



Disciplinary Procedure for Teaching and Support Staff in Schools

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This policy is intended for Local Authority maintained schools. Where an establishment which is not so maintained intends to adopt the content or principles of this document, it is recommended that such establishment takes independent legal advice in order to gain clarity on any implications of the legislation and principles in this document.

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SECTION 1 POLICY

The Governing Body of **Dore Primary School** adopted this policy for teaching staff and support staff on **4th May 2021**.

It will be reviewed by May 2022

1. Introduction

- 1.1 The Governing Body is responsible for the conduct and discipline of all staff in the school. In accordance with the School Staffing (England) Regulations 2009 and amendments 2012/13. Most disciplinary matters will, in the first instance, be dealt with by the Headteacher, Deputy Headteacher or other manager in the school. Every effort should be made to ensure that all staff know and understand the disciplinary rules and procedures, including the school's Code of Conduct for staff. Access to the rules and procedures will be provided to all staff.
- 1.2 The procedure applies to both support staff and all teaching employees (including Headteachers).
- 1.3 This procedure is designed to ensure that disciplinary matters are dealt with thoroughly, promptly and equitably. Discipline is necessary for the conduct of school's affairs and for the safety and well-being of employees and pupils at the school. The object of the procedure is to ensure good standards in the conduct and work of employees and should not be viewed primarily as a means of imposing sanctions.
- 1.4 This document complies with the Employment Act 2008. Reference should be made to the ACAS Code of Practice 2009 where further guidance is needed.

2. Definitions used in the procedure:

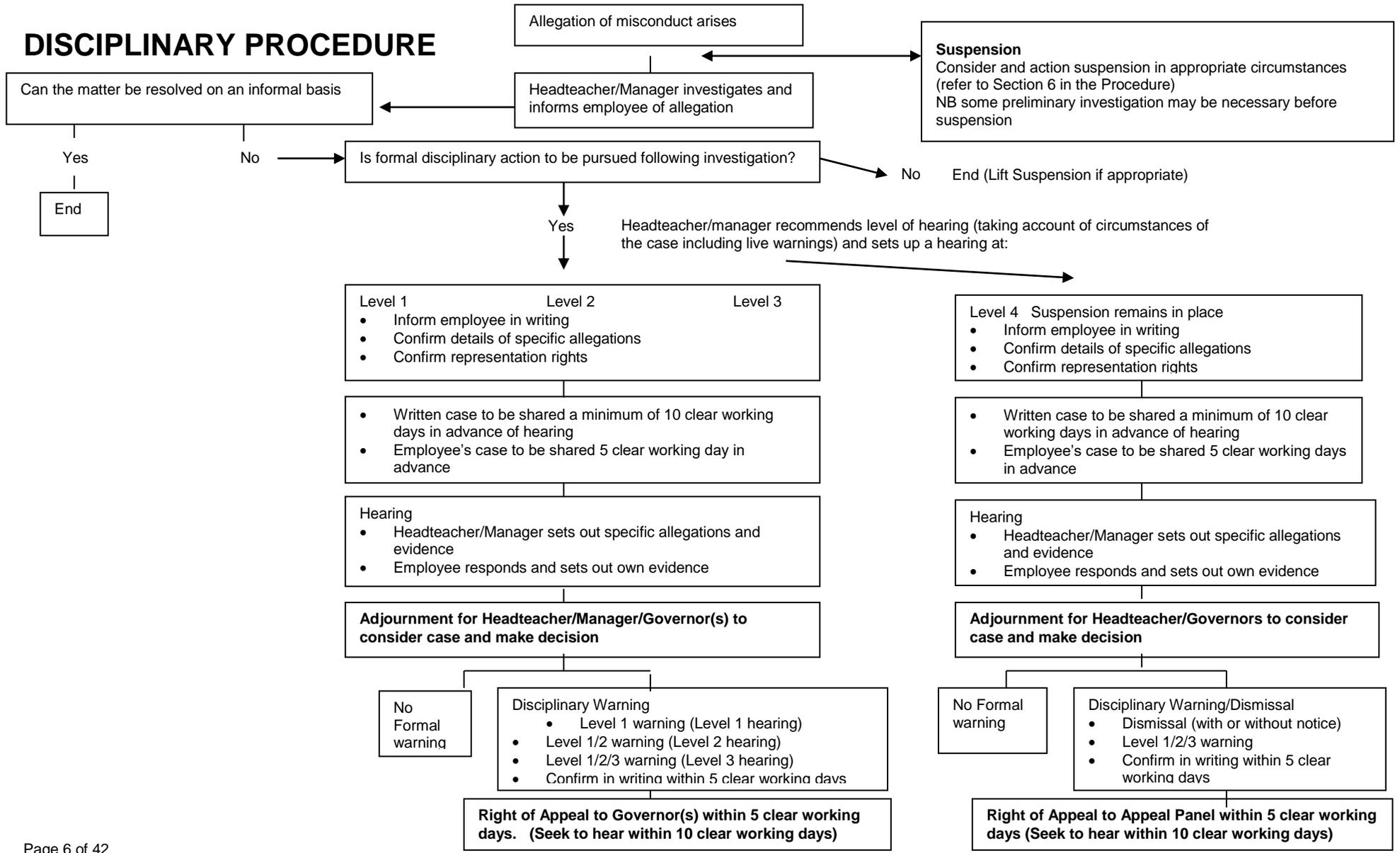
2.1 Informal Procedure

Before invoking the formal procedure, Headteachers, Deputy Headteachers and other managers in schools should carefully consider if it is appropriate to resolve the matter on an informal basis by discussing the situation with the employee to avoid the necessity of formal warnings.

2.2 Formal Procedure

The formal disciplinary procedure is described in stages of increasing seriousness to avoid ambiguity about an employee's position. It must be noted however, that some misconduct may be of a nature that it will immediately need to be considered at a higher level than the first stage of the procedure. (A separate procedure is used when allegations have child protection implications, see section 6.2)

