



St. Saviour's Church, Coalpit Heath.

The Manor C of E Primary School

Policy: Staff Discipline, Conduct and Grievance (procedures for addressing)

Author: Adapted from the SGC Model Policy

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Approved:

_____ Headteacher

_____ Chair of Governors

SECTION 1 - A MODEL DISCIPLINARY PROCEDURE FOR THE MANOR PRIMARY SCHOOL

1. INTRODUCTION

- 1.1** This Model Procedure has been agreed by South Gloucestershire Council and the relevant Trade Unions/Professional Associations recognised by the LEA and has been adopted by the Governing Body of this School.
- 1.2** In accordance with the Staffing Regulations of the Education Act 2002, the Headteacher has chosen not to exercise his/her right of carrying out the delegated functions for staff appointments and dismissals and a Governors' Staffing Panel will be convened as necessary.
- 1.3** This Procedure covers all staff employed in the School and provides for matters to be dealt with in a fair and consistent method where an employee's alleged conduct warrants formal disciplinary action including breaches of health and safety. It does not apply to those issues related to performance for this refer to the capability policy
- 1.4** This Disciplinary Procedure does not replace the normal interchange between Headteacher/Line Manager and employee, and recognises, that in most instances, minor breaches of discipline can and should be dealt with informally and promptly by the Headteacher or other appropriate Line Manager, without the use of the Formal Disciplinary Procedure. The use of supervision, coaching, counselling and informal reprimand can be effective in improving conduct. Nothing in this Procedure removes the right of a Manager to give an employee a letter to confirm an informal discussion/meeting with that individual, outside the Formal Disciplinary Procedure, when the employee is believed to have committed a minor infringement of the Governing Body's 'standards of conduct'.
- 1.5** This Disciplinary Procedure will be used when there is an allegation of a serious breach of discipline or when a series of minor breaches of discipline have occurred. An employee will not normally be dismissed for the first breach of discipline, except in cases of gross misconduct.
- 1.6** Where it becomes apparent that a breach of discipline may have occurred the Headteacher or other relevant Line Manager or Governor will undertake an investigation appropriate to the circumstances.
- 1.7** Where it is agreed that it would be inappropriate for the Headteacher, Deputy Headteacher, Assistant Headteacher or other senior member of staff to conduct the investigation, a Governor will be responsible and it may be agreed that an Officer of the LEA and/or, in the case of a VA School, the Diocese can assist or be nominated by the Governing Body to act as the Investigating Officer.
- 1.8** In any Disciplinary Hearing established under this Procedure the employee has the right to be represented by a Trade Union Representative/Professional Association Representative or Workplace Colleague, defined as a 'Companion'.

Where the employee is a Trade Official, the matter should be discussed with the Full-time Official before any action is taken.

- 1.9 An employee may be suspended while an allegation is investigated. This is not an act of discipline.
- 1.10 In operating this Procedure, Headteachers, other Managers and Governors will apply the School's commitment to equality of opportunity by treating employees fairly and without discrimination.
- 1.11 It is a fundamental principle at Disciplinary and Appeal Hearings that the employee will be advised in writing, in advance of the nature of the allegations against him or her and will be given the opportunity to state his or her case before any decision is made.
- 1.12 An employee will have the right to appeal against any disciplinary sanction imposed at a Formal Disciplinary Hearing.
- 1.13 The disciplinary sanctions identified within the procedure are not necessarily sequential and may be implemented at any level if the employee's alleged misconduct warrants such action.
- 1.14 This Procedure should be read in conjunction with the notes of guidance for Disciplinary Hearings – See SECTION 2

2. THE DISCIPLINARY HEARING

- 2.1 The Headteacher will make the appropriate arrangements for the Hearing. The procedures to be followed at this stage of the process may be varied by mutual agreement.
- 2.2 The employee should be given at least 5 working days' notice in writing of a Hearing and must be advised in writing of the date, time and location of the Hearing, who will be involved, the nature of the complaint being made and of the right to have a 'Companion' present. Whenever possible, the date of the Hearing will take account of the availability of the employee's chosen representative. Copies of any supporting information, including statements already taken as part of an investigation should accompany the letter and a copy of the Disciplinary Procedure must be provided. The names of witnesses should be included within the letter. The employee will reciprocate.
- 2.3 If the chosen 'Companion' is unavailable for the arranged Disciplinary Hearing, an alternative date will be set which is normally within 5 days of the original Hearing. At this rearranged Hearing, if the original 'Companion' becomes unavailable, the employee is expected to bring another 'Companion' or be unaccompanied.
- 2.4 The case will be presented to a Governors' Staffing Panel, none of whom will have had direct involvement in the case previously.
- 2.5 A LEA representative (and, in the case of a VA School, a Diocesan representative as well) will be invited to attend as Adviser to the Governors' Staffing Panel.

- 2.6 If the employee is unable to attend the Hearing for acceptable reasons, it will be rearranged for a second date taking account of the circumstances. If the employee is unable to attend the rearranged Hearing it will normally proceed in his/her absence. His/her Representative will be given the opportunity to present the employee's case on his/her behalf.

3. **DISCIPLINARY ACTION**

- 3.1 If at the Hearing the Governors' Staffing Panel considers that there is no case to answer, the Headteacher/Governors' Staffing Panel will inform the employee and it will be confirmed in writing. The Governors' Staffing Panel may also consider that counselling or mentoring may be appropriate alongside recommendations for future conduct. This will be confirmed in writing to the employee.
- 3.2 If the Governors' Staffing Panel believes, on the balance of probabilities, that the alleged misconduct is substantiated, the Governors' Staffing Panel will decide the appropriate disciplinary action. The sanctions available are: -

First Written Warning

For a breach of discipline amounting to ordinary misconduct or for a further minor breach of discipline. A copy of a written warning will remain live on file for 1 year. The warning will be disregarded for disciplinary purposes after the 12 month period.

Final Written Warning

For a serious breach of discipline, or for a breach of discipline amounting to gross misconduct, but a lesser penalty is appropriate in the circumstances, or where there has been failure to improve conduct for a further breach of discipline after a written warning has been given and remains live.

A copy of a Final Written Warning will remain live on file for 2 years and the warning will be disregarded for disciplinary purposes after the time limit has expired.

Dismissal

For failure to improve or for an act(s) of further misconduct after a Final Written Warning has been given and remains live, dismissal may be with notice or pay in lieu of notice. For an act(s) of gross misconduct, dismissal may be without notice (i.e. summary dismissal).

