Fiveways School Disciplinary Procedure

Policy Review

Review Cycle	Date of Current Policy	Author(s) of Current Policy	Review Date
Annual	October 2025	Swavek Nowakiewicz	October 2026

Policy Ratification

Role	Name	Signature	Date
Chair of Governors	Malcolm Gulliver	At governors meeting	03.10.25
Head Teacher	Swavek Nowakiewicz	At governors meeting	03.10.25

Details of Policy Updates

Date	Details
18.02.22	Latest Managing Allegations HR guidance, low level concerns included as part of KCSIE 2021 and Disciplinary Procedure adopted.
10.05.23	Latest guidance from SSE including disciplinary procedure
27.09.24	Latest SSE guidance taken from DfE. Disciplinary procedure now separate Policy
03.10.25	Updated to reference KCSiE 2025

The purpose of this procedure is to support the effective reporting, recording and management of disciplinary procedures to reduce its impact on service delivery and provide appropriate support to employees.

This policy statement aims to set out Fiveways school's arrangements for managing disciplinary processes for the purpose of providing all staff with information about Local Authority Guidance that the school has adopted. It sets out:

- Procedures in relation to disciplinary.
- Details of guidance are available in the attached appendices.

Somerset Council | Support Services for Education

Section 16c Disciplinary Procedure – Local Authority Maintained Community and Voluntary Controlled Schools

Version Number	1.1
Location	Guidance for Schools Volume 1 Section 16c
Guidance Author	HR Advisory – Support Services for Education (SSE)
Published	September 2025
Review Date	September 2026
Effective Date	Following formal Adoption by the Governing Body
Consultation	This procedure has been subject to consultation with recognised schools trade unions and was formally agreed with a recommendation that the procedure be adopted by Somerset schools.
Update	• Updated to reference KCSiE 2025

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DISCIPLINARY PROCEDURE – Local Authority Maintained Schools

1. INTRODUCTION

1.1 This procedure applies to all staff employed in Somerset Local Authority Community and Voluntary Controlled schools. If any school maintained by Somerset Council chooses not to adopt Section 16c they should be aware of the requirement to develop and agree their own written disciplinary procedure in consultation with their trade union/staff representatives.

1.2 The procedure recommends appropriate management levels for different levels of action, but this will vary dependent upon persons available who are suitably trained.

1.3 The procedure takes due account of the ACAS Code of Practice – Disciplinary and Grievance Procedures; The School Standards and Framework Act 1998; The School Staffing Regulations 2009 (as amended); the Education Act 2002; Keeping Children Safe in Education September 2025 (KCSiE), Regulated activity in relation to children as relevant and appropriate to disciplinary practices and procedures in employment.

1.4 The procedure was published in September 2025 and, subject to adoption by the Governing Body, supersedes all previous disciplinary procedures and practices.

2. PURPOSE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance*. The Governing Body requires that whilst attending work, whether or not on Local Authority premises, employees should conduct themselves in a safe and proper manner, abiding by the school's Code of Conduct, rules and regulations set out in the Articles of Government and the appropriate conditions of service, professional standards, copies of which are available from the Headteacher. This procedure sets out the action that may be taken when these rules are breached.

This procedure may also be used to deal with allegations that meet the harms threshold and the criteria for the Managing Allegations Procedure (Keeping Children Safe in Education (DfE 2025), whereby following consideration of an Allegations Reporting Form, the Local Authority Designated Officer (LADO) has advised that the concerns may now be dealt with internally by the school as a conduct issue. This internal process will require a full investigation into the allegations (see section 16a Conducting Workplace Investigations) and the LADO must be informed of the outcome of the investigation before a decision is taken on any formal proceedings that may be appropriate. This procedure should be considered alongside the Managing Allegations Procedures in this scenario.

* performance would usually be dealt with through the capability routes.

3. EXCEPTIONS

An employee may be dismissed in the following circumstances without recourse to the Disciplinary Procedure:

- Redundancy, refer to the redundancy policy.
- Expiry of the agreed probationary period if applicable.
- Failure to satisfactorily complete ECT Induction (see Induction Arrangements).
- On the expiry of a fixed term contract of employment.
- Lack of professional competence (where the appropriate Capability Procedure has been followed).
- Dismissal due to long-term ill health, refer to the Sickness Absence Management Policy.
- Unsatisfactory attendance due to ill-health (Sickness Absence Management Policy).
- Dismissal for some other substantial reason (SOSR).
- Where it would be unlawful for their employment to continue.

4. PRINCIPLES

4.1 The Governing Body will take all necessary measures to ensure that the rules and regulations which are in force are communicated to all employees, e.g. via inductions, employee handbooks, notice boards, etc. It is the responsibility of individual employees to ensure that they are aware of and understand these rules and regulations. Details are available from the Headteacher.

4.2 The day-to-day supervision of staff is part of the normal management process and is outside the formal procedure for dealing with breaches of discipline. There is likely to be less recourse to the formal procedure if deficiencies in an employee's conduct are brought to their attention at the earliest possible stage by their immediate supervisor. In principle, it is intended that day-to-day managerial approaches are adopted wherever possible. (See Informal Support and Guidance Strategy - Appendix A).

4.3 The procedure is designed to establish the facts quickly and to deal consistently and fairly with disciplinary issues. No disciplinary action will be taken until the matter has been investigated fully (see section 16a Conducting Workplace Investigations) and a formal disciplinary hearing held (see Appendix D).

4.4 When allegations or concerns first come to light, it is appropriate to hold a meeting with the member of staff as soon as reasonably practicable which covers the following:

- Informs them of the issue/allegation, invite an immediate response (to help management form a view as to whether further investigation is needed).
- Advise the employee to seek advice/support from their Trade Union and establish whether they will be able to attend any further investigatory interviews.
- Inform the member of staff that they will be kept informed about decisions

to proceed with further investigations or if the matter is concluded.

- If the decision is to proceed to an investigation, see Section 16a, Conducting Workplace Investigations.
- If an Allegations Reporting Form (ARF) has been submitted to the Local Authority Designated Officer (LADO), the employee must be advised of this and informed of the LADO's advice, namely whether or not it is deemed that the allegation (or part of it) may meet the harms threshold based on the information available at this stage and if it is, that the Managing Allegations Procedure will be applied. The only exception to this is where the allegations are sufficiently serious that they may warrant involvement from the Police and/or Children's Social Care Services and the LADO has advised that a strategy discussion is needed in the first instance. If the 'harms threshold' has been met, the employee must be advised that if an investigation was to find that there was sufficient evidence to prove the allegation, this will be recorded as a substantiated safeguarding allegation on the employee's record in accordance with KCSiE 2025.
- Details of the support available through the Care First employee assistance programme is available to all SC employees.