DISCIPLINARY PROCEDURE



Disciplinary Procedure for Teaching and Support Staff in Schools

1. Principles

- 1.1 The Governing Body will seek to maintain constructive relationships with all employees. A move to a disciplinary hearing should be a last resort as all issues should be dealt with at the lowest possible level. Any decision to sanction or not made by a hearing should also follow this principle,
- 1.2 Where a Manager/Headteacher identifies that an employee has allegedly fallen short of the standards of conduct expected where appropriate it will be dealt with informally. Records of informal meeting notes should be reviewed annually and retained only for as long as necessary depending on the nature of the conduct e.g. safeguarding. A copy should be provided to the employee. The formal procedure will be used however, to guide an employee towards acceptable standards where a Manager considers it is not appropriate to manage the case informally.
- 1.3 Managers/Headteachers will ensure that employees are made aware of the expected standards of conduct, as set out in the School's Code of Conduct. Except in cases of Gross Misconduct or an irretrievable breakdown of trust and confidence an employee will not be dismissed for a first breach of discipline. However, certain misconduct will be regarded as so serious as to give rise to the possibility of dismissal from all employment with the school (and the City Council in the case of community schools) with or without notice, depending on the circumstances.
- 1.4 Managers/Headteachers and Governors will be responsible for applying this procedure in a fair and equitable way with advice from the HR Provider for the school at each level.
- 1.5 All parties will ensure that investigation and hearing processes progress as quickly as is reasonably possible for the benefit of the employee and the school.
- 1.6 An employee will have the right of appeal following any level of formal disciplinary warning, to a Manager/the Headteacher/a Governor or an Appeal Panel of the Governing Body.
- 1.7 Employees will have a right of representation at all meetings with a manager convened under the Disciplinary procedure.
- 1.8 In accordance with the School Staffing Regulations (2009), and under Section 6.2 and Section 11.6 of the Sheffield Scheme for Financing Schools, the Local Authority will need to be informed of any dismissal hearing of a teacher or member of support staff under the disciplinary

procedure. A Local Authority representative is entitled to attend and give advice to the Headteacher/Dismissal Panel in Cases at Level 4 in addition to the Schools HR Provider, where dismissal is a possible outcome.

- 1.9 In cases concerning child protection reference should be made to the procedure “Model Procedure for the Management of Allegations of Abuse in Schools”.
- 1.10 Schools have a complaints procedure. Sometimes a complaint is the means by which a case of potential misconduct is brought to the attention of the Headteacher or Governors. While being mindful of the complaints procedure if it is a matter that may result in disciplinary action against an employee, the Disciplinary Procedure should be used.
- 1.11 The School’s HR Provider for the school will provide appropriate advice, guidance and support to assist managers in the management of disciplinary processes. In certain cases it may be appropriate to involve representatives from the Sheffield City Council Statutory and Strategic HR Service.

Managers/Headteachers need to ensure that all written communication of a confidential nature is delivered to employees in an appropriate manner eg: recorded delivery

2. Scope of the Procedure

- 2.1 This procedure deals with alleged cases of misconduct. There are separate procedures for Capability, Sickness Absence, Dignity at Work, Harassment, Victimisation, Discrimination and Bullying (HDVB), Whistleblowing and Grievances.
- 2.2 *NB* Dignity at Work, Whistleblowing, Capability and Absence related conduct issues, could result in a recommendation to use the disciplinary procedure.

3. Application

The following points apply to all formal stages of the disciplinary procedure:

- 3.1 Before disciplinary action is taken a fair and reasonable investigation into any allegation of misconduct should be carried out:
 - (a) When conducting an investigation, unless there are extremely pressing reasons to the contrary, including the issue of the employee’s access to evidence, the manager should inform the employee concerned of the allegation(s) and the nature of the investigation. The employee will also be informed that they will be interviewed as part of the management investigation;

- (b) If an employee is subject to safeguarding allegations or is subject to a dismissal hearing and has other employment within the school, another school, or Sheffield City Council, in line with the Management of Allegations of Abuse procedure the School's HR Provider must contact the other school/service so that they are aware of the situation and can take appropriate action. Should this be a case involving potential dismissal and dismissal is confirmed, appropriate procedures of the school or Sheffield City Council will be followed regarding any other employment;
 - (c) Disciplinary action may be taken where the allegation(s) arises from matters outside of work, where the matter has potential impact upon the individual's employment. This should be discussed with the School's HR Provider;
- 3.2 Once an investigation has been conducted the manager should decide whether disciplinary action should be taken and if so at what level. If no further action is required the employee concerned must be informed in writing. Consideration shall be given to the principles outlined in paragraphs 1.1, 1.2 and 1.3 when arriving at this decision.
- 3.3 The manager investigating the case will consider the seriousness of the case when identifying the level at which the hearing is to be held. They will consider all the circumstances of the case including any recorded warnings on the employee's file when determining this.
- 3.4 The person(s) hearing the disciplinary case and responsible for issuing warnings will usually be at a more senior level of management than the person responsible for investigating the disciplinary action. This may be the Headteacher, a Governor or a panel of the Governing Body as appropriate; they should not have had direct prior involvement in the case. When the use of this procedure is being considered in respect of a Headteacher, the Governing Body will have the responsibility for (a) investigating the allegations, (b) invoking the procedure (including suspension), (c) hearing the case and (d) providing an appeal. Steps (a) and (b) can be carried out by the Children and Young People's Executive Director's representative at the request of the Governing Body. Steps (c) and (d) will be the responsibility of Governors. Different Governors must be involved for steps (c) and (d).
- 3.5 Reasonable attempts should be made by school management and trade union representatives to agree dates for key meetings, hearings and appeals. Where it has not been possible to agree dates it is acknowledged management will decide how to proceed with meetings, hearing and appeals.

Raising a Grievance

- 3.6 Where a grievance is lodged during a disciplinary investigation there will be a discussion between school management, HR Provider and the trade unions about whether or not the grievance issues should be dealt with separately under the grievance procedure, or whether the grievance should be raised by the employee at relevant disciplinary interviews, hearing or appeal.

4. Representation

- 4.1 An employee will be advised of their right to be accompanied by representative at all formal stages of the disciplinary procedure including the investigation meeting. This will be a Trade Union representative or other person employed by the School or where appropriate Sheffield City Council. If in particular circumstances these arrangements are not appropriate, the employee may request that alternative representation be allowed. It is advisable that when arrangements are being made for a meeting/hearing that all relevant parties be contacted to try and agree a mutually acceptable date and time. In complex dismissal cases both a local and regional Trade Union representative will be permitted to attend where local contextual and wider employment law knowledge is required. Disciplinary processes will not, however, be unreasonably delayed to accommodate representation.

- 4.2 All documentation, including written submissions from Employee representatives, must be received by the Headteacher/ Manager/Governor/Chair of Panel a minimum of 5 clear working days in advance of all Hearing and Appeals.

In exceptional cases where evidence was not available beforehand and could not reasonably have expected to be, it may be presented for the first time at a hearing/appeal. It will be essential for all parties to have received this new information prior to the commencement of the hearing. If the employee requests adjournment of the hearing/appeal to a new date due to the presentation of the new information, this will be considered by the panel.

- 4.3 The representative has a statutory right to address the hearing and ask questions of a procedural nature but no statutory right to answer questions on the employee's behalf (Employment Relations Act 1999). Similarly, HR has the statutory right to ask questions but no statutory right to answer questions on behalf of management unless related to HR policy and procedure.
- 4.4 A full-time or branch official of the appropriate Trade Union will be notified in advance of the commencement of any disciplinary processes (i.e. initial interview) in respect of a trade union representative or any other employee claiming that their action is to be regarded as a Trade

Union duty. However, the disciplinary process will not be unreasonably delayed to accommodate discussions of the circumstances.