4. **CONFIRMATION OF DISCIPLINARY ACTION**

- 4.1 The employee will be provided with written confirmation after the Hearing, together with details of his/her right of appeal.
- 4.2 Where the outcome of the Procedure is that the employee should be dismissed, the Governors' Staffing Panel should give a written instruction to the LEA. The LEA must issue notice, as appropriate, within 14 days of receiving the written instruction. In the case of VA schools, the authority to dismiss rests with the

Governing Body and not the LEA, so it is for the Governing Body to process the dismissal.

5. THE APPEAL PROCESS

- 5.1** Any disciplinary action taken by the Governors' Staffing Panel is subject to a right of appeal to a Governors' Appeal Panel.
- 5.2** If the employee wishes to appeal, then he/she should notify the Headteacher, in writing, normally within 5 working days of written notification of the decision setting out the grounds for the Appeal.
- 5.3** The Appeal Hearing will normally take the form of a rehearing.

Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible.

The following list, which is not exhaustive, provides examples of offences, which the Headteacher/Governing Body would normally regard as gross misconduct depending upon the seriousness and circumstances of the case.

- Sexual behaviour towards children or young people.
- Violent behaviour.
- Behaviour which involves a breach of a position of trust, such as a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the age of consent).
- A sexual offence against someone over the age of 16
- Committing a criminal offence, the nature of which renders the employee unsuitable for continued employment with the school.
- Bringing the school into serious disrepute.
- Drug trafficking and other drug related offences.
- Being under the influence of alcohol or unprescribed drugs at work.
- Theft or fraud.
- Deception in relation to employment, e.g. false claims about qualifications or employment history.
- Willful and/or malicious verbal abuse, bullying or harassment of a personal or discriminatory nature.
- Multiple convictions, unless of a very minor nature.

- Behaviour, which involves a breach of the standards of propriety, such as falsifying pupil records or assisting pupils to cheat or gain unfair advantage in examinations.
- Deliberate and serious damage to property.
- Unauthorised use of school materials, equipment, facilities or other resources for private purposes.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Serious and willful insubordination.
- Unlawful discrimination.
- Causing loss, damage or injury through serious negligence.
- A serious breach of health and safety rules.
- A serious breach of confidence.
- Engaging in work or activities incompatible with absence on sick pay.
- Improper use of position as a Council employee for personal gain.

NB: Note this list is indicative and is not exhaustive.

SECTION 2 - NOTES OF GUIDANCE FOR THE SCHOOLS' DISCIPLINARY PROCEDURE

1 INTRODUCTION

- 1.1** These notes provide guidance on the operation of the Model Disciplinary Procedure and both documents should be read together. The Procedure is a contractually binding document and if it is not followed may lead to challenges to decisions made on individual cases. These notes of guidance are advisory only.
- 1.2** In accordance with the provisions of Sections 35 and 36 of the Education Act 2002, Governing Bodies of Community (C) and Voluntary Controlled (VC) Schools have overall responsibility for all dismissals. The Governing Body has the statutory right to delegate to the Headteacher authority to take disciplinary action, including the making of the initial dismissal determination as appropriate. If the Headteacher has chosen not to exercise this right, then a Staffing Panel comprised of Governors will be convened as necessary.
- 1.3** **A Headteacher must take 'natural justice' principles into consideration before taking disciplinary action in paragraph 1.2, as the 'Investigating Officer' must not normally be the formal 'Disciplining Manager'. Headteachers who intend to exercise their right to make the initial dismissal determination are strongly recommended to contact their Schools' Personnel Officer and/or their Professional Association before making a decision to hear the case where an employee could be dismissed for his/her conduct.**
- 1.4** The Governing Body is the Employer for Voluntary Aided (VA) Schools.
- 1.5** The LEA should be consulted at all stages of this Disciplinary Procedure and must be given the opportunity to provide advice at a Disciplinary Hearing, in particular where dismissal is a possible outcome.
- 1.6** If the LEA decides that a school has acted unreasonably and/or unfairly in relation to an employee dismissal, it reserves the right to pass on the related costs, including those associated with the litigation, to the Governing Body concerned.
- 1.7** In the event of the Headteacher being the subject of disciplinary action, the Governing Body will be responsible for the Disciplinary Procedure. In these circumstances the nominated Governor(s) (usually including the Chair of Governors) to deal with the issue(s) can expect an Officer from Schools' Personnel to work closely with him/her/them to provide support throughout the entire process. It is imperative that the whole Governing Body does not become involved in the entire process as otherwise there will not be an unbiased "Appeals" mechanism, should this be required.
- 1.8** The Procedure is not intended to replace the normal responsibilities of the Headteacher/Line Manager who manages, supports, advises and encourages those employed at the school but is to be used when normal professional and managerial approaches have failed.

- 1.9** This Procedure applies to all school based employees and the Governing Body will ensure that copies of the Disciplinary Procedure and these supporting guidelines are freely available to all employees of the School.
- 1.10** Under the normal course of day to day management, most concerns about employees should be managed through discussions/meetings with employees. It may be that counselling needs to be provided in some cases and/or that monitoring of the employee would need to take place after such a discussion/meeting. It should be made clear to the individual as to what was unacceptable about his/her behaviour, what the school standards are etc. A discussion with the individual will probably suffice but there may be occasions where the Headteacher or the appropriate Line Manager would consider it helpful for both parties to have confirmation of the discussion, in the form of a letter to the individual.

If an employee wished to be accompanied at such a discussion/meeting then this would not be unreasonably refused. If an employee wished to add a note to a letter received, then this note will be placed on the employee's file, attached to the letter.

None of the above are part of the Formal Disciplinary Procedure.

- 1.11** Any allegation(s) regarding child protection will be managed in accordance with the prevailing Child Protection Policy/Procedure at the time of the allegation(s).
- 1.12** In the case of teaching staff, reference will be made to the General Teaching Council's "Code of Conduct and Practice for Registered Teachers" where applicable.

2 NATURAL JUSTICE IN DISCIPLINARY PROCEEDINGS

- 2.1** The conduct of disciplinary proceedings must be fair and must not conflict with the principles of natural justice. As far as the conduct of Disciplinary Investigations and Hearings is concerned this means '*fair play in action*'. The employee must therefore know what is being said against him/her and have the opportunity to be heard. The person conducting an Investigation or Hearing must act in good faith. The employee should also receive notification of the allegation in writing, when being requested to attend an Investigative Interview.