4.5 The employee should be given as much notice as possible of the hearing to allow them to prepare their response (normally between 5 and 10 working days). If less than 5 days' notice is to be given, the hearing can only proceed if agreed by both parties. The invite letter should inform the employee what the complaint / concerns being considered by the Panel are (see standard letter at Appendix B). If a concern to be considered at the hearing is deemed to meet the criteria under the Managing Allegations Procedures, the letter must also confirm that a possible outcome of the hearing is the recording of a substantiated safeguarding allegation on the employee's file until they reach normal pension age or for a period of 10 years from the date of the allegation if that is longer. This letter should be sent by recorded delivery if personal delivery is not practicable. Any supporting papers (see Appendix H) should be circulated as far in advance of the disciplinary hearing as possible, and in any event no later than 5 working days prior to the hearing, unless agreed by both parties. When requested, copies will be provided to the employee's companion. The school should arrange for a note taker to be present at the hearing whose sole responsibility will be to take full and accurate notes of the meeting (this could be the Clerk to Governors). The employee will be given the opportunity to state their case at the disciplinary hearing. Please note that if new evidence or facts emerge during the hearing, it may be necessary to adjourn the hearing to further investigate and then reconvene the hearing when these enquiries have been completed. This decision will rest with the Chair of the Panel.

4.6 If an employee (and/or their representative) cannot attend a meeting, they must inform the school in advance. If there is a reasonable and justifiable reason for a hearing to be re-arranged, this will normally take place within 5 working days of the original date. If an employee fails to attend the disciplinary hearing without good cause, or the hearing has previously been re-arranged, a decision may be taken in their absence.

If there are medical reasons for non-attendance, the employee is required to produce a Doctor's statement (the cost of which would be refunded by the school) and may be referred to occupational health. In normal circumstances, an employee is expected to attend a disciplinary hearing or investigation meeting even when they may be regarded as being unfit to attend for their normal work. If an employee produces a medical certificate from their GP attesting that they are unfit for work due to a reason unconnected with the disciplinary hearing or matter under investigation, then a postponement may be considered by the employer as reasonable in those circumstances. However, if the reason for the absence as attested by the employee's GP is stress related to or arising from the disciplinary hearing or matter under investigation, then this will not be regarded as a legitimate reason for postponing the matter. If the cause of the stress is the potential disciplinary matter under consideration it follows that the conclusion of the matter will resolve the issues causing the stress and the absence arising from it. If the matter is of such gravity that it must be dealt with immediately then the hearing will proceed in the employee's absence. Any decision to proceed with a subsequently re-arranged hearing at which the employee again fails to attend will take into account the reason for the non-attendance, medical advice from an Occupational Health Physician (if appropriate), the seriousness of the matter being considered and whether or not the employee has a companion to respond on their behalf.

4.7 The employee will have the right in law to be accompanied by a companion at all formal stages of the disciplinary procedure, good practice would also allow an employee to be accompanied during any investigation interviews, and this request should not be refused if it has no undue impact on the investigation progressing in a timely fashion. A companion may be a fellow employee, an official employed by a trade union or a work-based trade union representative (see Appendix J for Role of Companion).

4.8 An employee has the right to appeal against any formal disciplinary warning imposed (see paragraph 10).

4.9 An employee will be required to acknowledge receipt of a warning letter and confirm that its implications are understood.

4.10 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

4.11 Repeated acts of misconduct where the warnings are current, whether of a similar or dissimilar nature, will result in the cumulative application of this procedure (see paragraph 5.3).

4.12 An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when dismissal may be immediate and without notice or payment in lieu of notice.

4.13 In the course of a disciplinary investigation or hearing, an employee might raise a grievance that is related to the case. Depending on the nature of the grievance, the disciplinary process may be suspended for a short while whilst

the grievance is dealt with. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Where the grievance relates to the employer's decision to impose a disciplinary sanction, the grievance procedure **does not** apply and the grounds for the employee's grievance may be dealt with as part of the appeal against the sanction.

Where the grievance is raised at the outset of the investigation or notification of the hearing, and the grievance relates to the case e.g. the suitability or impartiality of the manager conducting the investigation or the hearing or the refusal of the manager conducting the investigation to include witnesses proposed by the employee, then the disciplinary process may be suspended for a short while to enable the grievance to be considered as a separate process.

Where the grievance is raised during the disciplinary hearing, or after the disciplinary hearing but before any appeal, then the grievance will be dealt with as part of the disciplinary or the appeal hearing. In effect, the grievance becomes part of the employee's response to the case being presented at the disciplinary hearing or becomes one of the grounds for the appeal.

Where appropriate, the Headteacher/Governing Body may wish to keep the Diocese informed of events, which is normally facilitated by a nominated representative on the Governing Body.

4.14 Employees, or their representatives, are not permitted to record electronically any meeting held under this disciplinary procedure including investigation meetings. This is to encourage openness and full participation by all parties during meetings, at which an independent note taker will usually be present to minute the meeting. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

In exceptional circumstances whereby a hearing or investigation meeting is held virtually due to a face to face meeting not being possible, eg, in the case of school closures, the meeting may be recorded electronically by the clerk to provide a back up for minute taking in the event of IT connectivity issues provided all parties present at the hearing give their agreement to this at the start of the meeting. The electronic recording must be deleted by the clerk promptly following the meeting once the official minutes have been completed and agreed as an accurate record. Confirmation that the deletion of the electronic recording of the minutes has taken place must be provided in writing by the clerk to the Chair of the Panel.

5. SANCTIONS

Minor faults will be dealt with informally, normally by the employee's immediate supervisor either via day to day management or the informal support and guidance strategy set out in Appendix A. Where the matter is more serious or the behaviour or actions continue, the following procedures and sanctions will apply once a thorough investigation has taken place and following a formal disciplinary hearing:

5.1 **Stage 1 - Written Warning**

If the issue is serious, i.e. impact on employer's business is/could be serious, the employee will be given a WRITTEN WARNING letter (standard letter at Appendix E). They will be advised of the reason for the warning, the length of time that it will remain current, the improvement required and of the right to appeal. A copy of this written warning will be placed in the employee's file. The warning will normally remain current for a minimum of 6 months and a maximum of 12 months, after which it becomes spent.

Recommended management level: Headteacher/Deputy Headteacher/ Business Manager (depending on school size and occupational group)

5.2 **Stage 2 - Final Written Warning**

If the misconduct is more serious than that considered appropriate for a written warning or if further misconduct occurs whilst a written warning is current, the employee will be given a FINAL WRITTEN WARNING letter (standard letter at Appendix E). They will be advised of the reason for the warning, the length of time that it will remain current, that dismissal will result if there is a further act of misconduct/poor performance and of the right to appeal. A copy of the final written warning will be placed in the employee's file.

The warning will remain current for a minimum of 12 months and a maximum of 18 months (in exceptional cases the period may be longer, for example, a lengthy pattern of misconduct where previous warnings have failed to secure the required improvement and it is felt that a longer period of time is necessary for the employee to establish a pattern of sustained good conduct), after which it becomes spent.

Recommended management level: Headteacher

5.3 **Stage 3 - Dismissal**

If, during the currency of a final warning, further misconduct which would warrant a formal warning occurs, dismissal with notice/pay in lieu of notice will result, other than in exceptional circumstances, (see NB below). It is also possible (if the issue is of sufficient seriousness) to move from a lower-level formal disciplinary warning to dismissal.