SECTION 2 PROCEDURE

5. Disciplinary Hearings – Level 1, 2 and 3

The procedure and conduct of disciplinary hearings is appended at Appendix 1

Levels 1, 2 and 3 – Recorded Verbal, Written or Final Written Warning

In Attendance

5.1 At Level 1

At a **Level 1** hearing, if the Headteacher has investigated a case they should present the case to a minimum of 1 governor.

If a Leadership Team Member or a Manager has investigated a case they should present the case to the Headteacher, a more senior manager or a minimum of 1 governor.

At **Level 2** hearings, if the Headteacher has investigated a case they should present the case to a minimum of 1 governor (where governor numbers permit a panel of 3 governors is recommended).

If a Leadership Team Member or a Manager has investigated a case they should present the case to the Headteacher, a more senior manager or a minimum of 1 governor. (where governor numbers permit a panel of 3 governors is recommended).

At a **Level 3** hearing, it is recommended that if the Headteacher has investigated a case they should where possible present the case to a panel of 3 governors (where the minimum requirement of 3 governors cannot be met the panel may comprise of 2 governors).

If a Leadership Team Member or a Manager has investigated a case they should where possible present the case to the Headteacher, a more Senior Manager or governor(s). It is recommended that a panel of 3 governors hear cases at this level (where the minimum requirement of 3 governors cannot be met the panel may comprise of 2 governors).

Process

5.2 Where alleged misconduct is identified the Headteacher/Manager will investigate the circumstances, which will include making the employee aware of the allegations. Where the Headteacher/ Manager believes that the misconduct warrants consideration of formal disciplinary action at Levels 1, 2 or 3, the employee will be invited in writing to a Disciplinary Hearing. The letter will specify

- the level of the hearing
 - details of the specific allegations against the employee including evidence to be presented
 - the date, time and place of the hearing
 - rights of representation
 - include a copy of the procedures to be followed at the hearing
 - a request for the employee to forward their written statement
- 5.3 The Headteacher/Manager will share with the employee and Headteacher/Manager/Governor(s) hearing the case 10 clear working days in advance of the hearing, a written statement of case focusing on the main points of the management case along with any documentary evidence to be presented in the hearing. However, should the case be of a complex nature and at length then it is advisable that the statement be shared with the employee and Authorised Manager in advance of the timeline in order to give the employee and their representative (if applicable) reasonable time to prepare their statement (consider working patterns for all parties).
- 5.4 Similarly the employee (and representative) will share with the Headteacher/Manager presenting the case and the Headteacher/Manager/Governor(s) hearing the case at least 5 clear working days in advance of the hearing, a written statement of case focusing on the main parts of the employee case and any documentary evidence to be presented at the hearing.
- 5.5 If witnesses are to be called by either party then this should be stated as part of the Statement of Case and witnesses should be notified of the hearing details/time at least 5 working days in advance of the hearing date. Headteacher/managers will notify the employee of the possible/potential witnesses at least 10 days in advance of the hearing. Employees will notify the Headteacher/Manager at least 5 days in advance of the hearing. It is acknowledged that these arrangements can be subject to change.
- 5.6 At the hearing the Headteacher/Manager will set out the allegations against the employee and the evidence upon which this is based. The employee will be given the opportunity to respond and set out any evidence in support of their position.

Under normal circumstances any additional information/evidence cannot be presented on the day of the hearing unless it could not reasonably be available beforehand. Equal consideration will be given to evidence from

both parties and the submission of late information will only be rejected where this could reasonably have been submitted within normal timescales. Where it is agreed by both parties to accept late submission there should be the opportunity for immediate adjournment to allow all parties to consider the additional information (should time allow and depending on the size of the additional information/evidence). In exceptional circumstances the nature of the new evidence presented may require the hearing to be adjourned to a new date so that the other party can consider their response and submit further evidence in support of their case if they wish. The final decision to adjourn to a new date will be that of the Headteacher/ Manager / Governor (s) considering the case.

Management Consideration

- 5.7 Following an adjournment to give full consideration to the evidence presented, the Headteacher/Manager/Governor(s) chairing the meeting will reconvene the meeting to give the decision. The outcome could be a disciplinary warning up to the level of the hearing, or no formal action to be taken.

The Headteacher / Manager or Governor must consider all evidence that has been submitted by all parties in accordance with this procedure.

Consideration shall be given to the principles outlined in paragraphs 1.1 and 1.2, 1.3 and 1.4 when arriving at the decision.

Where possible the employee will be informed of the decision at the meeting and where a warning is to be issued this will be confirmed in accordance with the requirements of paragraph 5.11.

There may be circumstances where it is agreed that the decision of the panel will be notified to the parties in writing. This will be agreed at the end of the hearing.

Communicating Outcomes at Levels 1, 2 and 3

- 5.8 If a warning is issued the following details will be confirmed in writing within 5 clear working days of the hearing and recorded on the employee's personal file.
- The level of warning being issued under the formal disciplinary procedure.
 - The nature of the misconduct, and the improvement or standard expected, timescale, and where appropriate any support to be offered to achieve this.

- The result of a failure to meet the required standards of conduct including the potential for further disciplinary warnings.
- The period during which the warning will stay live (see section 8 – Withdrawal of Records) NB the period commences on the date of the Hearing.
- Appeal rights (see Section 7) with time limits.
- In the case of a level 3 (final) written warning a statement confirming that further misconduct could lead to dismissal depending upon the circumstances of the case.

5.9 The outcome of a Disciplinary Hearing will not be a higher level sanction than the level at which the hearing is called. However, if substantial new evidence is submitted by either side the Headteacher/Manager/Governor/Panel will consider requests for an adjournment which may mean that a new Hearing will be set up at the appropriate level.

Level 4 – Dismissal Hearing

The procedure and conduct of dismissal hearings is appended at Appendix 1

In Attendance

5.10 Governing Bodies must appoint 2 separate panels of not less than 3 Governors each, to consider disciplinary cases at Level 4 Dismissal. Where the minimum requirement of 3 Governors cannot be met a panel may comprise of 2 governors, this applies to hearings at both levels 3 and 4 of the procedure. A Local Authority representative is entitled to attend and offer advice to the Headteacher/Dismissal Panel in Cases at Level 4 in addition to the Schools HR Provider, where dismissal is a possible outcome.

Process

- 5.11 An employee may be dismissed with notice by the Headteacher/Dismissal Panel at a level 4 hearing in the event of:
- continued failure to meet the required standards of conduct identified by earlier warning(s) and/or further misconduct;
 - A pattern of conduct leading to an irretrievable breakdown of trust and confidence.

An employee may also be dismissed for gross misconduct where a first offence is so serious as to warrant summary dismissal (without notice).