3 GENERAL PRINCIPLES

- 3.1** The Procedure is designed to ensure that when a complaint or allegation is made against an employee, that he/ she is given every opportunity to respond before it is decided whether any disciplinary action is appropriate.
- 3.2** The Procedure does not prejudge the outcome of any particular hearing or case but indicates how to proceed if disciplinary action is considered necessary. The use of one stage of the Procedure does not mean that the next stage follows automatically.
- 3.3** If there is the possibility of disciplinary action being taken, the member of staff concerned must be strongly advised to consult with his/her Trade Union or Professional Association Representative. At all stages the employee will have the right to be represented by a 'Companion' who is defined as a Trade Union or

Professional Association Representative or Work Colleague during a Disciplinary Hearing. If formal disciplinary action is a possibility, then the employee has the right to be accompanied in such circumstances, by a 'Companion'. Where possible, the date of the Hearing will take account of the availability of the employee's chosen representative.

- 3.4 In all cases, prior to carrying out any suspension or investigation against a member of staff who is a recognised Trade Union Representative (including School Representatives), every effort must be made to contact a Full Time Officer of the relevant recognised Trade Union. Where this is not possible, suspension or investigation will only be permitted where the situation demands an immediate response, e.g. potential gross misconduct or where a risk to health and safety exists. In any event no disciplinary action will be taken until the circumstances of the case have been discussed with a Full-time Official of the Union concerned. Discussion with the Full Time Official of the Union should be conducted in consultation with the relevant Schools' Personnel Officer.
- 3.5 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice.
- 3.6 Nothing within these procedures shall be construed as preventing the Governing Body from giving notice to an employee in circumstances which do not involve disciplinary considerations.
- 3.7 If the disciplinary matter concerned involves either financial irregularity or a child protection issue the Governors will take cognisance of the relevant procedures of the Authority.
- 3.8 **NB** In matters of Child Protection, Headteachers/Governors **must** immediately refer the case to the appropriate LEA Child Protection Officer/Senior Schools' Personnel Representative and must not investigate the case until given clearance by the LEA Child Protection Officer or a Senior Schools' Personnel Representative.
- 3.9 Should a Grievance be raised prior or during the Hearing, then the Grievance will normally be dealt with during the Disciplinary Hearing (the equivalent to Stage 2 of the Statutory Dismissal Procedure, as appropriate). If, however a Grievance is raised after the Hearing, then it will normally be dealt with under the Schools' Grievance Procedure.

4 THE PANEL

The 'Panel' may refer to the Headteacher or the Governing Body's Staffing Panel.

Although the Governing Body has the statutory right to delegate to the Headteacher authority to take disciplinary action, including the making of the initial dismissal determination as appropriate; if the Headteacher has chosen not to exercise this right, then a Staffing Panel comprised of Governors will be convened as necessary.

If a Headteacher intends to exercise his/her right to make the initial dismissal determination, then as outlined in Section 1.3, a **Headteacher must take 'natural justice' principles into consideration, as the 'Investigating Officer' must not normally be the formal 'Disciplining Manager'**. Headteachers who

intend to exercise their right to make the initial dismissal determination are strongly recommended to contact their Schools' Personnel Officer and/or their Professional Association before making a decision to hear the case where an employee could be dismissed for his/her conduct.

Headteachers may issue up to final written warnings without the specific delegated powers from the Governing Body as outlined in the provisions of Sections 35 provisions and 36 of the Education Act 2002, but before deciding to hear a case, the Headteacher must still be mindful of 'natural justice' principles as the 'Investigating Officer' must not normally be the formal 'Disciplining Manager'.

5 THE INVESTIGATION

- 5.1** A crucial ingredient for the fair handling of any disciplinary matter is a proper investigation. This does not require exhaustive examination of every possible aspect but it does mean having sufficient evidence to be able to come to a fair decision as to whether there are reasonable grounds for believing that the employee should be asked to attend a Disciplinary Hearing to consider the matter further.
- 5.2** If the Headteacher is exercising his/her right of delegated responsibility for dealing with staffing matters as defined by Sections 35 and 36 of the Education Act 2002, an investigation will normally be the responsibility, or under the control of the Deputy Headteacher, Assistant Headteacher or other appropriate senior member of staff.
- 5.3** Where it is agreed that it would be inappropriate for the Headteacher, Deputy Headteacher, Assistant Headteacher or other senior member of staff to conduct the Investigation, a Governor will be responsible and it may be agreed that an Officer of the LEA (and/or, in the case of a VA School, the Diocese can assist) is nominated by the Governing Body to act as the Investigating Officer. For example, it would be inappropriate for a member of the school staff to undertake the Investigation if he/she were the subject of, or party to, the allegation to be investigated.
- 5.4** The Investigation will be carried out as promptly as possible.
- 5.5** Where, as part of an Investigation, it is necessary to interview pupils, their parents/guardians will normally be advised & their consent obtained. The parents/guardians may be invited to attend the interview with pupils.
- 5.6** The Investigating Officer(s) will ensure that other people being interviewed are told the nature and purpose of the Investigation, that written notes or statements will be taken and that these may be used at a Hearing. The notes or statement must be signed and dated as an accurate record. The individuals must also be asked to give their consent for the information to be used.
- 5.7** Witnesses will not normally be accompanied by a Union Representative or Workplace Colleague, during an Investigation or at a Hearing.
- 5.8** Witnesses must be told that they may be required to attend as a witness at the Hearing, at which they would be questioned on their statement.

- 5.9 If an employee fails to attend an Investigatory Interview without a reasonable explanation, then one subsequent interview will be arranged. Other means of communicating with the individual will be explored, and activated if possible. If it is not possible to obtain a reply from the employee, then the Investigating Officer will consider continuing with the process without the employee & inform him/her of the situation.
- 5.10 In situations where an employee submits a sickness certificate at the time when an Investigatory Interview should take place, then if the absence is short-term, a second interview will be arranged. Where it is likely that the absence will be longer than short-term, then the individual will be referred to Occupational Health to confirm the prognosis & to determine when the Investigation could take place with the individual.
- 5.11 The Investigating Officer's report, written or oral, on the outcome of the Investigation will enable a decision to be made on whether or not a Formal Hearing should be convened.
- 5.12 The Investigating Officer will normally make the decision as to whether or not formal action should be taken. In smaller primary schools, it is anticipated that the Investigating Officer is likely to be the Headteacher. In larger primary schools and secondary schools, the relevant Deputy Head or most senior teacher may undertake such a role. Where the school envisages that it would be appropriate for another employee to undertake the role of Investigating Officer, then advice should be sought from Schools' Personnel.
- 5.13 Where the role of the Investigative Officer has been undertaken by the Headteacher, then he/she will not be able to hear the case because of 'natural justice' principles.

