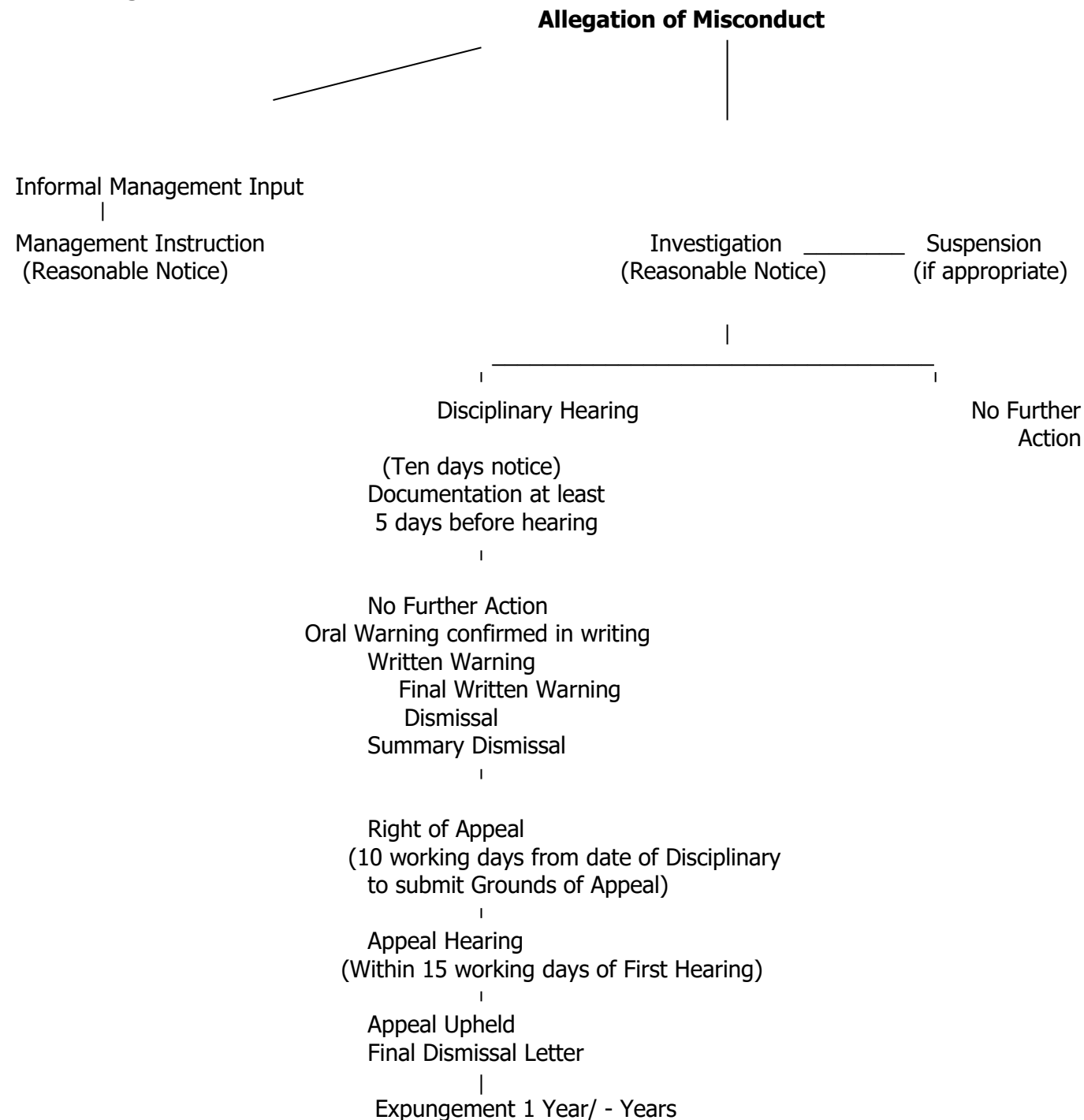
Procedure of Appeals Body

1. The Employee shall be given at least ten working days'* to submit the grounds for an appeal, in writing, from the receipt of written confirmation of the decision of the Principal/Headteacher or Disciplinary Committee.
2. The Appeals Body should convene within 15 working days of receiving the grounds of appeal or as soon as is practicable. The employee shall be given at least 10 working days' notice in writing of the time, place of the hearing and shall be entitled to be represented by his/her Trade Union or Professional Association representative or work colleague and shall be able to call witnesses and present documents relevant to his/her case.
3. Copies of all documents to be relied upon at the hearing shall be submitted to the Appeals Body and the parties concerned at least 5 working days prior to the date of the hearing.
4. The employee to put his/her case for appealing the outcome of the Disciplinary Hearing in the presence of the Investigating Officer, Principal/Headteacher, nominated Governor or representative and to call such witnesses as he/she wishes.
5. The Investigating Officer, Principal/Headteacher, nominated Governor or representative to have the opportunity to ask questions of the employee and his/her witnesses.
6. The members of the Appeals Body to have the opportunity to ask questions of the employee and his/her witnesses.
7. The Investigating Officer, Principal/Headteacher, nominated Governor or representative to put his/her case in the presence of the employee and his/her witnesses.
8. The employee to have the opportunity to ask questions of the Investigating Officer, Principal/Headteacher, nominated Governor or representative and his/her witnesses.
9. The members of the Appeals Body to have the opportunity to ask questions of the Principal/Headteacher and his/her witnesses.
10. All witnesses will withdraw at this point.
11. The employee to have the opportunity to sum up his/her case if they so wish.
12. The Investigating Officer, Principal/Headteacher, nominated Governor or representative to have the opportunity to sum up their case if they so wish.

* For the purpose of this procedure "working days" shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. Hearings need to be arranged in term time except for employees with 52 week contracts or where agreement has been reached with the employee and union representative that such an arrangement meets their agreement.

Appendix 2c

DISCIPLINARY PROCEDURE TIMELINES



Specimen Letters

1. Attendance at a formal management interview.
2. Confirmation of outcome of management interview/action plan.
3. Outcome of formal management review/extension of review period.
4. Outcome of formal management review - satisfactory progress/no further action.
5. Outcome of formal management review/no significant progress.
6. Allegation of misconduct/gross misconduct. Request to attend investigatory meeting.