5.12 Where alleged misconduct is identified, the Headteacher/Manager will investigate the circumstances, which will include making the employee aware of the allegations. Where a Headteacher/Manager believes that an employee's misconduct warrants formal disciplinary action at Level 4, the employee will be invited in writing to a Disciplinary Hearing at least 10 working days prior to the date of the hearing. The Local Authority will need to be informed of any dismissal hearing of a teacher or member of support staff under the disciplinary procedure. A Local Authority representative is entitled to attend and offer advice to the Headteacher/Dismissal Panel in Cases at Level 4 in addition to the Schools HR Provider, where dismissal is a possible outcome.

5.13 The invite to the dismissal hearing letter will confirm:

- the level of the hearing;
- details of the specific allegations and advise him/her that dismissal with notice or summary dismissal (without notice) (as appropriate) will be considered;
- the date, time and place of the hearing;
- rights of representation;
- include a copy of the procedures to be followed at the hearing;
- a request for the employee to forward their written statement.

5.14 The Headteacher/Manager will share with the employee and Headteacher/Dismissal Panel 10 clear working days in advance of the hearing, a written management statement of case detailing the nature of the allegation(s) against the employee along with any documentary evidence to be presented in the hearing. However should the case be of a complex nature a longer timescale may be agreed by all parties.

5.15 Similarly the employee (or representative) will share with the Headteacher/Manager presenting the case and the Headteacher/Dismissal Panel 5 clear working days in advance of the hearing a written statement of case along with any documentary evidence to be presented in the hearing.

At the hearing the Headteacher/Manager will set out the allegations and the evidence upon which this is based. The employee will be given the opportunity to respond and set out any evidence in support of their position.

Management Consideration

- 5.16 Following an adjournment to give full consideration of the evidence presented, the Headteacher/Dismissal Panel will give the decision.

Outcome of Dismissal Hearing

- 5.17 The outcome could be dismissal with notice or summary dismissal (which is without notice), a disciplinary warning at Levels 1, 2 or 3, or no formal action. Where a warning is to be issued this will be confirmed in accordance with the requirements stated in paragraph 5.11

If the decision is to dismiss the employee, the employee must be informed in writing of the initial Dismissal Decision within 5 clear working days of the hearing of their right of appeal to the Appeal Panel of the Governing Body.

- 5.18 The School Staffing Regulations require that where the governing body determine that any person employed or engaged by the authority to work at the school should cease to work there; it must notify the authority in writing of its determination and the reasons for it within 5 days of the hearing. The authority is then required within 14 days of receiving the notification to terminate the contract giving such notice as is required under the contract or without notice if the circumstances are such that it is entitled to do so by reasons of the employee's conduct.

If an employee subsequently appeals and the decision to dismiss is overturned the school should notify the Local Authority of this. The Local Authority will then ensure the dismissal notice is withdrawn.

- 5.19 The Local Authority will issue the dismissal notice within 14 days of receipt of this notification.
- 5.20 Please note that in Aided and Foundation Schools the letter notifying the employee of dismissal will come from the Governing Body and not the Local Authority.
- 5.21 The effective date of dismissal is the date of the initial dismissal decision (IDD). Where the dismissal is with notice, the notice period will commence on the date of the initial dismissal decision (IDD).
- 5.22 In Community Schools where the employee is dismissed for gross misconduct, the employee may be dismissed from all employment with the City Council, eg. if the reason is safeguarding or fraud. Where the employee is employed in more than one school, governors at each school may be required to consider the case and depending on the circumstances hold a separate hearing to determine the outcome. Any action taken will be in accordance with appropriate procedures of the school or Sheffield City Council.

5.23 The dismissal letter will confirm:

- (a) The reason(s) for dismissal
- (b) Appeal rights to an Employment Tribunal, (which may be made within 3 months from the effective date of the dismissal)

All dismissal letters will be either delivered by hand or signed for by the employee or will be sent to the employee's home address by recorded delivery as appropriate. A Recorded Delivery letter will be deemed to have been received.

5.24 Criminal offences outside employment will not be treated as automatic reasons for dismissal or other disciplinary action. The main consideration will be whether the offence is one that has serious consequences for continued employment, bearing in mind the nature of the employment and trust and confidence implications. Employees will not be dismissed solely because a criminal charge against them is pending or because they are absent through having been remanded in custody.

5.25 If the matter that is being investigated is also the subject of a police investigation, the employment investigations will usually be put on hold until the police have concluded their investigation. Schools are advised to consult with their HR Provider in such situations.

5.26 An employee previously dismissed from Sheffield City Council for misconduct may not be eligible for future re-employment with the City Council.

5.27 If an allegation against an employee is in any way connected to the risk of harm, or actual harm, to a child (safeguarding) then a referral should be made to the Disclosure and Barring Service (DBS). All cases of Misconduct that have a child protection element must be referred to DBS. The DBS will then undertake the necessary casework and decide whether that individual should be barred from working with children or vulnerable adults. Employers are obliged to provide relevant information (upon request by the DBS) about any referral to support the case.

If the misconduct element of an allegation involving safeguarding issues is serious, a referral should be made to both the DBS and the Teaching Regulation Agency. The Teaching Regulation Agency and the DBS will consider the misconduct and safeguarding aspects of the case respectively and in parallel. Employers have a statutory duty to consider referral of cases involving serious professional misconduct to the Teaching Regulation Agency.

5.28 In cases of Teacher serious misconduct (other than those involving child safety and welfare), referrals must be made to the Teaching Regulation Agency. The Teaching Regulation Agency acting on behalf of the

Secretary of State, is responsible for investigating allegations of serious misconduct against teachers and headteachers in schools in England. If appropriate, the Teaching Regulation Agency can prohibit the teacher, meaning the person concerned is not allowed to teach in schools, relevant youth accommodation and children's homes in England

5.29 Allegations of serious misconduct against a teacher may be referred to the Teaching Regulation Agency by any of those listed below:

- A teacher's employer, including an employment or supply agency, has a legal duty to consider whether to refer a case to the Teaching Regulation Agency when they have dismissed a teacher for misconduct, or would have dismissed them had they not resigned first.
- A referral is appropriate if the alleged misconduct is so serious that it warrants a decision on whether the teacher should be prevented from teaching again. Cases of less serious misconduct, and all cases of incompetence, should be dealt with locally by employers. If an allegation is deemed to be such that the teacher should be prevented from teaching until their case has been fully investigated, the Teaching Regulation Agency can impose an interim prohibition order until the case is concluded.

The Prohibition of Teachers' document explains the types of misconduct and relevant offences that may lead to prohibition

5.30 In all cases where a DBS investigation results in a teacher being barred from working with children, the Teaching Regulation Agency liaises with the DBS to allow those details to be added to its list of prohibited teachers

6. Suspension

6.1 In accordance with the School Staffing Regulations under The Education Act 2002 the power to suspend is given to the Governing Body and the Headteacher. The School or HR Provider must inform the Local Authority of any suspension of an employee straightaway. The Local Authority should also be informed of the extension of a suspension and notified if it is being lifted.