Where the Headteacher intends to exercise his/her right to make a potential dismissal determination, then he/she is strongly recommended to contact their Schools' Personnel Officer and/or their Professional Association before making a decision to hear the case where an employee could be dismissed for his/her conduct.

- 5.14 Where the Headteacher is the subject of an Investigation, the Chair of Governors will make the decision as to whether or not formal action should be taken, in consultation with Schools' Personnel.
- 5.15 Where, following Investigations, a case is withdrawn or not upheld any reference to the alleged disciplinary offence will be disregarded from the employee's personal file.

6 THE INVESTIGATORY INTERVIEW

- 6.1 As part of the investigatory process the employee will normally be given an opportunity to respond to any allegation or complaint being made. Upon receipt of a complaint or allegation the Headteacher or Senior Member of Staff or Governor will normally inform the member of staff that an allegation has been made. It is likely that other interviews/investigatory work will be appropriate before the Investigatory Interview takes place with the employee. This is not a Disciplinary Hearing; it is part of the investigation process. The employee will receive a request in writing to attend an Investigatory Interview.

- 6.2** At the appropriate time, the Interview should be notified to the individual, and conducted with sensitivity as soon as possible whilst taking into account the circumstances of the particular case. The employee can be accompanied by a Trade Union/Professional Association Representative or a Workplace Colleague. The member of staff must be advised of his/her rights and be provided with a copy of the Disciplinary Procedure & the accompanying Notes of Guidance.
- 6.3** The Investigating Officer is responsible for ensuring that the LEA is informed at all stages and before any decision to dismiss is taken.
- 6.4** The member of staff should be advised what further steps, if any, are intended to be taken and the likely timescale involved. It may be decided to take no further action. However, if further action is to be taken, this could include informal action such as writing a letter to the individual following an informal meeting, (see Appendix A), or a decision to move to a Disciplinary Hearing.
- 6.5** If 'other' allegations emerge at the time of the Investigation, then the employee will normally be informed of those issues and the investigation of those issues will normally be included in the original Investigation.
- 6.6** If it is decided that there is a case to answer in a formal setting, the employee will be required to attend a Disciplinary Hearing. A decision will need to be made on whether this is a matter which can be dealt with by the Headteacher or one which must be heard by a Committee of Governors.

7 SUSPENSION

- 7.1** Suspension whilst not a disciplinary sanction is a very serious step and therefore one which needs to be considered carefully before being taken. For Community and Voluntary Controlled Schools, the LEA, and for Aided schools the Diocese and LEA, should always be consulted before taking such action.
- 7.2** Suspension, although not automatic, will be considered: -
- (a) Where an employee, who is allowed to continue to work when the allegations are of serious misconduct, may undermine the Governing Body's case for summary dismissal for gross misconduct if this is seen as appropriate when the matter has been investigated and the Disciplinary Procedure applied; or
 - (b) Where a member of staff is the subject of a police investigation and the alleged offence is considered relevant to his/her duties; or
 - (c) Where the employee, if continuing to attend the workplace, may inhibit proper investigations or represent a risk to health and safety; or
 - (d) Where the employee is in a position where she/he can damage the successful operation of the School etc. (e.g. by interfacing with the data held on computer or computer programmes or may be a potential threat to the safety of pupils).
- 7.3** Alternatives to suspension will be actively considered where possible, e.g alternative work.

- 7.4** Suspension may take place at any time before or during the course of an investigation and a letter must be issued to ensure the employee understands his/her position. Suspension of any member of staff can only be ended by the Governing Body, normally through delegation to the Staffing Panel.
- 7.5** Suspension will normally be on full pay. However, where the employee is certified as unfit to attend work owing to ill-health or takes maternity leave, payments will be made in accordance with the relevant conditions of service.
- 7.6** Both the Governing Body and the Headteacher can suspend any staff employed or engaged at the school but only the Governing Body can lift the suspension. When imposing or lifting a suspension the Governing Body must immediately inform the Headteacher. If the Headteacher is imposing a suspension then he/she must immediately inform the Governing Body. In the case of the Governing Body, in practice this function would either be undertaken by the Chair of Governors under emergency powers, or delegated to a Governor or group of Governors. This would avoid the Governing body considering a suspension in full session and therefore avoid the possibility of undermining the impartiality of Governors who may be required to consider matters at a later stage.
- 7.7** In the case of Community, Voluntary Controlled and Community Special Schools the LEA must be immediately informed about the imposing or lifting of a suspension, and in practice this should be the relevant Schools' Personnel Officer. In Voluntary Aided schools where agreement has been reached with the LEA for the LEA to employ any staff, the LEA should be immediately informed about the imposing or lifting of suspension in relation to those staff.

8 CASES WHERE CRIMINAL PROCEEDINGS ARE PENDING OR CONVICTION FOR A CRIMINAL OFFENCE

- 8.1** The burden of proof in proceedings before a court of law is different to that before an Employment Tribunal. A court of law requires guilt to be proven beyond reasonable doubt whereas an Employment Tribunal requires that action be taken on 'the balance of probabilities'.
- 8.2** For offences at work and offences outside work, where it is of such a nature that it makes the employee unsuitable for his/her type of work or unsuitable to remain in his/her present employment, there is not a requirement to await the outcome of criminal proceedings before taking any disciplinary action, providing a thorough investigation has been carried out.
- 8.3** However, there may be occasions where there are not sufficient grounds on which to form a reasonable belief that the employee committed the alleged misconduct, e.g. the Manager may have heard a rumour that an employee has committed a criminal offence. On investigation it may be impossible to discover anything which would justify any disciplinary action being taken. It may then be reasonable to wait until criminal proceedings have been completed with the employee being suspended.
- 8.4** In any case, the relevant Schools' Personnel Officer should be consulted before any action is taken.