Regulations made under Sections 35 and 36 of the Education Act 2002 provide for the delegation by the Governing Body of an initial staff dismissal determination to the Headteacher. Where the Headteacher is not exercising delegated responsibilities or the Headteacher is being considered for dismissal, the initial dismissal decision should be delegated to a Governor Staff Dismissal Committee of at least 3 Governors, unless there are not enough Governors who have not been involved in any previous action or decision connected to the dismissal. In this case, the decision should be delegated to a Panel of 2 Governors. Wherever dismissal is a possible

outcome of a hearing, the Chair of Governors must be informed prior to the hearing taking place. It is strongly recommended that legal/HR advice is sought.

The Headteacher or Governing Body are required to inform the Local Authority (HR Advisor) of the disciplinary hearing where dismissal is a possible outcome, and the Local Authority have the right to attend and provide advice to the Panel.

If a disciplinary hearing determines that an employee should cease to work at the school, the Headteacher or Chair of the Governor Staff Dismissal Committee will confirm the decision in writing, stating the grounds for the determination to dismiss and right of appeal (see paragraph 10.2). A copy of this letter must be sent to the Local Authority.

Subject to appeal, the Local Authority must give effect to that determination within 14 days by writing to the employee stating the reasons for dismissal and the date of termination.

In accordance with Sections 35 and 36 of the Education Act 2002, the employee can be dismissed prior to the period allowed for the employee to lodge an appeal and for that appeal to be heard. The termination may be rescinded if an appeal is upheld.

NB: *It is for the Headteacher/Governors Dismissal Committee, advised by the Local Authority Adviser, to determine whether there are such exceptional circumstances to not dismiss, and each situation will be considered on its own merits.*

Examples of such circumstances could be:

- *distressing, unforeseen family or external circumstances affecting the employee;*

- *where the employee has a serious or terminal illness and the Headteacher or Governors Committee determine not to exercise a decision that would lead to dismissal.*

5.3.1 Where there has been a misconduct which has resulted in dismissal or a member of staff has resigned, where dismissal was an option, and there is a safeguarding element (as outlined in KCSiE 2025), the employer is required to make a referral to the Disclosure and Barring Service (DBS) using the DBS barring referral form - GOV.UK (www.gov.uk) In cases where misconduct has resulted in dismissal, or the employee has resigned when dismissal was an option, in the case of teachers the employer is also required to make a referral to the Teaching Regulation Agency (TRA) using the Teacher misconduct: referral form - GOV.UK (www.gov.uk). When considering a referral, legal or HR advice should be sought.

5.3.2. In the case of safeguarding allegations which are deemed to meet the harms threshold under Managing Allegations Procedures, one of the

following outcomes will also need to be determined and confirmed with the employee:

Substantiated: there is sufficient evidence to prove the allegation.
Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation.
False: there is sufficient evidence to disprove the allegation.
Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

5.4 **Resignations**

Every effort must be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process or resigns from their employment.

Wherever possible, the accused employee should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate.

It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

5.5 **Disciplinary Warnings – Record Keeping**

Whilst warnings issued under 5.1 and 5.2 above will be disregarded for future disciplinary purposes, once such warnings are spent a record relating to any child protection/safeguarding allegations will be retained*.

For those warnings not related to child protection/safeguarding, the warning letter itself should be removed, however, any accompanying management guidance about the expectations for future standards of conduct and performance should be retained.

To ensure compliance with these record-keeping requirements, any management guidance should be on a separate document to the note of the actual disciplinary sanction.

Keeping Children Safe in Education (Statutory Guidance issued by the DfE in September 2025) states that for child protection/safeguarding allegations (excluding those found to be false malicious), it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised above (see 5.3.2);
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

The details of any substantiated safeguarding allegations must be kept on the employee's confidential personal file until the employee has reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.

Refer to guidance on the SSE Website, Section 23d, KCSiE 2025.

6. GROSS MISCONDUCT

6.1 This is misconduct of such gravity as to warrant summary dismissal. In the case of alleged gross misconduct, it will normally be necessary to suspend the employee from work on full pay (please refer to paragraph 7) while the alleged offence is investigated. If the Headteacher is exercising their 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 delegated to the Deputy Headteacher or other appropriate senior member of staff. If, as a result of a full investigation and disciplinary hearing, the Headteacher or Governors' Staff Dismissal Committee has reason to believe gross misconduct has occurred, they will normally determine that the person should cease to work at the school without the need for notice.

The decision to dismiss will be actioned by the LA in accordance with paragraph 5.3 irrespective of the employee's decision to exercise their right of appeal. If the appeal is subsequently successful, reinstatement will be directed (see paragraph 10.4).

6.2 It is not possible to provide an exhaustive list of the types of offences which are to be regarded as gross misconduct. However, the following provides examples of the offences which, depending on the circumstances of the particular case, could be considered by the Governing Body or Headteacher as gross misconduct.

- An inappropriate relationship, or an attempt to establish an inappropriate relationship, with a pupil, whether of a sexual nature or otherwise.

- Behaviour which has harmed a child or may have harmed a child. (Refer to Section 23d, Guidance for Schools & KCSiE 2025).

- Behaviour towards a child or children in a way that indicates they may pose a risk of harm to a child. (Refer to Section 23d, Guidance for schools & KCSiE 2025).

- Disclosure of school's documents and other confidential information to unauthorised third parties.
- Physical violence or bullying.
- Deliberate damage to property.
- Drunkenness or the consumption of alcohol while on duty.
- The use or distribution of illegal drugs while on the school premises.
- Indecency.
- Bringing the employer into serious disrepute.
- Serious infringement or reckless disregard of the schools Health & Safety Policy.
- Theft or unauthorised possession of items belonging to other employees, the school, the Local Authority/Diocesan Board or clients.
- Physical assault, violence, abusive or threatening behaviour, in the course of an employee's duties whether or not on school/Local Authority/Diocesan Board property. (Please also note paragraph 8 below).
- Unlawful discrimination (see Paragraph 8 below).
- Falsification and irregular practice in respect of cash, records or returns, time sheets or medical self-certificates etc.
- Fraud, or attempt to defraud, corrupt or bribe.
- Deliberate misuse of Data Protection information.
- Unauthorised access to information held on computers, including internet sites containing offensive or obscene material.
- Deliberately accessing information held on a computer, including internet sites containing offensive or obscene material, which damages or has potential to damage public confidence in the service provided.
- Serious insubordination.
- Gross negligence or a deliberate act or acts which causes unacceptable risk, loss or damage to Local Authority property, injury, or damages the public reputation of the school/Local Authority/Diocesan Board.

- A criminal conviction or caution, whether or not the offence is related to or committed in connection with employment, which may affect the employee's suitability or availability for continued employment.

- A sustained serious/significant breach in professional standards/codes of practice which bring in to question your suitability for the role.