6.2 In cases involving child protection, the school must contact the HR Provider and the Safeguarding Children Advisory Service (Local Authority Child Protection Co-ordinator on behalf of the LADO) prior to taking any action. The Procedure for the Management of Allegations of Abuse in Schools also has to be adhered to where allegations are made about a member of staff. It may therefore be necessary for the Police to be informed before the disciplinary procedure is used, and schools will be advised of the appropriate next steps.

6.3 Suspension will only be considered if there is an allegation of serious or gross misconduct and;

- Working relationships have severely broken down
- The employee could tamper with evidence, influence witnesses and/or sway the investigation
- There is a risk to other employees, property or clients
- The employee is the subject of criminal proceedings which may affect whether they can do their job.

6.4 An alternative to suspension will also be considered as there may be temporary adjustments to working arrangements which remove the need to suspend the employee, for example;

- Being moved to a different area of the workplace
- Working from home
- Changing working hours
- Being placed on restricted duties
- Working under supervision
- Being transferred to a different role within the School (of a similar nature and with the same terms and conditions)

If an alternative to suspension is not practical, suspension from work will be implemented.

6.5 An employee who is either suspended from work or placed on an alternative to suspension will receive their full pay (based on regular earnings).

6.6 The reason for the suspension should be kept confidential wherever possible. If it is necessary to explain the employee's absence the Headteacher/Manager should discuss with the employee how the absence will be communicated.

6.7 The employee will be updated regularly about the suspension and it should not normally exceed ten working days. Any extension will be confirmed in writing to the employee, including the reason and timescale.

6.8 The suspension may only be ended by the Governing Body (the Chair or Vice Chair of Governors). When an employee is returning to work following suspension, a return to work meeting will take place either prior to the return or on the first day back. Discussions will include appropriate

communication to colleagues regarding the reason for absence and ongoing confidentiality.

7. Appeal Rights

7.1 Appeal against a Recorded Verbal Warning (Level 1), Written Warning (Level 2) or a Final Written Warning (Level 3)

The employee's right of appeal against a Level 1, 2 or 3 warning will be to the Headteacher, if it was heard by another member of the School Leadership Team/Manager. If the case was heard by the Headteacher/Governor(s), the right of appeal would normally be as follows:-

Level 1	1 Governor (minimum)
Level 2	1 Governor (minimum). A panel of 3 Governors is recommended where numbers permit
Level 3	Panel of 3 Governors (or at least the same number as heard the case)

This is in line with Section 5, where recommendations are made in relation to who should hear disciplinary cases at various levels of the procedure.

7.2 The employee must write to either the Headteacher or Chair of Governors, as appropriate, within 5 clear working days of receiving a warning, requesting an appeal hearing. **The letter must specify the reasons for an appeal.** The Headteacher/ Governor/Governor Panel will seek to hear the appeal within 10 clear working days of receiving the request.

The purpose of the appeal hearing will be to consider grounds upon which the employee is dissatisfied with the issuing of a warning under the Disciplinary Procedure.

The decision will be final and will be confirmed in writing to the employee within 5 working days of the appeal hearing.

7.3 Appeal against Dismissal

An appeal against dismissal will be a rehearing.

Schools are required to have a Governing Body Appeal Panel.

An employee may appeal against the decision to dismiss by writing to the Chair of Governors. The letter must specify the reasons for appeal. This request must be made within 5 clear working days of receipt of the

decision of the Headteacher/Governing Body Dismissal Panel. The Appeal Panel of the Governing Body will seek to hear the appeal within 10 clear working days of receiving the request.

The decision will be confirmed in writing by the Appeal Panel within 5 clear working days of the Appeal Hearing. This decision does not affect the employee's right to appeal to an Employment Tribunal.

7.4 Appeal Hearings

In Attendance

The number of members on the Appeal Panel will not be less than those on the Governing Body Panel who took the decision to dismiss. In the interests of natural justice these panels must comprise different Governors.

Process

The original management statement of case, and any written statement submitted by the employee at the Hearing will be used at the appeal hearing. This should be available to the Headteacher/Manager/Governor(s) hearing the appeal wherever possible at least 5 clear working days before the appeal hearing. No new evidence will normally be submitted.

However where new evidence which could not reasonably be available at the original hearing has been presented by the employee following the dismissal hearing, this should be forwarded in advance to the Headteacher/Manager who presented at the original hearing, and to the Headteacher/Manager/Governor(s) hearing the appeal.

The procedure and conduct of appeal hearings is appended at Appendix 2 and 3.

- 7.5 Dismissals and notice periods are effective from the initial dismissal decision (IDD) i.e. the Dismissal Hearing and not from the Appeal Hearing.

Outcomes

- 7.6 If an employee is successful in their appeal and the decision to dismiss is overturned the school will write to confirm this decision within 5 working days of the appeal and will notify the local authority of the outcome. The Local Authority will write to the employee to inform them that the dismissal notice is withdrawn.

Please note that in Aided and Foundation Schools the letter notifying the employee that the dismissal notice is withdrawn will come from the Governing Body and not the Local Authority.

8. Withdrawal of Records

8.1 A warning will remain live on an employee's personal file for the following periods from the date of the hearing when the warning was issued, unless the employee has been notified of a further or other alleged misconduct which may be dealt with under this procedure.

Level 1 - Recorded verbal warning
- 6 months

Level 2 - Written warning
- 12 months

Level 3 - Final written warning
- 18 months

8.2 When a warning is spent, the employee will be notified and all written reference to the case will be removed and destroyed from the personal file. The employee will have access to their file. Any warnings related to safeguarding will not be removed from personal files.

8.3 Reference cannot be made to spent warnings except in the case of employees whose posts are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Schools and the Local Authority are bound by this and also the statutory guidance Keeping Children Safe in Education, which requires that reference requests include “*Details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of those*”. Whilst the warning will remain on file, it is not ‘live’ and will only be taken into account if it is relevant and reasonable to do so in the context of the schools responsibility for the protection of children or other safeguarding matters.

Safeguarding Matters

8.4 When considering whether the allegation is a safeguarding matter we can use the statutory definitions outlined below by using the ‘harm test’.

The Harm Test:

- Where an individual has behaved in a way that has harmed a child, or may have harmed a child
- They have possibly committed a criminal offence against or related to a child

- They have behaved towards a child or children in a way that indicates the individual poses a risk to children in their employment or
- Where concerns arise about the person's behaviour with regard to their own children.