9. THE DISCIPLINARY HEARING

- 9.1 The Headteacher will make the appropriate arrangements for the Hearing. The procedures to be followed at this stage of the process may be varied by mutual agreement.
- 9.2 The Hearing will normally take place during the working day.
- 9.3 The member of staff should be given at least 5 working days' notice of a Hearing and must be advised in writing of the date, time and location of the Hearing, who will be involved, the nature of the complaint being made and of the right to have a 'Companion' present. Whenever possible, the date of the Hearing will take account of the availability of the employee's chosen representative. Copies of any supporting information, including statements already taken as part of an investigation, should accompany the letter and should also be provided to the Panel. In exceptional circumstances other information not available at this time should be sent as soon as possible but in advance of the date of the Hearing, the minimum period of time being 2 days. For information submitted after the deadline, the Panel will make the decision to allow or to disallow the information to be included during the Hearing subject to consultation with the employee and manager present at the Hearing. The names of witnesses should be included within the letter. The employee will reciprocate. The relevant School's Personnel Officer (and, in the case of a VA School, a Diocesan representative as well) will be invited to attend.
- 9.4 If the chosen representative is unavailable for the arranged Disciplinary Hearing, an alternative date will be set which is normally within 5 days of the original Hearing. At this re-arranged Hearing, if the original representative becomes unavailable, the employee is expected to bring another 'Companion' or be unaccompanied. In the event that the employee does not attend the rearranged Hearing without good reason, then it may proceed in his/her absence.
- 9.5 The Hearing can be heard by the Headteacher if he/she is exercising his/her right under Sections 35 and 36 of The Education Act 2002. If the allegation is against the Headteacher, or the Headteacher is not exercising his/her rights under the Education Act 2002, the case will be presented to a Governors' Staffing Panel. If a Staffing Panel is convened, this will normally consist of a minimum of 3 Governors, none of whom will have had direct involvement in the case previously.

As previously stated in Section 1.3, where the outcome of a Hearing could be a dismissal, then the Headteacher should contact a Schools' Personnel Officer and/or his/her Professional Association before taking the decision to hear the case where an employee could be dismissed for his/her conduct.

- 9.6 The Investigating Officer may be accompanied by another member of staff to take notes and/or a Schools' Personnel Officer where he/she considers this to be appropriate, or where dismissal is a possible outcome.
- 9.7 During the Hearing either side will be entitled to request an adjournment. Any reasonable request should be allowed. Witnesses will only attend for that part of the Hearing when they are required to give evidence and answer questions. Employee witnesses are under no compulsion to attend for the employee if they do not wish to. Management witnesses who are employees of the school

concerned are obliged to attend. Witnesses must be advised not to confer with each other about the evidence they presented or the questions they were asked.

9.8 The format of the Disciplinary Hearing will be as follows (this can be varied by mutual agreement in particular circumstances):

- (a) The Chair i.e. Headteacher (where acting in a 'Panel' capacity) or Chair of the Governors' Staffing Panel will introduce the parties, and explain the purpose and format of the Hearing so that all present know what to expect.
- (b) The Investigating Officer will then be asked to set out the allegations and go through his/her report. Witnesses may be called to give evidence in the presence of the member of staff and his/her Representative. The member of staff and his/her Representative will have the opportunity to put questions, followed by an opportunity for the Headteacher (where acting in a 'Panel' capacity) or Governors' Staffing Panel to ask questions.
- (c) The member of staff and his/her representative will put his/her case, calling witnesses as necessary. The Investigating Officer will have the opportunity to put questions. The Headteacher (where acting in a 'Panel' capacity) or the Governors' Staffing Panel can then ask questions.
- (d) The LEA and/or Diocese representative may ask questions and offer advice as necessary.
- (e) Both parties will have the opportunity to sum up their cases, provided new information is not introduced, with the member of staff or his/her representative making the final submission.
- (f) All parties, except for the LEA and/or Diocese Representative and Note taker, will withdraw to enable the Headteacher (where acting in a 'Panel' capacity) or the Governors' Staffing Panel to reach a decision. Any of the parties who have given evidence may be recalled to clear points of uncertainty. If recall of a witness is necessary the member of staff and Representative, together with the Investigating Officer, will also be recalled.
- (g) Having considered the matter the Headteacher (where acting in a 'Panel' capacity) or the Governors' Staffing Panel will normally announce the decision orally to the member of staff. If this is not possible the employee will be given an idea of the likely timescale for being notified of the decision. The decision will be confirmed, in writing, following the Hearing.

10 MAKING A DISCIPLINARY DECISION

10.1 The purpose of a Disciplinary Hearing is to decide what appropriate action to take to ensure that the employee is encouraged to achieve and maintain acceptable standards of conduct and to give the employee an opportunity to reply to the allegation(s) being made.

10.2 The Hearing is not a court of law and the tests to be applied are different, namely, reasonable grounds for having a genuine belief that a member of staff was responsible for the act or omission as alleged, and satisfaction that as much investigation into the matter was carried out as was reasonable.

10.3 Hearsay evidence is permitted at a Disciplinary Hearing – the Headteacher or the Governors’ Staffing Panel will need to make a judgment about what level of weight to put upon any hearsay evidence presented.

10.4 The Headteacher or the Governors’ Staffing Panel when making the disciplinary decision, must act reasonably in the interests of fairness to both the employee and the School. They should endeavour to act with reasonable impartiality. Any decision taken must be able to be explained at an Appeal under the Disciplinary Procedure or at an Employment Tribunal in the case of dismissal, should the employee exercise this right.

10.5 The Headteacher (where acting in a ‘Panel’ capacity) or Governors’ Staffing Panel should consider the following questions:-

- a. Has there been as much investigation as is reasonable in the circumstances?
- b. Am I/Are we satisfied that all of the evidence was collated and put forward to both sides
- c. Have I/Have we paid sufficient regard to any explanation put forward by or on behalf of the employee?
- d. Do I/Do we genuinely believe that the employee has committed the misconduct alleged?
- e. Have I/Have we got reasonable grounds on which to sustain that belief on the balance of probabilities (i.e. is it more likely than less likely that the employee did what is alleged)?

10.6 If the Headteacher or Governors’ Staffing Panel hearing the allegations can answer yes to each of these questions, this will mean a finding that the employee has committed the misconduct

11 THE OUTCOME

11.1 What action to take will be the next consideration. There are four further questions that will help with this:

- a. Is the misconduct sufficiently serious to justify the disciplinary action I am/we are contemplating?
- b. Have I/Have we had regard to any mitigating circumstances put forward by or on behalf of the employee (and any response to these by the Investigating Officer if any)?
- c. What has been the service record of the employee and are there relevant non-expired disciplinary warnings?
- d. Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

If each of these questions are carefully and sequentially answered with a firm yes before any decision is taken, the Headteacher (where acting as a ‘Panel’) or

Governors' Staffing Panel hearing the allegations can feel confident that they have acted reasonably, fairly and consistently.