- Serious discrimination, harassment or bullying of colleagues or clients or fundamental breach of Section 3 of Guidance for Schools – Fairness and Dignity at Work. Conduct behaviour.

- Serious infringement of the school's Health and Safety policies and procedures and also for employees involved in catering activities, food hygiene regulations.

- Behaviour or conduct, whether inside or outside of work, which indicates that an individual may not be suitable to work with children. (Refer to Section 23d, Guidance for Schools & KCSiE 2025).

7. SUSPENSION DURING AN INVESTIGATION

7.1 Suspension from work on full pay normally occurs where there is an allegation which potentially constitutes gross misconduct or a criminal offence. In some circumstances, for the individual to remain on site could inhibit an investigation. An employee may be suspended which must be on full pay. This is not a disciplinary step, but a means to enable an unhindered investigation to establish the facts and may occur at any time during the investigation. Consideration will be given to suspending access to school premises and the school's IT system if such access could cause interference with the investigation. However, suspension to IT access should not be implemented automatically and should be considered on a case by case basis. Should an employee require access to their IT account be reinstated in order to obtain evidence to support their case, every effort should be made to facilitate this with any access being supervised. Suspension must be confirmed in writing within 3 calendar days

(see standard letter at Appendix G).

7.2 The Governing Body has the power to suspend the Headteacher. This power should be delegated to a committee or panel of the Governing Body, e.g. the Personnel Committee or to a member of the Governing Body e.g. the Chair. Other members of staff may be suspended by the nominated Committee, Governing Body member or the Headteacher (or the Deputy Headteacher in the absence of the Headteacher).

7.3 Suspension is not a disciplinary sanction but nonetheless will be viewed by the individual as a very serious step which has the potential to "cast a shadow" on an employee's reputation. Therefore, it needs to be considered very carefully before being taken and should only happen once a preliminary review of the facts has taken place (see explanatory note below). It should not be undertaken without good reason, and we recommend consulting the

school's HR Adviser and considering the alternatives to suspension as outlined in 7.4 below.

Circumstances in which suspension could properly occur include:

(a) Where this would allow a more objective examination of the allegation and the employee's presence could interfere with the investigation;

(b) Where the member of staff is the subject of a Police investigation, and the alleged offence is considered relevant to their professional duties;

(c) Where there is a reasonable ground to believe that it would seriously affect the interests of the school and/or the employee if they were to remain at work; or

(d) Where a child/or children is/are at risk. (See Section 23d, Guidance for Schools & KCSiE 2025).

This list is not to be regarded as exhaustive.

Explanatory note: Any preliminary review into whether suspension is appropriate should conclude that the allegations, as highlighted, **could** have happened, warrants suspension and the options in 7.4 are not suitable.

7.4 Paid leave of absence, mutual agreement to refrain from work, alternative duties or locations should also be seriously considered first as an alternative to suspension.

7.5 Any suspension should be kept under review throughout the investigation and may be lifted at any stage but may only be done by the nominated Governing Body Committee, or member. The employee should be informed of this in person and an appropriate written statement confirming the end of the period of suspension will be issued to the employee following this meeting.

7.6 If an employee is suspended, a management contact should be identified who is responsible for maintaining contact with the suspended employee and who they can contact on work related issues.

7.7 The LA must be informed immediately about the imposing or lifting of a suspension.

8. EQUAL OPPORTUNITIES

All employees should be fully aware of the Governing Body's commitment to equal opportunities and that the following acts are both **unlawful** and would constitute misconduct liable to disciplinary action which may include summary dismissal.

- Discriminating unlawfully in the course of their employment against fellow employees or job applicants in job, transfer or promotion applications.

- Inducing, or attempting to induce, employees or managers to practise unlawful discrimination.

- Verbal or physical harassment or behaviour of a nature which is known, or should be known, to be offensive to the victim.

- Victimising individuals who have made allegations or complaints of discrimination or harassment or provided information about such discrimination or harassment.

9. TRADE UNION ASSOCIATION, LAY REPRESENTATIVES

In all respects, trade union/association representatives will adhere to the rules of conduct applicable to all other employees. No formal disciplinary action may be taken until the circumstances of the case have been investigated and discussed, after obtaining the employee's agreement, with the appropriate full-time trade union official. The LA should be informed immediately when such an allegation is made, or concern raised.

A trade union/association representative may be suspended on full pay without discussion with the full-time trade union official if they are not readily available. Notification should, however, be made as soon as possible.

10. APPEALS

10.1 Written Warnings

An employee who wishes to appeal against a written or final written warning should inform the **Clerk to the Governing Body** in writing within 10 working days of receipt of the disciplinary letter, stating the grounds for the appeal.

The appeal should normally be heard by the Appeals Committee of the Governing Body comprising at least 3* Governors who have not been involved in any previous action or decision connected with the matter within 15 working days of the appeal being lodged. See the Governors Appeal Procedure for details on conducting an appeal hearing (Section 2, Appendix A of Guidance for School).

The employee will have the right to be accompanied at all stages of the appeals process. (See paragraph 4.7 for definition of 'companion'.)

The decision of the Appeals Committee of the Governing Body will be final. At the appeal, the disciplinary sanction, i.e. level of warning and/or duration imposed will be reviewed but it cannot be increased.

* Where 3 such Governors are not available then the appeal may be heard by no less than 2. If the initial disciplinary decision was heard by a Committee of Governors, the Appeals Committee must comprise at least the same number of Governors who made the original decision.

10.2 Dismissal

An employee who wishes to appeal against the Headteacher's or Governors' determination that the employee should cease to work at the school should inform the Clerk to the Governors in writing within 10 working days of receipt of the disciplinary letter, stating the grounds for the appeal. The appeal would be heard by the **Appeals Committee of the Governing Body** normally within 15 working days of the appeal being lodged. See the Governors Appeal Procedure for details on conducting an appeal hearing (Section 2, Appendix A of Guidance for School).

10.3 The decision of the Appeals Committee of the Governing Body will be final. At the appeal, a lesser disciplinary sanction may be imposed on review of the dismissal.

10.4 If, as a result of an appeal, reinstatement is directed, any loss of normal earnings before the hearing of the appeal will be reimbursed.

10.5 If the decision to dismiss is confirmed by the Appeals Committee, the employee will be informed, in writing, that the dismissal notice already issued will stand. A copy of the notification will be sent to the Local Authority.

10.6 Further information on appeals is in Section 2, Appendix A of Guidance for Schools.

11. WITNESSES

11.1 As part of the investigation process, it is the employee's responsibility to inform the investigating officer at the formal investigation meeting of any witnesses they feel are relevant to the case and why, i.e. witness of alleged incident, character witness, professional knowledge witness. The investigating officer will then decide who will be interviewed as part of the investigation and invite them to an investigation meeting (a model invite letter can be found at Appendix L).