7. Letter informing employee no action to be taken following investigation.
8. Letter notifying employee of decision to implement formal disciplinary procedure following investigation.
9. Letter of suspension.
10. Letter informing employee no action to be taken following investigation.
11. Oral warning – confirmation.
12. Written warning.
13. Final written warning.
14. Dismissal (not summary)
15. Summary Dismissal.
16. Notification of appeal hearing date - for consideration by the Governing Body.
17. Appeal against disciplinary action.

Attendance at a Formal Management Interview

Date

Personal and Confidential

Name and Address

Dear

Formal Management - Interview

I write to request your attendance at a Formal Management Interview at which we shall discuss your standard of conduct/co-operation* in relation to an allegation of [INSERT REASON]

This meeting is arranged for (day) (date) at (place) at (time). Should you wish to be accompanied at this meeting you may call upon the services of your Trade Union/ Professional Association Representative or work colleague to observe the proceedings.

I hope that we may, at this interview identify the cause(s) of any difficulties and agree a plan of action to resolve the situation.

I shall be grateful if you will please contact me to confirm your intention to attend this meeting as soon as possible.

Yours sincerely

*Insert/delete as appropriate

Copy to: Personal File

**Outcome of Formal Management Interview –
Action Plan on Review of Progress**

Date

Personal and Confidential

Name and Address

Dear

Formal Management - Interview

I write to confirm the outcome of our formal management interview where we discussed in depth your continuing conduct/co-operation*.

As discussed with you your conduct/co-operation* does not meet the expected standard in that

[details of nature of problem]

Our discussions identified the probable cause(s) of the difficulties these being:

[details of cause(s)]

To resolve this situation we agreed the following action plan:-

I will 1)
 2) insert action points
 3)

You will 1)
 2) insert action points
 3)

We also agreed to review your progress on (day), (date) at (place) at (time).

I trust you will agree that this is a true reflection of our meeting and hope we can work together to resolve this matter.

Yours sincerely

*Insert/delete as appropriate

Copy to: Personal File

Outcome of Formal Management Review/Extension of Review Period

Date

Personal and Confidential

Name and Address

Dear

Formal Management - Review

I write to confirm the outcome of our formal management interview held on (date) where we discussed your progress to date towards you achieving the expected standard of conduct/co-operation.*

At the review meeting we agreed that significant progress towards achieving a satisfactory standard has been made. Based upon this improvement we agreed that the review period should be extended to (day) (date).

Thank you for your continuing co-operation.