11.2 At the conclusion of the Disciplinary Hearing the following may apply as appropriate:

- (a) A decision to take no action.
- (b) Counselling or mentoring, with recommendations for future conduct.
- (c) First Written Warning – this will state the grounds for the action to be taken, and that failure to improve, or a repetition of the misconduct, may result in further disciplinary action. A written warning will be current for one year.
- (d) Final Written Warning – in addition this warning will state that failure to improve or a repetition of the misconduct may result in dismissal. A Final Written Warning will be current for two years.
- (e) Dismissal with notice.
- (f) Summary dismissal, which is dismissal without notice pay. Summary dismissal is rare but may be a reasonable response where an employee has committed an act of gross misconduct.

11.3 Gross misconduct is generally seen as misconduct serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible.

The following list, which is not exhaustive, provides examples of offences, which the Headteacher or the Governors' Staffing Panel would normally regard as gross misconduct depending upon the seriousness and circumstances of the case.

- Sexual behaviour towards children or young people.
- Violent behaviour.
- Behaviour which involves a breach of a position of trust, such as a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the age of consent).
- A sexual offence against someone over the age of 16.
- Committing a criminal offence, the nature of which renders the employee unsuitable for continued employment with the school.
- Bringing the school into serious disrepute.
- Drug trafficking and other drug related offences.
- Being under the influence of alcohol or unprescribed drugs at work.
- Theft or fraud.

- Deception in relation to employment, eg false claims about qualifications or employment history.
- Willful and/or malicious verbal abuse, bullying or harassment, whether of a personal or discriminatory nature.
- Multiple convictions, unless of a very minor nature.
- Behaviour, which involves a breach of the standards of propriety, such as falsifying pupil records or assisting pupils to cheat or gain unfair advantage in examinations.
- Deliberate and serious damage to property.
- Unauthorised use of school materials, equipment, facilities or other resources for private purposes.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Serious and willful insubordination.
- Unlawful discrimination.
- Causing loss, damage or injury through serious negligence.
- A serious breach of health and safety rules.
- A serious breach of confidence.
- Engaging in work or activities incompatible with absence on sick pay.
- Improper use of position as a Council employee for personal gain.

NB: Note this list is indicative and is not exhaustive.

11.4 Whilst all of these actions are available to the Headteacher/Governors' Staffing Panel, care should be taken to ensure that the decision reached is a reasonable response to the circumstances. This is particularly pertinent if dismissal is being considered.

11.5 The decision will be confirmed to the employee in writing, following the Hearing. If that decision is to issue a Written Warning, the member of staff will be advised of the grounds for the action taken and, where appropriate, how long the Warning will remain on file and the consequences of any recurrence, together with details of any remedial action required. The letter will also contain details of his/her right of appeal against the decision.

11.6 If the employee wishes to appeal, this should be lodged, normally, within 5 working days of receipt of the outcome letter. Any Appeal must be heard normally within 10 working days of the notification of the Appeal.

- 11.7** Any disciplinary warning, will be disregarded for any disciplinary purposes subsequent to its expiry, the exception being cases related to 'Child Protection'.
- 11.8** In accordance with Sections 35 and 36 of the Education Act 2002 the employee may be dismissed prior to the appeal period. The Headteacher or Chair of the Governors' Staffing Panel will notify the LEA of its determination in writing and confirm that the employee has been advised of his/her right of appeal. In the case of VA schools, the authority to dismiss rests with the Governing Body and not the LEA, so it is for the Governing Body to process the dismissal.

12 THE APPEAL

- 12.1** A member of staff wishing to exercise his/her right of appeal must notify the Headteacher, in writing, normally within 5 working days of receipt of the written confirmation of the outcome of the Disciplinary Hearing. The grounds on which the Appeal is made, and any supporting information, should be sent at that time, or as soon as possible, and in any case prior to the date of the Appeal Hearing. The Appeal Hearing will normally be heard within 10 working days of the written notification of the Appeal.
- 12.2** Any Appeal will be heard by the Governors' Staffing Appeal Panel, which will be comprised of governors who have not had previous involvement in the original Hearing.
- 12.3** The Appeal Hearing will normally take the form of a rehearing so the format of the Hearing will be the same as that outlined for the first Hearing. It can, though, be varied by mutual agreement.
- 12.4** Having considered the matter, the Chair of the Governors' Appeal Panel will normally announce the decision orally to both parties. If this is not possible, both parties will be given an indication of the timescale in which the decision will be announced. The decision will be confirmed in writing.
- 12.5** If the Appeal Panel upholds the Appeal or determines some other penalty where the original outcome had been dismissal, then the individual will be reinstated and the Chair of the Governors' Appeal Panel will instruct the LEA in writing to withdraw the notice of dismissal. In the event that the Panel's decision is to uphold a dismissal, this will be formally communicated to the LEA by the Chair of the Appeal Panel. In the case of VA Schools the appropriate Diocesan Authority should be advised of the outcome of the Hearing.
- 12.6** The letter will need to clarify the grounds for the action taken, how long the warning will remain on file, the consequences of any reoccurrence and, where appropriate, any remedial action required.
- 12.7** The decision of the Appeal Panel will be final within the procedures.

Appendix A

Schools' Disciplinary Procedures – standard letters

Where a Headteacher 'hears' the case as opposed to presenting the management case, it will be necessary to alter the letters accordingly. Please contact your Schools' Personnel Officer for further advice if required.

D1	Outline of a letter (informal) to confirm the outcome of an informal meeting	
D2	Suspension of a member of staff	
D3	Investigative Interview – Notification to a member of staff	
D4	Disciplinary Hearing – Notification to a member of staff	
D5	Management Report to Disciplinary Hearing	
D6a	Disciplinary Hearing Outcome – Notification to a member of staff- No case to answer or counseling	
D6b	Disciplinary Hearing Outcome- Notification to a member of staff- First or Final Written Warning or Dismissal (Procedural)	
D6c	Disciplinary Hearing Outcome- Notification to a member of staff- Gross misconduct – Summary dismissal	
D7	Appeal Hearing – Notification to a member of staff	
D8	Appeal/Hearing – Outcome – Notification to a member of staff	

SUGGESTED OUTLINE FOR A LETTER TO AN INDIVIDUAL FOLLOWING AN INFORMAL MEETING

1. The allegation(s)
 - Headteacher/Line Manager to explain that the meeting was an informal meeting.
 - Headteacher/Line Manager to outline the allegation(s)
2. The employee's response.
3. Employer's conclusion on the allegation(s) having considered the employee's response
4. Action required
 - Clear indication to employee where unacceptable behaviour/standards were identified.
 - Reasonable support offered where applicable, e.g. guidance, counselling, training, copy of school policy(ies) provided etc.
 - Where appropriate in some situations, employee to be informed that should there be a reoccurrence of then he/she could expect formal disciplinary action to be taken against him/her.