11.2 Should the case progress to a formal hearing both the investigating officer and the employee have the right to request that **relevant** witnesses to the alleged offence are called and should provide details of witnesses and their relevance to the person who is providing the administration support to the presenting Manager (schools will need to consider the appropriateness of the person providing this support – if Governor Panel it should be the Clerk to Governors or if being heard by the Headteacher it could be the Headteacher's Personal Assistant / Office Manager). The Chair of the Panel will review and agree or decline the request for the attendance of the witnesses.

11.3 Witnesses should only be invited to a hearing by the Clerk of the Panel following instruction from the Chair of the Panel. A model invite letter can be found at Appendix M. Where there is dispute about the relevance of a witness (i.e. they have not witnessed the events under investigation, or a significant number of witnesses are being called to provide the same information, in the case of character witnesses) the Chair of the Panel will make the final decision about whether to hear from any individual. (Please note: a witness can choose not to attend a disciplinary hearing and cannot be forced to do so).

11.4 When the disciplinary involves one person making allegations against another then natural justice requires that the person be seen by the Panel and questioned by the person they are accusing, or their representative. This may not be appropriate when the accusation is part of a severe bullying/ harassment allegation or when it involves pupils of the school (see 11.5).

11.5 In the majority of circumstances, subject to 11.2 above, it would be inappropriate for the Chair of a Panel to decide not to hear from any witness the respondent feels has relevant information about the case. If the Chair of the Panel does decide not to hear from a witness, the reason for the decision should be clearly outlined to the employee and their companion in advance of the hearing to allow witness statements to be produced if necessary. Where a witness is stood down just before the hearing and there is no opportunity available for a witness statement to be produced, a revised date for the hearing should be considered, where appropriate.

11.6 On occasions, allegations will be made by pupils, or they may have witnessed key events. In these circumstances, we would not expect a pupil to be present at a disciplinary hearing. It may, however, be appropriate for the employee's representative to be present at interviews held with any children so that they can confirm leading questions have not been asked or allow the employee, or their representative, to highlight questions they would like asked to the pupils. In these circumstances, a balance will always have to be struck between the rights of the accused member of staff and the pupil. At the very least, a record of all the questions asked of the child/young person should be recorded and made available, along with the responses to ensure transparency in relation to the evidence gathered. Students' statements/ records of interviews should be signed and dated to evidence that the student has read and agreed their accuracy.

When allegations relate to severe bullying/harassment, where appropriate, a similar approach can be used with staff, to minimise the distress of staff giving evidence. In all circumstances, the investigator-Panel should balance the rights of all individuals and be clear about the reason why they have proceeded in the way they have.

The above principles can also be used to allow an employee's representative to observe the interviews held with others witnesses. This may negate the need for a witness to be called to the actual hearing but should not delay the process. The role of the representative is purely one of observer and they should make no comment during the meeting if their attendance is agreed.

11.7 Witness statements may also be obtained from or provided by other agencies for consideration at a hearing, for example relevant statements obtained by the police as part of a criminal investigation.

Appendix A

INFORMAL SUPPORT AND GUIDANCE STRATEGY

1. INTRODUCTION AND PREMBLE

1.1 This guidance does not form part of the formal Disciplinary Procedure. It takes into account that most issues relating to conduct and performance are more appropriately dealt with on a day-to-day basis through line management intervention and, if appropriate, admonishment.

1.2 It also recognises that there is a range of management responses to issues of conduct and performance that falls between day-to-day management supervision and formal disciplinary procedures.

1.3 This document outlines advice and guidance in relation to informal support strategies to:

(i) obtain improvement in the conduct and/or performance of an individual employee; and

(ii) wherever possible avoid formal disciplinary action.

1.4 It is written to support the principles set out in paragraph 4.2 of the Disciplinary Procedure. Application of this guidance may also be considered in specific scenarios to manage low level concerns as set out in Part 4, Section 2 of KCSiE 2025. It also recognises that formal disciplinary action is never taken lightly and should normally be a last resort.

1.5 Often some concerns and issues are some way from formal action and there is some “middle ground”.

1.6 This document sets out a structured informal process that Managers can adopt in that ‘middle ground’ when, for example, initial management meetings and discussions have not had the desired effect.

1.7 To follow this course of action the Manager, having established the apparent circumstances, needs to be specific about their concerns (with instances and evidence) and to genuinely want the employee to reach and maintain proper conduct. This should not be regarded as just a way of preparing the ground for formal action.

This process of informal management advice and guidance may be used following an investigation which has found allegations which meet the criteria for the Managing Allegations Procedure to be substantiated, i.e. safeguarding allegations and where the employee accepts the investigation findings. Advice from the HR Advisory Service and LADO should be sought in these instances. It is, however, essential that it is made explicitly clear to the employee that a substantiated safeguarding allegation will be recorded on their confidential personnel file until they reach normal pension age or for a period of 10 years from the date of the allegation if that is longer. If the employee accepts the investigation findings, the recording of a substantiated

safeguarding allegation and the need to be issued with management guidance, this matter may be concluded under this informal process. If the employee does not accept the finding of the investigation, the matter will need to be considered at a formal disciplinary hearing in accordance with the Disciplinary Procedure. This will provide the employee with the opportunity to make representations in response to the investigation findings before a final conclusion is reached in relation to the safeguarding allegation.

1.8 The informal process involves a discussion with the member of staff. The invitation to the discussion meeting, which can be oral, by informal note or by letter, should contain some key information, namely:

- that the meeting is informal;
- it is an opportunity to discuss matters of concern;
- it is an opportunity to outline the expectations in terms of future conduct;
- it is an opportunity to identify support strategies and advice needed to improve future conduct;
- in the case of substantiated safeguarding allegations, that this will be recorded on their confidential personnel file until they reach normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Although the meeting is an informal one, the employee may request to be accompanied by a work colleague or work place Trade Union Representative and this should not be unreasonably refused.

If you choose to write a letter inviting the employee to a meeting a model letter is attached as Appendix B.

2. THE MEETING

2.1 At the meeting, the Manager should outline their concerns with clear supporting evidence.

2.2 The Manager should listen to any feedback/response from the member of staff.

2.3 The Manager should confirm their expectations of the member of staff.

2.4 The Manager should state what support and guidance will be available to the member of staff to assist them to reach and maintain the required standards.

2.5 In the case of substantiated safeguarding allegations, if the employee accepts the investigation findings, the recording of a substantiated safeguarding allegation and the need to be issued with management guidance, the matter may be concluded in accordance with paragraphs 2.5 – 2.8. If the employee however does not accept the investigation findings, then the matter will need

to be referred for consideration at a formal disciplinary hearing in accordance with the Disciplinary Procedure. This will provide the employee with the opportunity to make representations in response to the investigation findings before a conclusion is reached in relation to the misconduct and the safeguarding allegation.

2.6 In most circumstances, a review meeting will be required, and the Manager should set an appropriate review date, e.g. 3 months. However, some issues may be concluded in a single meeting.

2.7 Once the meeting has taken place the discussion should be followed up with a letter of guidance and expectation – this letter will be placed on the employee's file and may be referred to in the future should there be a repetition of similar concerns being raised. A model letter is attached as Appendix C.