Yours sincerely

Copy to: Personal File

*Insert/delete as appropriate

**Outcome of Formal Management Review—
Satisfactory Progress/No Further Action**

Date

Personal and Confidential

Name and Address

Dear

Formal Management - Review

I write to confirm the outcome of our formal management review interview held on (date) where we discussed your progress to date towards you achieving the expected standard of conduct/co-operation*.

As discussed at that meeting your standard of conduct/co-operation* has improved greatly, and I intend to take no further action on this matter.

Yours sincerely

Copy to: Personal File

*Insert/delete as appropriate

**Outcome of Formal Management Review –
No Significant Progress**

Date

Personal and Confidential

Name and Address

Dear

Formal Management - Review

I write to confirm the outcome of our formal management review interview held on (date) where we discussed your progress to date towards you achieving the expected standard of conduct/co-operation*.

As discussed at that meeting I feel that there has been no significant progress towards achieving a satisfactory standard despite all my help and assistance.

I must now confirm to you that unless your conduct/co-operation* reaches a satisfactory standard by (day) (date), I shall implement the Formal Disciplinary Procedure against you.

Should you require further help or assistance prior to (day) (date) please do not hesitate to ask me.

Yours sincerely

Copy to: Personal File

*Insert/delete as appropriate

**Allegation of Misconduct/Gross Misconduct -
Request to Attend Investigatory Meeting**

Date

Special Delivery
Personal and Confidential

Name and Address

Dear

Allegation of Misconduct/Gross Misconduct*

I wish to inform you that I have received an allegation against you which may constitute an act of misconduct/gross misconduct. It is alleged that you:

- date(s), time(s) and place(s) of alleged offences(s)
- details of alleged offence(s)

This allegation is to be investigated and you are required to attend an Investigatory meeting at (place) on (day, date) at (time) when (X, Y) will be present to discuss this issue with you.

Whilst this investigatory meeting does not constitute part of the formal Disciplinary Procedure, you have the right to be accompanied by your Trade Union/Professional Association Representative or work colleague should you so wish.

I must inform you that the Formal Disciplinary Procedure may be implemented should there be sufficient reasonable grounds to support the allegation.

Failure to attend an Investigatory meeting without good reason may be considered a disciplinary offence.

I shall be grateful if you will please contact * to confirm your intention to attend the meeting.

I thank you in anticipation of your co-operation in this matter. If there is anything you wish to clarify or query, please do not hesitate to contact me.

Yours sincerely

Copy to: Personal File
Trade Union Representative

** delete if the allegation is definitely not of gross misconduct.*

**Letter Informing Employee That No Action To Be
Taken Following Allegation of Misconduct**

Special Delivery
Personal and Confidential

Date

Name and Address

Dear

Allegation of Misconduct/Gross Misconduct*

I am writing to confirm to you that an investigation of all of the circumstances surrounding the allegation of misconduct/gross misconduct* made against you on (date), has been completed.

The Investigating Officer finds there is no foundation to the allegation and thus the matter is satisfactorily concluded and no further action will be taken.

I hope you consider that this issue has been fair and reasonable throughout and I wish you every success for the future. Thank you for your co-operation with the investigation process.

Yours sincerely

Copy to: Personal File
Trade Union Representative

* delete as appropriate

Letter Informing Employee of Decision to Implement Formal Disciplinary Procedure Following Investigation and Attend Hearing

Special Delivery

Date

Personal and Confidential

Name and Address

Dear

Allegation of Misconduct/Gross Misconduct*

I write to inform you that having completed the Management Investigation, the investigating Officer considers that there are sufficient reasonable grounds for the allegation of misconduct/gross misconduct against you to be pursued, and that therefore, the Formal Disciplinary Procedure (copy attached) will be implemented.

You are required to attend a Disciplinary hearing at (place) on (day, date) at (time) when the Disciplinary Officer (name)/the Disciplinary Sub-Committee of the Governing Body will hear the case.

It is alleged that you:-

- date(s), time(s) and place(s) of alleged offence(s).
- detail(s) of alleged offence(s).

Which if proven would constitute an act of misconduct/gross misconduct*

- (delete if not gross misconduct) should such action be proven, this may lead to your subsequent dismissal from the school's employment.

You have the right of representation by your Trade Union/Professional Association Representative or work colleague who may assist in the presentation of your case. You may call witnesses and ask questions of the Investigating Officer and Witness(s) called by him/her.

You have the right of appeal against any disciplinary action which may be taken against you. I enclose a copy of the Disciplinary Procedure and Appeals Procedure for your information.

Cont/d...