DRAFT LETTER – SUSPENSION OF A MEMBER OF STAFF

CONFIDENTIAL

Dear

I am writing to confirm your suspension from duty as a *(post)* at
School with effect from

The suspension is considered necessary in order to carry out further
investigations into *(insert details, as appropriate)*.

Suspension is not a disciplinary sanction and your normal pay and conditions of
service will apply. Any sickness during the period of absence should be notified
in the normal way. It is hoped that it will be possible to make an early decision on
any further action to be taken.

During the period of suspension, you should not enter school premises or discuss
this matter with other members of the school community. You are advised to
inform your Trade Union/Professional Association Representative of the situation
and any enquiries about the suspension should be directed to me at the school.

I will contact you again as soon as possible regarding the next steps in this
matter.

The suspension has been notified to the Chair of Governors and to *(name)*, the
Representative from Schools' Personnel, whose telephone number is as follows:
(insert telephone number of the relevant Schools' Personnel Officer).

Yours sincerely

Headteacher

DRAFT LETTER – INVESTIGATIVE INTERVIEW: NOTIFICATION TO A MEMBER OF STAFF - Send *two copies to the employee*

CONFIDENTIAL

Dear

I refer to (*previous discussion/suspension letter, etc*).

I am now writing to request that you attend a meeting to discuss (*give brief details of the incident/allegations*).

The meeting will take place at (*time and venue*) and I will be joined by You are invited to bring a Professional Association/Trade Union Representative or a Work Colleague as your 'Companion', if you wish to do so.

A copy of the LEA's model Disciplinary Procedure, which has been adopted by the Governing Body, is enclosed for your information.

Will you kindly confirm that you will be attending the meeting and the name of your 'Companion', if appropriate, by completing the second copy of this letter and returning it to me.

Yours sincerely

Headteacher

I confirm that I will attend the Investigative Interview on (*Headteacher to insert date*)

The name of my Companion is*

OR

I do not wish to exercise my right to be accompanied.*

(*Please delete as appropriate)

Signed..... Date

DRAFT LETTER – DISCIPLINARY HEARING – NOTIFICATION TO A MEMBER OF STAFF- *Send two copies to the employee*

CONFIDENTIAL

Dear

I am writing to tell you that you are required to attend a Disciplinary Hearing on at am/pm, which is to be held at (*venue*).

The Governors on the Panel to hear the case will be (*list the names of the Governors*).

..... (*name of Schools' Personnel Representative*) will be in attendance to advise the Panel on procedural matters, and will be present to take formal notes of the Hearing.

At this Hearing, in accordance with the Governing Body's Disciplinary Procedure, the question of disciplinary action will be considered with regard to the following allegation(s): (*List as appropriate*)

- 1.
- 2.
- 3.

(Add this paragraph if gross misconduct is being considered) These allegations may be regarded as gross misconduct and you should understand that the Governors' Panel is empowered to determine your dismissal, if appropriate.

You are entitled, if you so wish, to be accompanied by your 'Companion' who may be a Trade Union/ Professional Association Representative or a Work Colleague.

Please will you confirm whether or not you do wish to exercise this right, and also please provide the name of your 'Companion', if appropriate, on the second copy of this letter and return it to me.

Please will you also indicate whether or not you will be calling any witnesses and if so, please provide the names of those witnesses.

You have previously received a copy of the Disciplinary Procedure and I am now also enclosing a copy of the LEA's guidance on the conduct of hearings for further information.

I am attaching a copy of the documents that I will be submitting to the Panel and these are listed below: *(list as appropriate)*

1.....

2.....

3.....

If you wish to submit any documentation to the Panel, then please provide this to me as soon as possible in advance of the date of the Hearing; the minimum period of time being 2 days (Documentation received after this deadline may or may not be allowed, according to the decision of the Governors' Panel).

If you require any general procedural guidance then please contact *(insert name)*, a Schools' Personnel Representative. *His/her* telephone number is as follows:*(insert telephone number)*.

Yours sincerely

Headteacher

I do/do not wish* to exercise my right of representation at the Hearing on*(Headteacher to insert the date of the Hearing)*

(If exercising this right)

As I do wish to exercise my right of representation, the name of my 'Companion' is

I will/will* not be calling witness/es

(If calling witnesses)

The name of my witness/es

.....

.....

.....

(*Delete as appropriate)

Signed Date

MANAGEMENT REPORT TO DISCIPLINARY HEARING

(A suggested framework)

1. Details of Incident/Allegations

Brief summary of the matter(s) being considered

2. Background

How the matter(s) came to be identified. Time. Circumstances, etc. (eg. parental complaint)

3. Action Taken

How was the matter followed up? Who was involved? Provide relevant times, dates, names.

This is essentially a summary of the investigation process in order to demonstrate that the matter has been dealt with appropriately. Include copies of letters issued to the member of staff concerned as numbered appendices.

4. Investigation Findings

Provide details of the information established during the process described above. Factual presentation, avoiding subjective analysis or interpretation. Include copies of interview notes, witness statements, etc as numbered appendices.

5. Conclusions

State the specific allegations, which are being made (as set out in letter to the employee) and summarise the evidence to support the allegations, including relevant contextual details (eg. School/LEA policies).

Suggested wording-

I would like to remind the Panel of the allegation(s) which is/are as follows:

(list)

I believe that there is a strong case to answer or a very strong case to answer and I would like to ask the Panel to consider the allegation(s) in the light of the evidence which I have presented.

(In cases of gross misconduct)

I would like to remind the Panel of the allegation(s) of gross misconduct, which is/ are as follows:

(list)

I believe that there is an extremely serious case to answer and I would therefore like to ask the Panel to consider the allegation(s) of gross misconduct in the light of the evidence which I have presented.

DRAFT- DISCIPLINARY HEARING OUTCOME – NO CASE TO ANSWER OR COUNSELLING

CONFIDENTIAL

Dear

I am writing to confirm the outcome of the Disciplinary Hearing held on to consider the following allegation(s): *(List as appropriate)*

1.
2.
3.