9. Resignation Prior to a Dismissal Hearing

9.1 Should the employee submit their resignation prior to the date scheduled for the hearing the following actions will need to be taken if the potential dismissal is connected to a safeguarding issue:

- The hearing will still be held without the employee present, this will be known as a "Findings Hearing". The hearing panel will consider all information presented to them and will return a conclusion as if the employee had not resigned.
- TU representatives may attend the Findings Hearing upon request by the employee.
- The Findings Hearing panel members will mirror the original Hearing.
- A record will be kept of the decision and details of this included in a letter to the employee, to be known as the outcome of the "Findings Hearing". The letter to the employee will include information about the panel's decision and the reasons for that decision, ie what the outcome may have been had the dismissal hearing taken place in the usual way in line with the disciplinary procedure.
- The reasons for the employee leaving will still be recorded as a 'resignation' and not a dismissal. However, the employee will need to be informed in writing that they will be placed on the Sheffield City Council dismissal register.
- Any future reference requests for that employee should refer to the fact that the employee had been in disciplinary procedures and had resigned prior to the hearing taking place. The dismissal hearing could have resulted in the termination of their employment. The employee will need to be informed of this in writing.

9.2 Should the potential dismissal be for any other reason than safeguarding then judgement will need to be taken and advice sought from the schools HR provider and/or the local authority's statutory HR service if required.

SECTION 3 APPENDICES

Appendix 1 PROCEDURE FOR DISCIPLINARY/DISMISSAL HEARINGS

Conduct of the Meeting

Levels 1, 2, 3 and 4

- 2.1 The Headteacher/Manager bringing the case will set out the allegation(s) against the employee and the evidence upon which this is based.
- 2.2 If a witness is to be used they will be called by the Headteacher/ Manager at the appropriate time to give evidence. The witness may be questioned by those present and will then withdraw.
- 2.3 The employee and their representative will have the opportunity of asking questions of the Headteacher/Manager, followed by the Headteacher/Manager/Governor(s) and their Adviser, hearing the case
- 2.4 The employee (and /or representative) will respond and set out any evidence in support of their position.
- 2.5 If a witness is to be used they will be called by the employee (or representative) at the appropriate time to give evidence. The witness may be questioned by those present and will then withdraw.
- 2.6 The Headteacher/ Manager will have the opportunity of asking questions of the employee, followed by the Headteacher/Manager/Governor(s) and their Adviser
- 2.7 The parties will have the opportunity of summing up following a short adjournment if required. The Headteacher/Manager will sum up first, followed by the employee (or representative). The parties will then withdraw while the Headteacher/Manager/Governor(s) and their Adviser considers the information presented.
- 2.8 The parties will be called back into the Hearing to hear the decision which will be confirmed in writing within 5 clear working days of the hearing.
- 2.9 If the decision is to dismiss the employee, the employee should be informed of this decision together with their right of appeal. The date of the dismissal will be the date of the original Hearing.

Decision Making

- 2.10 The Headteacher/Manager/Governor(s) will deliberate in private with the HR Adviser. Their decision will be based on consideration of the relevant evidence and information presented and will be reasonable given all the circumstances of the case.
- 2.11 An adjournment may be necessary when the Headteacher/Manager/Governor(s) require(s) further information to make their decision.
- 2.12 The Headteacher/Manager/Governor(s) may decide to confirm the Headteacher/ Manager's recommendation, reduce the level of warning or not issue any formal warning.
- 2.13 If points of uncertainty are identified during the deliberation by the Headteacher/Manager/Governor(s) or clarification is required from the parties, both sides will be recalled.

Appendix 2

PROCEDURE FOR APPEAL AGAINST DISCIPLINARY WARNING AT LEVELS 1, 2 & 3

The purpose of the appeal hearing will be to consider grounds upon which the employee is dissatisfied with the issuing of a warning under the Disciplinary Procedure.

Conduct of the Meeting

- 1.1 The employee (and /or representative) will outline their case indicating in detail the reason for the appeal.
- 1.2 If a witness (or witnesses) is to be used they will be called by the employee's side at the appropriate time to give evidence. The witness may be questioned by those present and will then withdraw.
- 1.3 The Headteacher/Manager will have the opportunity of asking questions of the employee followed by the Headteacher/Manager/Governor(s) and their Adviser hearing the appeal.
- 1.4 The Headteacher/Manager will respond stating their case and presenting appropriate evidence.
- 1.5 If a witness is to be used they will be called by the Headteacher/Manager at the appropriate time to give evidence. The witness may be questioned by those present and will then withdraw.
- 1.6 The employee (and /or representative) will have the opportunity of asking questions of the Headteacher/Manager followed by the Headteacher/Manager/Governor(s) and their Adviser hearing the appeal.
- 1.7 The parties will have the opportunity of summing up following a short adjournment if required: the Headteacher/Manager first, followed by the employee (or representative) and the parties will then withdraw while the Headteacher/Manager/Governor(s) considers the information presented.
- 1.8 The parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 5 clear working days of the meeting.

Decision Making

- 1.9 The Headteacher/Manager/Governor(s) will deliberate in private with the Adviser. Their decision will be based on consideration of the relevant evidence and information presented and will be reasonable given all the circumstances of the case. An adjournment may be necessary when further information is required to make their decision.
- 1.10 There could be a range of outcomes including confirming the Headteacher/Manager's recommendation, reduction in the level of warning issued or its cancellation.
- 1.11 If points of uncertainty are identified during the Headteacher/Manager/Governor(s) deliberations or clarification is required from the parties, both sides will be recalled.

Appendix 3

PROCEDURE FOR APPEAL AGAINST DISMISSAL (DISCIPLINARY PROCEDURE)

- 1.1 **The Appeal will be a re-hearing.** In addition to the evidence presented at a Level 4 Disciplinary Hearing, new evidence may be considered where this was not known or available at the time of the hearing.

Both parties will provide a statement of case to be circulated 5 clear working days before the Appeal Hearing (See Section 7).

- 1.2 The purpose of the appeal hearing will be for the Appeal Panel to consider whether the Dismissal decision was fair and reasonable in all the circumstances of the case.

Conduct of the Meeting

- 1.3 The Headteacher/Manager, who brought the case for dismissal will present the case.
- 1.4 If a witness is to be used they will be called by the Headteacher/Manager to give evidence at the appropriate time. The witness may be questioned by those present and will then withdraw.
- 1.5 The employee (and /or representative) will have the opportunity of asking questions of the Headteacher/Manager's case followed by the Appeal Panel/Adviser.
- 1.6 The employee (and/ or representative) will respond stating their case.
- 1.7 If a witness (or witnesses) is to be used they will be called by the employee (and/ or representative) to give evidence at the appropriate time. The witness may be questioned by those present and will then withdraw.
- 1.8 The Headteacher/Manager will have the opportunity of asking questions of the employee followed by the Appeal Panel/Adviser.
- 1.9 Both parties will have the opportunity of summing up following a short adjournment if required: the Headteacher/Manager first, followed by the employee (and/or representative) and the parties will then withdraw while the Appeal Panel considers the information presented.
- 1.10 Both parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 5 clear working days of the meeting. If the decision is not to uphold the employee's appeal, it is at this stage that external appeal rights will be confirmed.