Would you please confirm your intention to attend this Disciplinary Hearing to (name) on (telephone number) as soon as possible. I must inform you that failure to attend a disciplinary interview without just cause will be considered as an offence for which further disciplinary action may be taken, and may result in the disciplinary hearing being held in your absence. If there is anything you wish to clarify or query, please do not hesitate to contact me.

Yours *sincerely*

Encs

Copy to: Personal File

* if gross misconduct has definitely been ruled out, delete as appropriate.

Specimen Letter 9
Letter of Suspension

Special Delivery
Personal and Confidential

Date

Name and Address

Dear

Allegation of Misconduct/Gross Misconduct - Suspension

I write to confirm the oral notification of suspension from duty on normal pay pending the investigation of an allegation of misconduct/gross misconduct made against you on the

- date(s), time(s) and place(s) of alleged offence(s).
- detail(s) of alleged offence(s).

Your suspension will take effect immediately from (day), (date), (time) and will continue for a period of time not exceeding *week(s) without review. There will be an initial review of this suspension within 5 working days and *(you are invited to attend on at and be accompanied by your trade union or other representative) or *(you will be contacted as soon as possible to make arrangements).

During this period of suspension, it will be necessary to make yourself available should it be necessary to contact you at any time in order to facilitate further investigation. You should also note that you should not return to your place of work without obtaining prior approval from the Principal.

You will be notified in writing of the details of an Investigation, and any subsequent Meetings which you will be required to attend.

Suspension on full pay is not a disciplinary action and is intended as a neutral act carrying no implication of guilt, therefore you have no right of appeal against this decision.

I thank you in anticipation of your co-operation in this matter.

If there is anything you are unsure of or anything you wish to clarify in connection with the above, please contact (*) or your Trade Union/Professional Association Representative.

Yours sincerely

**Insert as appropriate*

Copy to: Appropriate Trade Union Representative

Personal File

**Letter Informing Employee That No Action To Be
Taken Following Disciplinary Hearing**

Special Delivery
Personal and Confidential

Date

Name and Address

Dear

Allegation of Misconduct /Gross Misconduct *

I am writing to confirm that following a disciplinary hearing held onat
..... the panel agreed that the allegation was not proven and no further action will
be taken.

I hope you consider that the issues have been dealt with fairly and reasonably. I would like
to thank you for your co-operation. The allegation and outcome will be retained on file for
(10) years and its relevance considered if it is necessary to write a reference for you.

It is the policy of this school to provide employees with access to their reference.

Yours sincerely

Principal

Copy to: Personal File
Trade Union Representative

* delete as appropriate

Oral Warning - Confirmation

Special Delivery

Date

Personal and Confidential

Name and Address

Dear

Disciplinary Action - Formal Oral Warning

I refer to the disciplinary hearing you attended on (insert date) at (location) in the presence of (names and designation). After consideration of the case against you presented by (Investigating Officer's details), the statements by your representative, (rep's name and designation) and yourself, I have decided that the allegation of (here state misconduct etc) has been found proven in that you:

- date(s), time(s) and place(s) of offence(s)
- details of offence(s)

*I therefore confirm the decision to issue you a formal oral warning.

*I have, therefore, decided to issue you a formal oral warning.

I must warn you that in the event of any further incident of misconduct, whether of a similar, or of a completely different nature, further disciplinary action against you, including dismissal may be contemplated.

This warning has been recorded on your personal file and on the "Register of Disciplinary Action" maintained by the Principal where your record may be inspected.

- This warning will be expunged from your disciplinary record after 12 months service subject to satisfactory conduct and performance.
- This warning will not automatically be expunged after 12 months, but will be reviewed in months time. You will have the right to make representations for its expunction.

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

It is the policy of this school to provide employees with access to their reference.

You are entitled to appeal against the decision and to do this you must write to me within 14 days of the date of this letter setting out the grounds of appeal.

If there is anything you are unsure of, or if you would wish to clarify any point in connection with the above please contact or your Trade Union/Professional Association Representative.

Yours sincerely

** Select the appropriate statement*

Copy to: *Personal File*

Written Warning

Special Delivery

Personal and Confidential

Date:

Name and Address

Dear

Disciplinary Action - Written Warning

I refer to the disciplinary hearing you attended on (insert date) at (location) in the presence of (names and designation). After careful consideration of the case against you presented by (Investigating Officer's details), the statements by your representative, (rep's name and designation) and yourself, I have decided that the allegation made against you of (here state misconduct etc) has been found proven, in that you:

- Date(s), time(s) and place(s) of offence(s)
- details of offence(s)

*I therefore confirm the decision to issue to you a formal written warning

*I have therefore decided to issue to you a formal written warning

I must warn you that in the event of any further incident of misconduct, whether of a similar or of a completely different nature, further disciplinary action against you, including dismissal may be contemplated.