After careful consideration of all the documentation submitted and the verbal information and responses provided during the Hearing, the Panel concluded that:

Either

- there was no case to answer and therefore no disciplinary action to be taken against you

Or

- it was inappropriate on this occasion to take disciplinary action against you; however, the Panel considered that you needed guidance/further guidance, counselling/further counselling in order to ensure that you *(add details of required conduct for the future)*. You should also be aware that should there be a recurrence of *(the issue(s) which were raised at the Hearing)* then you can expect formal disciplinary action to be taken against you.

Yours sincerely

Chair of Governors' Disciplinary Panel

DRAFT – DISCIPLINARY HEARING OUTCOME – FIRST OR FINAL WRITTEN WARNING OR DISMISSAL (i.e. dismissal which is procedural, rather than gross misconduct)- Send two copies to the employee

CONFIDENTIAL

Dear

I am writing to confirm the outcome of the Disciplinary Hearing held on(date) to consider the following allegation(s): (list as appropriate)

1.
2.
3.

After careful consideration of all the documentation submitted and the verbal information and responses provided during the hearing, the Panel concluded the following:

Of the First Allegation of :.....(specify allegation)*

Of the Second Allegation of.....(specify allegation)*

Of the Third Allegation of(specify allegation)*

(*State the decision (s) made taking each allegation in turn and provide brief reasons and other key factors, e.g. evidence of mitigation).

The Panel, therefore, decided that *misconduct/serious misconduct* has occurred and that having regard to all circumstances, the Panel decided to:

EITHER

- a) issue you with a First Written Warning. (Add appropriate details of corrective action required, e.g. the conduct expected of you in the future is that you comply with the school policy on) The warning will remain live for one year from the date of this letter and will be taken into account by a Governors’ Disciplinary Panel in the event of further misconduct occurring.

OR

- b) issue you with a Final Written Warning (Add appropriate details of corrective action required, e.g. the conduct expected of you in the future is that you comply with the school policy on)

The Warning will remain live for a period of two years from the date of this letter and you should understand that any further misconduct during this

period is liable to result in your dismissal.

OR

- c) dismiss you from your post as a..... Your last day of service will be *Contact your Schools' Personnel Officer for advice on appropriate wording where pay in lieu of notice, 'garden leave' or suspension apply to the given situation.*

You have the right to appeal against the Panel's decision. Any Appeal must be notified in writing to the Chair of Governors at the school, normally within 5 working days of receiving this letter. Brief reasons should be stated.

A copy of this letter is provided for you to acknowledge and to return to the Chair of Governors at the school.

Yours sincerely

Chair of Governors' Disciplinary Panel

To: I acknowledge receipt of the above letter.

I wish/do not wish* to appeal against the decision of the Governors' Disciplinary Panel, as notified.

(Please delete as appropriate)

Signed Date

DRAFT DISCIPLINARY HEARING OUTCOME – DISMISSAL -(GROSS MISCONDUCT)- *Send employee two copies*

CONFIDENTIAL

Dear

I am writing to confirm the outcome of the Disciplinary Hearing held on to consider the following allegation(s). *(list as appropriate)*

- 1.....
- 2.....
- 3.....

After careful consideration of all of the documentation submitted and the verbal information and responses provided during the Hearing, the Panel concluded the following:

Of the First Allegation of :.....*(specify allegation) **

Of the Second Allegation of.....*(specify allegation) **

Of the Third Allegation of*(specify allegation) **

(* State the decision(s) made taking each allegation in turn- i.e. provide brief details of why the Panel considered gross misconduct had occurred taking each allegation in turn and document other relevant key factors, e.g. evidence of mitigation).

On the basis of the Governors’ Panel conclusions on the allegations, the Panel decided to dismiss you summarily without notice. Your last day of service is therefore.....*(date of Hearing)*.

Any school belongings must be returned to the school on a date to be agreed with the Headteacher; and you may also collect any personal properties on this specified date.

You have the right of appeal against this decision in writing to the Chair of Governors at the school, normally within 5 working days of receiving this letter. Brief reasons should be stated.

A copy of this letter is provided for you to acknowledge and return to the Chair of Governors at the school.

Yours sincerely

Chair of the Disciplinary Panel

I acknowledge receipt of this letter.

I wish/do not wish* to appeal against the decision of the Governors' Disciplinary Panel to dismiss me summarily for gross misconduct.

(*Delete as appropriate)

Signed Date

DRAFT- APPEAL HEARING NOTIFICATION- *Send two copies to the employee*

CONFIDENTIAL

Dear

You have appealed against the *First Written Warning/Final Written Warning/decision to dismiss you/decision to dismiss you for gross misconduct* confirmed to you in writing on(*insert date of letter confirming the above*)

Your appeal will be heard by the Appeals' Committee of the Governing Body who are as follows:

.....

..... (names)

.....

..... (name of the Schools' Personnel Representative) will be in attendance, to advise the Committee on procedural matters and will be present to take formal notes of the Appeal Hearing.

You are entitled to be accompanied by a 'Companion' who may be a Trade Union/Professional Association Representative or a Work Colleague.

Please return the second copy of this letter to me, indicating whether or not you will be accompanied at the Appeal Hearing.

Please indicate whether or not you will be calling any witnesses and if this is the case, then please provide me with their names on the second copy of this letter.

The decision made by the Appeals' Committee at this Hearing is final.

Yours sincerely

Chair of Governors

I will be attending the Appeal Hearing on(*Headteacher to specify date*)

I will/will not be accompanied by a 'Companion'

(If appropriate)

The name of my Companion will be

I will/will not be calling any witnesses

(If appropriate)

The name of my witness/es will be

Signed.....

Dated.....

APPEAL HEARING OUTCOME**CONFIDENTIAL**

Dear

You appealed against the decision made at the Disciplinary Hearing *to give you a First Written Warning/ Final Written Warning/ to dismiss you with notice/ to dismiss you summarily* in accordance with the Governing Body's Disciplinary Procedure. The decision was taken by the Governors' Disciplinary Panel on (*insert date*).

I am now writing to confirm the decision taken by the Appeals' Committee of the Governing Body on (*insert date*) namely that

EITHER

the decision of the Governors' Disciplinary Panel stands and so your appeal is not upheld

OR

the decision to (*be specific e.g. give you a Final Written Warning etc*) .is overturned. The Appeals' Committee concluded that (*Specify if no formal disciplinary action is being taken or what the new disciplinary sanction is*).

You have now exercised your right of appeal under the Governing Body's Disciplinary Procedure and this decision is final.

Yours sincerely

Chair of the Appeals' Committee of the Governing Body