Decision Making

- 1.11 The Appeal Panel will deliberate in private with the HR Adviser. The Appeal Panel's decision will be based on the relevant evidence and information presented and will determine whether the Dismissal Decision is reasonable given all the circumstances of the case.
- 1.12 If the decision is to uphold the employee's appeal against dismissal, the school will write to confirm this decision and will notify the Local Authority of the outcome. The Local Authority will write to the employee to inform them that the dismissal notice is withdrawn.
- 1.13 In Aided and Foundation Schools the letter notifying the employee that the dismissal notice is withdrawn will come from the Governing Body and not the Local Authority.
- 1.14 An adjournment may be necessary when the Appeal Panel requires further information to make their decision.
- 1.15 If points of uncertainty are identified during the Appeal Panel's deliberations or clarification is required from the parties, both sides will be recalled.

RECOMMENDED ATTENDANCE AT DISCIPLINARY HEARINGS / APPEALS

	Investigation		Hearing		Appeal
Level 1	Manager ----->>> Leadership Team ----->>> Headteacher ----->>>	>>>	Leadership Team ----->>> Headteacher ----->>> 1 Governor ----->>>	>>>	Headteacher/1 Governor 1 Governor/Governor panel * ₃ 1 Governor/Governor panel* ₃
Level 2	Manager ----->>> Leadership Team ----->>> Headteacher ----->>>	>>>	Leadership Team ----->>> Headteacher ----->>> 1 Governor ----->>>	>>>	Headteacher/1 Governor/Governor panel* ₃ 1 Governor/Governor panel* ₃ 1 Governor/Governor panel* ₃
Level 3	Manager ----->>> Leadership Team ----->>> Headteacher ----->>>	>>>	Leadership Team ----->>> Headteacher ----->>> Governor Panel * ₁ ----->>>	>>>	Governor Panel * ₁ Governor Panel * ₁ Governor Panel * ₁
Level 4	Manager/Leadership Team ----->>> Headteacher ----->>>	>>>	Headteacher ----->>> Dismissal Panel * ₂ ----->>>	>>>	Appeal Panel * ₂ Appeal Panel * ₂

- *1 It is recommended that, where the Headteacher presents a case at level 3, a panel of Governors should hear the case (and at Appeal) as this is a final written warning
- *2 If the minimum requirement of 3 Governors cannot be met, a panel may comprise of 2 Governors. The number of members on the Appeal Panel should not be less than on the dismissal panel.
- *3 A panel of 3 governors is recommended where sufficient numbers are available, taking into account the need to retain adequate numbers to make up any further potential hearing/appeal panels should the case escalate.

Appendix A

Date #

Dear #

DISCIPLINARY INVESTIGATION MEETING

You are required to attend a disciplinary investigation meeting in line with # School's Disciplinary Procedure. # Please find a copy attached. The investigation is into allegations of #misconduct/gross misconduct. The meeting is to be held on # (date) at # (time), at # (venue).

I note that you are currently suspended from your # post at # pending the outcome of the investigation.

I will be advised at the meeting by # . You have the right to be accompanied at this meeting by a trade union representative or other #City Council / school employee.

If you have any queries about this matter please contact # (HR) on # or me.

Yours sincerely

Headteacher

cc Trade Union Rep
HR Adviser/Consultant

Appendix B

Date#

Dear #

DISCIPLINARY INVESTIGATION

You are required to attend an investigatory meeting in relation to allegations about a colleague, which are being investigated under the school's Disciplinary Procedure. You are not the subject of this investigation but may be able to provide relevant information.

The meeting is to be held on # (date) at # (time), at # (venue). I will be advised at the meeting by # .

You have the right to be accompanied at this meeting by a trade union representative or other #City Council / school employee

This matter is confidential and you are asked not to discuss this with anyone (other than your Trade Union).

If you have any queries concerning the above please contact me or # (HR) on #

Yours sincerely

Headteacher

cc HR Adviser/Consultant

Appendix C

Date#

Dear #

ATTENDANCE AT LEVEL 1/2 DISCIPLINARY HEARING

Further to a recent investigation, you are required to attend a disciplinary hearing at Level 1/2 of # (name) School's disciplinary procedure. The hearing will take place on # (date) at # (time) to be held at # (venue).

At the hearing you will be required to answer the following allegation#(s):

#Details of allegations.

The case will be heard by # (Headteacher/Governors name and post title), advised by # . Management's case will be presented by # (Manager's / Headteacher's name and post title) advised by # . # The following witnesses will be called by the management side: ###.

You have the right of representation by a trade union representative or other # City Council/ school employee at the hearing. # If you do not attend the hearing a decision may be taken in your absence. If you intend to call any witnesses to the hearing please inform me of their names at least 5 clear working day before the hearing.

I enclose a management statement of case which will be presented at the hearing. The procedure for the hearing is outlined in the Disciplinary Procedure which has been provided to you. If you wish to submit a written statement or other documents regarding your case please forward to me for distribution, at least one working day before the hearing.

#If any of the allegations are upheld you may be issued with a Level 1 verbal warning which will remain on your personnel file for 6 months.

OR

#If any of the allegations are upheld you may be issued with a Level 2 written warning which will remain on your personnel file for 12 months.

#I have sent a copy of this letter to your trade union representative.

If you have any queries about this matter please contact # (HR) on # or me.

Yours sincerely

Headteacher

cc Trade Union Rep
HR Service Adviser/Consultant

Appendix D

Date#

Dear #

ATTENDANCE AT LEVEL 3 DISCIPLINARY HEARING

Further to a recent investigation, you are required to attend a disciplinary hearing at Level 3 of # (name) School's disciplinary procedure. The hearing will take place on # (date) at # (time) to be held at # (venue).

At the hearing you will be required to answer the following allegation#(s):

#Details of allegations.

The case will be heard by # (Headteacher/Governors name and post title), advised by # Management's case will be presented by # (Manager's / Headteacher's name and post title) advised by # # The following witnesses will be called by the management side: ###.

You have the right of representation by a trade union representative or other # City Council/ school employee at the hearing. # If you do not attend the hearing a decision may be taken in your absence. If you intend to call any witnesses to the hearing please inform me of their names at least 5 clear working day before the hearing.

I enclose a management statement of case which will be presented at the hearing. The procedure for the hearing is outlined in the Disciplinary Procedure which has been provided to you. If you wish to submit a written statement or other documents regarding your case please forward to me for distribution, at least one working day before the hearing.

If any of the allegations are upheld you may be issued with a Level 3 final written warning which will remain on your personnel file for 18 months.

#I have sent a copy of this letter to your trade union representative.

If you have any queries about this matter please contact # (HR) on # or me.