This warning has been recorded on your personal file and on the "Register of Disciplinary Action" maintained by the Principal where your record may be inspected.

*This warning will be expunged from your record after 12 months service subject to satisfactory conduct and performance.

*This warning will not automatically be expunged after 12 months, but will be reviewed in months time. You will have the right to make representations for its expunction.

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

It is the policy of this school to provide employees with access to their reference.

You are entitled to appeal against the decision and to do this you must write to me within 14 days of the date of this letter setting out the grounds of appeal.

If there is anything you are unsure of or wish to clarify any point in connection with the above please contact or your Trade Union/Professional Association Representative.

Yours sincerely

* *Select the appropriate statement.*

*Copy to: Personal File,
 Register of Disciplinary Action,
 Trade Union Representative*

Final Written Warning

Special Delivery

Date:

Personal and Confidential

Name and Address

Dear

Disciplinary Action - Final Written Warning

I refer to the disciplinary hearing you attended on (insert date) at (location) in the presence of (names and designation). After careful consideration of the case against you presented by (Investigating Officer's details), and the statement by your representative (rep's name and designation) and yourself, I have decided that the allegation made against you of (here state misconduct etc) has been found proven, in that you:-

- on date(s), time(s) and place(s) of offence(s)
- details of offence(s)

* I therefore confirm the decision to issue to you a final written warning.

*I have therefore decided to issue to you a final written warning.

*In my previous letter to you dated I informed you that should there be repetition of any form of misconduct, whether of a similar or of a completely different nature, further disciplinary action may be taken; consequently I am therefore, issuing you with a final written warning.

I must again warn you that in the event of any further incident of misconduct whether of a similar or of a completely different nature, then further disciplinary action may be taken against you which may result in your dismissal from your employment with this School.

This warning has been recorded on your personal file and on the "Register of Disciplinary Action" maintained by the Principal where your record may be inspected.

* This warning will be expunged from your record after 12 months service subject to satisfactory conduct and performance.

* This warning will not automatically be expunged after 12 months, but will be reviewed in months time. You will have the right to make representations for its expunction.

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

It is the policy of this school to provide employees with access to their reference.

You are entitled to appeal against this decision and to do this you must write to me within 14 days of the date of this letter setting out the grounds of appeal.

If there is anything you are unsure of or should you wish to clarify any point in connection with the above, please contact or your Trade Union/Professional Association Representative.

Yours sincerely

** Select the appropriate statement*

*Copy to: Personal File,
 Trade Union Representative,
 Register of Disciplinary Action*

Dismissal Letter (Not Summary Dismissal)

Special Delivery

Personal and Confidential

Date

Name and Address

Dear

Disciplinary Action - Dismissal

I refer to the disciplinary hearing you attended on (insert date) at (location) in the presence of (names and designation). After careful consideration of the case against you presented by (Investigating Officer's details), and the statement by your representative, (rep's name and designation) and yourself, I have decided that the allegation made against you of (here state misconduct etc) has been found proven, in that you:

- on date(s), time(s) and place(s) of offence(s)
- details of offence(s)

In my previous letter to you dated I informed you that should there be a repetition of any form of misconduct further disciplinary action might be taken against you which could result in dismissal.

I must therefore inform you that I have decided to require the Authority to dismiss you from your employment with this school with effect from (specify operative date of dismissal and insert information about pay, service of notice etc).

You are entitled to appeal against the decision to dismiss you and to do this you must write to the Principal, setting out the grounds of your appeal within 10 working days of the date of this letter. He/She will write to you about the arrangements for the appeal to be heard.

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

It is the policy of this school to provide employees with access to their reference.

[The school has a duty to report instances where a teacher ceases to be employed for reasons of misconduct or incompliance to the DCFS and/or the General Teaching Council. This will only be undertaken once the decision to dismiss has been implemented and if any appeal has not been successful in securing re-instatement.]

If there is anything you are unsure of, or should you wish to clarify any point in connection with the above, please contact or your Trade Union/Professional Association Representative.