2.8 Following the meeting, the Manager should monitor and record any positives and negatives in preparation for the review. The Manager should, however, bring to the attention of the employee any instances relevant to the issues causing concern as and when they occur during the review period.

2.9 Informal Management Advice & Guidance is not a formal sanction and, therefore, should not be referred to as such in any part of a response to a reference request that may be received. This is with the exception of substantiated safeguarding allegations that will need to be included on references for posts in which the employee would be working with children and young people.

Appendix B

INFORMAL SUPPORT AND GUIDANCE STRATEGY

MODEL LETTER OF INVITATION – It should be noted since these meetings are "informal", invitation does not need to be in writing (see 1.8 above).

CONFIDENTIAL
(Name)
(Address)

Dear

I am writing with reference to concerns regarding your conduct and/or performance.

The concern is *(details of event/concerns)*

I should be grateful if you would attend a meeting on (date) at (time) in (venue) in order that we can talk through these issues further.

At the meeting we will discuss the events/concerns mentioned above and my expectations of your future conduct and/or performance in your employment as (post) at the school.

As the concerns have been deemed to have a bearing on the safety or welfare of children, I also wish to discuss with you the following actions that I propose to take in accordance with the statutory requirements of Keeping Children Safe in Education 2025 (KCSiE 2025):

• *For the details of any substantiated allegation to be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*

• *For any future employment references requested from the school to confirm if allegations of a safeguarding nature made against you were found to be substantiated.*

In addition, I will want to outline any further support, guidance and advice that may be appropriate to improve your future conduct and/or performance.

This meeting is not part of the formal disciplinary procedure and, whilst it is intended that this management meeting will be informal in nature, you may bring your professional association/trade union representative or a work colleague with you if you so wish. Please let me know prior to the meeting if you intend to be accompanied.

Yours sincerely

** include paragraphs if the allegations are deemed to meet the criteria under the Managing Allegations Procedures. This should be determined on completion of an investigation and following advice from HR Advisory Services and the LADO.*

Appendix C

INFORMAL SUPPORT AND GUIDANCE STRATEGY

MODEL LETTER OF GUIDANCE

CONFIDENTIAL
(Name)
(Address)

Dear

Thank you for attending the meeting on (date). I hope that you found the advice and guidance offered at that time useful.

At the meeting, we spoke about the following points:

(details of events/concerns)

*** I advised you that as the concerns, which were deemed to have a bearing on the safety or welfare children, were found to be substantiated, the following actions would be taken in accordance with the statutory requirements of Keeping Children Safe in Education 2025 (KCSiE 2025):*

• *The details of the substantiated allegation will be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*

• *Any future employment references requested from the school will confirm that allegations of a safeguarding nature made against you were found to be substantiated.*

Your response to those concerns was

(Details of response(s)

After giving due consideration to our discussions, I have decided that there remains an important basis for the concerns that I expressed at the meeting. Whilst I do not intend to take any formal action at this time, I feel it is appropriate for me to issue you with this letter of expectation and guidance and confirm it will be necessary for you to adopt the following approach in future:

(Details of expectations, advice and guidance)

Continued support is available as follows:

(Details of support – including names of manager/colleague providing such support as appropriate).

• *The details of the substantiated allegation will be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*

• *Any future employment references requested from the school will confirm that allegations of a safeguarding nature made against you were found to be substantiated.*

I intend to monitor the situation and will review it with you in ( ) months. In the meantime, please contact me (or other named person as appropriate) about any concerns or difficulties that you may have in meeting the expectations set out in this letter.

I do very much hope that you will take positive steps to maintain the standards of conduct/performance expected of you as outlined in our discussions. You should be aware that failure to do so could result in action under the formal Disciplinary Procedure. You must appreciate the seriousness of the matter and understand the possible consequences if there is any repetition of the conduct/performance.

Please indicate your understanding and acceptance of the guidance and actions set out in this letter by signing both copies in the space provided and returning one copy to me.

Yours sincerely

Headteacher/Manager

I understand and accept the guidance and actions set out in the above letter.

Signed: ……

Date: ……

** include paragraph if the allegations are deemed to meet the criteria under the Managing Allegations Procedures. This should be determined on completion of an investigation and following advice from HR Advisory Services and the LADO.*

Appendix D

STANDARD LETTER: INVITATION TO DISCIPLINARY HEARING

(To be sent by recorded delivery if the letter cannot be handed to the employee personally)

CONFIDENTIAL

(Name)
(Address)

Dear

You are required to attend a hearing, to be held under the school's Disciplinary Procedure, on (date) at (time) in (location).

The purpose of this hearing is for me/a Governors Disciplinary Panel to consider and discuss the following concerns or allegations:

X
X
X

As this hearing may result in disciplinary action, *[not excluding your dismissal*]* you are entitled to be accompanied by a companion (for definition see paragraph 4.7 of the Procedure attached). You also have the right to call relevant witnesses. If you wish to do this, please inform xx by xx of the names of those witnesses so that appropriate house-keeping arrangements can be made. Please be advised the Chair of the Panel will make the final decision relating to the attendance of witnesses at the hearing.

Present at the hearing will be myself, NAME and NAME (**The Governor Disciplinary Panel**) OR Name, **Headteacher,** Name, **Investigating Officer** and Name, **LA HR Advisor** will also be present. NAME will be in attendance to take minutes of the hearing.

*** As the allegation/s under consideration are deemed to have a bearing on the safety or welfare of children, it is important that you are aware that the hearing could result in the recording of a substantiated safeguarding allegation on your personnel file until your normal pension age or for a period of 10 years from the date of the allegation if that is longer. This is in accordance with the statutory requirements set out in Keeping Children Safe in Education 2025 (KCSiE 2025).*

Please confirm by xx that you will be able to attend by telephoning (name and contact and extension number). If you fail to attend and do not provide a reasonable explanation, disciplinary action may be taken in your absence (see paragraph 4.8 of the Procedure). This includes the making of a decision in relation to whether or not any referral is required to statutory agencies.

You are invited to submit relevant documents and / oral written submission in support of your case. Please send your documents to xxx by xxx(date).

**** Following the conclusion of the investigation process, the decision for you to be suspended from work remains in effect pending the outcome of the disciplinary hearing **OR** the decision for you to be suspended from work is no longer in effect and the Head Teacher will contact you to agree a plan for you to return to work.*

A copy of the school's Disciplinary Procedure is enclosed for your information.

Yours sincerely

** include phrase if dismissal is a potential outcome.*

*** include paragraph if the allegations are deemed to meet the criteria for the Managing Allegations Procedures. Please note that this should be determined following completion of the investigation, prior to the disciplinary hearing being convened, and following advice from HR Advisory Services and the LADO.*

*** include paragraph as appropriate where a review of the suspension has taken place.

Appendix E

STANDARD LETTER: FIRST WRITTEN OR FINAL WRITTEN WARNING LETTER

CONFIDENTIAL

(Name)
(Address)

Dear

I am writing to confirm the outcome of the disciplinary hearing held on (date of meeting) in the presence of (names and positions of all attendees) and myself.