Yours sincerely

Headteacher

cc Trade Union Rep
HR Adviser/Consultant

Appendix E

Date#

Dear #

ATTENDANCE AT LEVEL 4 DISMISSAL HEARING

Further to a recent investigation, you are required to attend a disciplinary hearing at Level 4 of # (name) School's disciplinary procedure. The hearing will take place on # (date) at # (time) to be held at # (venue).

Comment on any delay in organising the hearing and reasons.

At the hearing you will be required to answer the following allegation#(s):

#Details of allegations.

The case will be heard by # (Headteacher/Governors name and post title), advised by #. Management's case will be presented by # (Manager's / Headteacher's name and post title) advised by #. # The following witnesses will be called by the management side: ###.

You have the right of representation by a trade union representative or other # City Council/ school employee at the hearing. # If you do not attend the hearing a decision may be taken in your absence. If you intend to call any witnesses to the hearing please inform me of their names at least 5 clear working days before the hearing.

I enclose a management statement of case which will be presented at the hearing. The procedure for the hearing is outlined in the Disciplinary Procedure which has been provided to you. If you wish to submit a written statement or other documents regarding your case please forward to me for distribution, at least 5 clear working days before the hearing.

If any of the allegations are upheld you may be dismissed # with / without notice from your post at # School.

#I have sent a copy of this letter to your trade union representative.

If you have any queries about this matter please contact # (HR) on # or me.

Yours sincerely

Headteacher

Appendix F

Date#

Dear #

NOTICE OF APPEAL HEARING

I am writing further to your letter of # regarding your appeal against the decision to # issue you with a warning under Level # / dismiss you under # School's Disciplinary Procedure.

The appeal hearing will take place on # at # at #

You have the right of representation by a Trade Union Representative or other City Council/school employee at the hearing. If you intend to call any witnesses to the appeal hearing please inform me of their names at least 5 clear working days before the appeal hearing.

The Headteacher/Governor/Panel of Governors will hear the Appeal, advised by #, The management case will be presented by the Headteacher/Manager, advised by #, # The following witnesses will be called by the management side: ###.

The procedure for the appeal is outlined in the Disciplinary Procedure, which you have already been provided with. Documents submitted for the original hearing will be forwarded to the Governor/Panel of Governors considering the appeal.

(If dismissal) If you have any new evidence please forward this to me to circulate at least 5 clear working days before the appeal hearing.

If you have any queries about this matter please contact # (HR) on # or me.

Yours sincerely

Governor Name
Chair of Governing Body
cc Headteacher
HR

Appendix G

Date#

Dear #

OUTCOME OF APPEAL HEARING

I write to confirm the outcome of the Appeal Panel following the Appeal Hearing on.....

The Appeal Hearing was heard by #. You were represented by #, your Trade Union Representative.

Careful note was taken of the points made in support of your appeal by you and your Trade Union Representative, #. The points made by #, your Manager/Headteacher in response to your appeal were also considered. After giving your appeal very serious consideration, I have decided #.

Your appeal was upheld and the Level # disciplinary warning will be withdrawn

The level of disciplinary warning has been reduced to

Your appeal was unsuccessful and the original decision to issue a Level # disciplinary warning will stand

Yours sincerely

Appendix H

Date#

Dear #

SUSPENSION FROM DUTY

I write further to our meeting held on #. I chaired the meeting and was supported by # . You were also present and were supported by # from the #.

I write to confirm that you are suspended from duty from # for a period of ten working days until # in the first instance.

The suspension is in accordance with the provisions of the # School's Disciplinary procedure. The reason for the suspension is to enable an investigation to take place into allegations of gross misconduct and / or a breach of trust and confidence.

Suspension is to enable a full investigation to be conducted. The suspension will be kept to the minimum time possible. If it is necessary for the suspension to exceed ten working days you will be informed accordingly.

The conditions of the suspension are that you:

- Will receive full pay for the period of suspension
- Should not enter school premises
- Must not discuss the case with colleagues
- Must not make contact with anyone from the school, including parents and governors colleagues and children
- Return items belonging to the school

You will be required to attend meeting(s) as part of the investigation while you are suspended. You have the right to be accompanied by either a Trade Union representative or City Council employee. We note that you were accompanied by # from the # and will therefore include him / her in future correspondence unless you indicate otherwise.

On conclusion of the investigation, I will determine if formal disciplinary action will be taken, and if so at what stage of the school's Disciplinary Procedure. This may include consideration of dismissal by a panel of Governors.

I supplied you with / enclose a copy of the School's Disciplinary procedure.

will liaise with you while you are suspended regarding any school issues that are not related to this matter.

It is recognised that this is a very stressful time for you and I would like to make you aware of the services of (# Occupational Health Provider) who can be contacted on # **telephone number** for confidential support.

If you have any queries regarding this matter please contact either your representative, myself or # HR on #

Yours sincerely

Headteacher

cc Trade Union Rep
HR Provider

Appendix I

Date#

Dear #

Alternative to Suspension from Duty

I write to confirm the outcome of the meeting held on # date. At the meeting I was advised by #name, HR Consultant, and you attended, supported by #name #TU # colleague.

At the meeting you were informed that as an Alternative to Suspension you would be placed on restricted duties and would not undertake your normal work as #post title.

This action is being taken in view of the seriousness of an allegation of Gross Misconduct and/or a breach of trust and confidence and is in accordance with ACAS guidance that wherever possible an alternative to suspension should be considered.

The Alternative to Suspension is not in itself a disciplinary measure; it is to enable a full investigation to be conducted into (a) very serious allegation(s). If it is necessary for these arrangements to exceed ten working days you will be informed of this.

Whilst these arrangements are in place you should not enter your usual workplace and must not discuss matters with colleagues, service users or other contacts, other than your nominated support colleague or Trade Union representative. You will receive # full pay/ # regular earnings while the Alternative to Suspension is in place.

Insert additional details re the arrangements, including location.

At the meeting I advised that we would put your 'out of office' message onto your work email so that you do not have to respond to any case issues. If there are any matters that you need to raise please do so via # as discussed.

It is recognised that this is a very stressful time for you and I would like to make you aware of the services of (# Occupational Health Provider) who can be contacted on # telephone number for confidential support.

If you have any queries concerning the above, please do not hesitate to contact me on # (enter telephone number).

Yours sincerely

Headteacher
cc Trade Union rep
HR Provider

Appendix J

School Staffing Regulations

Dismissal Hearings In accordance with the School Staffing Regulations (2009), the Headteacher can also be given delegated responsibility to make an Initial Dismissal Decision (IDD) at Level 4. However, there will be circumstances when it would be more appropriate for the Governors to make the IDD. These may include:

- in a small school:
- where there are allegations against the Headteacher by the employee
- where the Headteacher has had prior involvement with the case
- where the Headteacher has carried out the investigation
- where the Headteacher is unwilling to perform this function or does not have the necessary skills or capability
- where the Headteacher is subject to an investigation

5.15 Governors will need to make clear exactly what the Headteacher's responsibility will be when adopting this procedure.