Yours sincerely

Copy to: Personal File

Register of Disciplinary Action

Summary Dismissal

Special Delivery

Date

Personal and Confidential

Name and Address

Dear

Disciplinary Action – Summary Dismissal

I refer to the disciplinary hearing you attended on (insert date) at (location) in the presence of (names and designation). After careful consideration of the case against you presented by (Investigating Officer's details), and the statement by your representative (rep's name and designation) and yourself, I have decided that the allegation made against you of (here state misconduct etc) has been found proven, in that you:

- date(s), time(s) and place(s) of offence(s)
- details of offence(s)

Therefore, I must confirm my decision to require the Authority to dismiss you from your employment with this School with effect from (date of dismissal) and without notice.

If you are entitled to any payments (eg holiday pay and superannuation) these will be paid to you up to the date of dismissal.

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

It is the policy of this school to provide employees with access to their reference.

[The school has a duty to report instances where a teacher ceases to be employed for reasons of misconduct or incompliance to the DCFS and/or the General Teaching Council. This will only be undertaken once the decision to dismiss has been implemented and if any appeal has not been successful in securing re-instatement.]

You are entitled to appeal against this decision and to do this you must write to the Principal setting out the grounds of your appeal within 10 working days of the date of this letter. He/She will then write to you concerning the arrangements for the appeal to be heard.

If there is anything you are unsure of, or should you wish to clarify any point in connection with the above, please contact..... or your Trade Union/Professional Association Representative.

Yours sincerely

* Ensure date is consistent with date of decision employee orally dismissed

Copy to: Personal File

**Notification of Appeal Hearing Date, to be
Considered by the Governing Body**

Special Delivery

Date

Personal and Confidential

Name and Address

Dear

Appeal Against Disciplinary Action

I refer to your letter dated appealing against:

- *the decision to (insert disciplinary action taken), or
- *the facts of the case as presented at the initial hearing

An appeal hearing has been arranged for (insert date) at , in (Room). You have the right, if you so wish, to be accompanied and represented by a Trade Union/ Professional Association Representative, or colleague, and shall be entitled to call witnesses and to present documents relevant to your defence.

Enclosed is a copy of the Schools Disciplinary Procedure and Appeals Process for your information.

The procedure at the hearing will be as follows:

1. You will have the opportunity to put your case and to call such witnesses as you wish.
2. The Investigating Officer will have the opportunity to ask you and your witness questions. The Appeal Committee of the Governing Body will have the opportunity to ask questions of you and your witness.
3. The Investigating Officer will put the case in your presence and call witnesses. You will have the opportunity to ask questions of the Investigating Officer and witnesses. The Appeals Committee will have the opportunity to ask questions of the Investigating Officer and witnesses.
4. All the witnesses will withdraw at this point.
5. You and the Investigating Officer will have the opportunity to sum up your cases if you so wish.
6. The Investigating Officer and you will withdraw.

Cont ...

7. The Governing Body will deliberate, only recalling the two parties together to clear points of uncertainty on evidence already given.

The Governing Body will decide whether to allow or dismiss the appeal. The Governing Body will announce the decision to you personally and this will be confirmed in writing within seven days.

If there is anything you are unsure of, or should you wish to clarify any point in connection with the above, please contact or your Trade Union/Professional Association Representative.

Yours sincerely

** Delete as appropriate*

Copy to: *Trade Union Representative*

Notification of Appeal Hearing Decision

Special Delivery

Date

PERSONAL AND CONFIDENTIAL

Name and Address

Dear

Appeal Against Disciplinary Action

I refer to the disciplinary appeal hearing of (date) conducted by (Appeals Committee of _____ School) where your appeal against

* i) the decision to (insert disciplinary action taken)

or

* ii) the facts of the case as presented at the initial hearing were heard.

Having given due consideration to the facts of the case as presented by (presenting Officer's details) and having due regard for your and your representative's submission (rep's name and capacity) we have decided/it is decided that you were guilty of (misconduct/gross misconduct) in that you;

> *date(s), time(s) and place(s) of offence(s)*

> *details of offence(s)*

*We therefore confirm the decision to uphold the disciplinary action taken against you (details of sanction imposed) on (date of initial hearing).

* We confirm the decision to reduce the disciplinary sanction to (details of sanction determined at appeal). It was determined that the warning will expire (provide the full details of length of warning and any details concerning review and expungement).

A record of the allegation and outcome will be retained in the personal file for 10 years and its relevance considered if it is necessary to provide a reference for you.

The decision of the Appeals Committee is final, with no further recourse through internal appeals procedures available to you.

Yours sincerely

Copy to: Personal File - Register of Disciplinary Action

Copy to: Trade Union Representative

** Delete as appropriate.*