(Explain the process of the hearing, i.e. who presented the management case, and briefly what the individual replied).

After full consideration of all the evidence, I/we had no alternative but to issue a *written warning/final written warning** for (nature of the unsatisfactory conduct). This warning will expire on ..... (insert date).

*** The allegations which were deemed to have a bearing on the safety or welfare of children were however found to be FALSE / UNSUBSTANTIATED / UNFOUNDED and will be recorded as such in accordance with statutory guidance (Keeping Children Safe in Education 2025).*

OR

*** As the allegations which were deemed to have a bearing on the safety or welfare of children were found to be substantiated, the following actions will also be taken by the school in accordance with statutory guidance (Keeping Children Safe in Education 2025):*

- *The details of the substantiated allegation will be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*

- *Any future employment references requested from the school will confirm that allegations of a safeguarding nature made against you were found to be substantiated.*

****I can confirm that your suspension, as of the date of this letter, has been lifted, and NAME will be in contact with you regarding your return to work.*

The improvement in conduct expected is outlined in the attached note, which you are also required to sign, but in brief the expectations are .....
.....
within (specify the time period).

You should note that any similar or dissimilar misconduct during the currency of this warning may lead to further disciplinary action, not excluding your dismissal.

You have the right to appeal against this decision by writing, stating the reason for your appeal, to the Clerk to the Governing Body within 10 working days (see paragraphs 10.1 of the schools Disciplinary Procedure) of receiving this disciplinary warning. The Appeals Committee of the Governing Body has the following powers:

(a) Uphold the appeal and either substitute a lower warning and/or reduce the currency of the warning or delete the warning;

(b) Dismiss the appeal.

Please sign the enclosed copy of this letter to confirm its receipt and your understanding of its contents and return it in the enclosed stamped addressed envelope.

Yours sincerely

* delete as appropriate

** include paragraph if the allegations were deemed to meet the criteria for the Managing Allegations Procedures on completion of the investigation on advice from HR Advisory Services and the LADO.

*** include paragraph if employee is currently suspended.

I confirm receipt of this letter and my understanding of its contents.

Signed: ……

Date: ……

Appendix F

STANDARD LETTER: DISMISSAL

CONFIDENTIAL

(Name)
(Address)

Dear

I am writing to confirm the outcome of the disciplinary hearing held on (date of meeting) in the presence of (names and positions of all attendees) and myself.

(Explain the process of the hearing, i.e. who presented the management case, and briefly the individual's response).

After full consideration of all the evidence, I reached the conclusion that you should no longer work at the school. As a result, you were informed that we would be informing the Local Authority to affect the determination that you be summarily dismissed / dismissed from your role as xxxx without notice or pay in lieu of notice* / with notice. The reasons for this determination were:

*** As the allegations, which were deemed to have a bearing on the safety or welfare children, were found to be substantiated, the following actions will also be taken by the school in accordance with statutory guidance (Keeping Children Safe in Education 2025):*

- *The details of the substantiated safeguarding allegation will be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*
- *Any future employment references requested from the school will confirm that allegations of a safeguarding nature made against you were found to be substantiated.*
- *A referral will be made for you to the Disclosure and Barring Service.*

**** The school will also be making a referral for you to the Teachers Regulation Agency for Serious Professional Misconduct. (TEACHERS ONLY)*

You have the right to appeal against this decision by writing, stating the reason for your appeal, to the Clerk to the Governing Body within 10 working days (see paragraphs 10.2 of the schools Disciplinary Procedure) of receiving this disciplinary warning. The Appeals Committee of the Governing Body has the following powers:

(a) Uphold the appeal and reinstate you without loss of normal salary, substituting a lesser sanction.

(b) Dismiss the appeal and confirm the dismissal decision.

Yours sincerely

* only possible in cases of gross misconduct/SOSR.

** include paragraph if the allegations were deemed to meet the criteria for the Managing Allegations Procedures on completion of the investigation on advice from HR Advisory Services and the LADO.

*** include for Teachers only.

Appendix G

STANDARD LETTER: CONFIRMATION OF SUSPENSION

CONFIDENTIAL

(Name) & (Address)

Dear

Further to our discussion on . . . . . ., this letter is to confirm my decision to suspend you from work, in both the interests of the school and yourself. It will also enable a full investigation into the allegation that. . . . . .

(State briefly the issues/incident to be investigated) .....

** As the allegations are deemed to have a bearing on the safety or welfare of children, an Allegations Reporting Form (ARF) has been submitted to the Local Authority Designated Officer (LADO) in accordance with statutory guidance (Keeping Children Safe in Education 2025). The LADO has confirmed that the allegations do / do not meet the criteria for the managing allegations procedures and the school will / will not be required to advise them of the outcome of the school's internal investigation.*

During the period of your suspension, you should not enter the school premises or contact other school staff (including Governors), parents or pupils without the prior permission of myself or . . . . . on extension .....

During the suspension, a management contact has been identified who is responsible for maintaining contact with you and who you can contact on work related issues. If you have any work-related queries, your management contact has been identified as xx.

You should note that suspension is a neutral act and in itself is not a disciplinary sanction. During the investigation and disciplinary process, your suspension will be kept under review and if, during or following the investigation, the allegations are not substantiated or the reason for suspension is no longer valid, the suspension will be lifted. You will continue to receive full pay during the period of suspension.

** Include if a referral to the LADO has been made and approval for suspension given by LADO.*

** Include only if relevant.*
The Headteacher Support Service can provide advice and guidance to Headteachers of primary schools in the event of suspension or agreed leave of absence.

*** Include only if subscribe to service.*
I would like to take this opportunity to remind you that the school buy into a Counselling Service (Care First), a free, independent support service contactable on 0800 174319.

A copy of the school's Disciplinary Procedure is enclosed for your information.

Yours sincerely

Appendix H

CHECKLIST FOR A DISCIPLINARY PACK

1. Invite letter to Disciplinary Hearing.	
2. Suspension letter (if applicable).	
3. Investigation report including any appendices (witness statements, interview notes etc)	
4. Any relevant policies referred to within the investigation report.	
5. Disciplinary Procedure	
6. Protocol for hearing (Appendix I of the Disciplinary Procedure)	
7. Any formal warnings on the employee's file relevant to the allegations (please seek HR Advice before including in the pack of papers and circulating to attendees of the disciplinary hearing).	
8. Any submission from the employee.	

Appendix I

PROCESS TO BE FOLLOWED AT A DISCIPLINARY HEARING

1. GENERAL

For purposes of this procedure the following definitions apply:

Hearing - a formal disciplinary hearing convened in accordance with this procedure and held before the recommended management level as set out in paragraph 5 of the Disciplinary Procedure.

Panel - the recommended Manager (Headteacher, Deputy Headteacher/ Business Manager) as set out in Paragraph 5 together with the Manager's professional adviser, normally the school's HR Adviser or other appropriate LA officer.

Committee - a group of members of the Governing Body convened to hear a case in accordance with this procedure.

No disciplinary action will be taken against an employee until the matter has been investigated fully and a formal disciplinary hearing has been held. (Paragraph 4.3 of the procedure).

(a) Membership

Where the hearing is to be held before a Panel of members of the Governing Body (the Staff Dismissal Committee - see paragraph 5.3 of the procedure), the Panel should normally comprise of no fewer than 3 Governors, none of whom should be Governors or employees at the school who have a direct or indirect financial interest in the outcome of the hearing. In exceptional circumstances, the Panel may consist of 2 members. Any subsequent Appeals Committee must then comprise at least the same number of Governors who attended the original hearing.

(b) Administration

The administration arrangements for a hearing will be the responsibility of the presenting Manager, except where the case is to be heard by a Panel of members of the Governing Body, in which case it will be the responsibility of the Clerk to the Governing Body, in liaison with the presenting Manager. In most cases, administrative support will be provided through the school office but where this is not appropriate, eg for purposes of confidentiality, such support may be commissioned/purchased from the LA.

(c) Powers

The disciplinary hearing can:

- determine to dismiss the employee (Headteacher where delegation has been given by the Governing Body or Staff Dismissal Committee only). The employee will be given the right to appeal to the Governors'

Appeals Committee by writing to the Clerk to Governors within 10 working days.

- either determine there is no case to answer, or to issue a formal warning in accordance with the Disciplinary Procedure. The employee will be given the right to appeal to the Governors' Appeals Committee/ Headteacher by writing to the Clerk to the Governors within 10 working days.

(d) **Methods of Operation**

- Strict confidentiality will be observed with regard to the hearing and all related documentation.

- The rules of "natural justice" will be applied as far as is possible for hearings. Accordingly, the employee can arrange to be represented or supported by a companion (as defined by paragraph 4.7); call witnesses and submit documents to the hearing.

- Hearings are conducted as informally as possible within the guidelines set out in paragraph 3 below.

2. ACTION PRIOR TO THE HEARING

If the Headteacher is hearing the case, the presenting Manager will be responsible for ensuring the administrative arrangements are carried out as detailed below, normally using the school's administrative services. Where the case is to be heard by a Governors' Panel, the arrangements will be carried out by the Clerk to the Governing Body.

(a) The Clerk to the Governors/presenting Manager, in liaison with an appropriate school administrator, will:

- arrange for the hearing to be heard as soon as reasonably practical;

- give all parties to the hearing as much notice as possible of the hearing in writing, of the time and place of the hearing (we would normally suggest between 5 and 10 working days). If less than 5 days' notice is to be given, the hearing can only proceed if agreed by both parties);

- invite relevant documents in support of their respective cases from the employee and their representative and the presenting Manager/ Headteacher, with an instruction that the Clerk/administrator should receive any documents in reasonable time for circulation with the agenda, i.e. no later than at least 5 working days before the hearing, to allow circulation to all parties;

- table at the hearing any late documents received, subject to the agreement of all parties. If there are late submissions and agreement cannot be reached, the Chair of the Panel will make the final decision on whether they should be considered.

- circulate the list of witnesses who have been invited.

(b) Every effort should be made by the parties to exchange written evidence prior to the hearing, late submission of evidence should be avoided if at all possible.

(c) Arrangements should be made for an independent note taker to be present at the hearing. This would usually be the Clerk to Governors or another appropriate person who has not had prior involvement in the matters being considered.

3. THE HEARING

The conduct of any hearings held under the scope of this procedure will be as follows:

3.1 Preliminaries

3.1.1 Confirm who will chair the hearing and that the Panel or Committee is eligible to hear the case in accordance with the Disciplinary Procedure.

3.1.2 Invite both parties and their advisers/companion to enter the meeting.

3.1.3 After introduction, ask both parties who will be their chief spokesperson and inform them of the procedure to be adopted.

3.1.4 State what the complaint/allegation is, as outlined in the letter of invitation to the hearing and/or outlined in any disciplinary reports.

3.1.5 Confirm the list of witnesses (if any) to be called by both parties.

3.2 The Procedure for Disciplinary Hearing Agenda

3.2.1 Invite the presenting Manager to make their opening statement and to call witnesses, if appropriate.

3.2.2 Where no witness has been called, the employee, or their companion, may question the Manager on their case, or parts of it, once it has been presented.

3.2.3 Where a witness has been called and given evidence, the employee, or their companion, may ask questions of the witness. The Manager then has a right to re-question on any matter arising from the employee's questions. The Panel or Committee may ask questions of the Manager and their witness.

3.2.4 The employee, or their companion, then has a right to question on any matter arising from the Panel or Committee's questions.

3.2.5 Invite the employee, or their representative, to make their opening statement and to put their case and call witnesses if appropriate.

3.2.6 Where no witness has been called, the Manager may question the employee, or their companion, on their case, or parts of it, once it has been presented. Any questions asked of the employee should be answered by them and not their companion.

3.2.7 Where a witness has been called and given evidence, the Manager may question the witness. The employee, or their representative, then has the right to question on any matter arising from the Manager's questions.

3.2.8 The Panel or Committee may ask questions of the employee, or their companion, and their witnesses. The Manager then has a right to question on any matter arising from the Panel or Committee's questions.

3.2.9 Witnesses will leave the room after having given, or having been questioned on, their evidence. Whilst witnesses are normally only required to be present whilst giving evidence, in some circumstances, witnesses may remain throughout the hearing at the discretion of the Chair, eg where it is felt that this may assist either party in the presentation of their case to the hearing. However, due care will be taken by the Panel or Committee to ensure that any use of this discretion does not compromise or impede either side's case or any individual witness' evidence.

3.2.10 There should be no discussion on the case or associated matters between the witnesses before or after giving evidence.

3.2.11 At the discretion of the Chair of the hearing, further questions by one party or the other may be permitted if, in the view of the Chair, it would assist in clarifying the relevant issues or eliciting further evidence.

3.2.12 Invite the presenting Manager to make their closing statement.

3.2.13 Invite the employee, or their companion, to make their closing statement.

3.2.14 The Panel or Committee may ask further questions of the Manager and/or the employee, or their companion.

3.2.15 Both parties to leave the room while the Panel or Committee considers their decision.

3.2.16 While considering their decision, the Panel may view that they need further information or clarification by one or other party. In these circumstances, both sides should be recalled, even if clarification is only required by one party.

3.2.17 Both parties to be invited back to hear the Panel or Committee's decision.

3.2.18 No further discussion or debate will take place.

3.2.19 The Panel or Committee's decision will be confirmed in writing within 5 working days.

4. THE DECISION

(a) The Headteacher/Panel will examine all of the issues fully before reaching a decision.

(b) Following the adjournment, the Headteacher/Chair of the Panel will inform both parties of the decision reached. This will be confirmed in writing by the Headteacher/Chair of the Panel.

(c) A copy of the decision will be provided to the Local Authority.

Appendix J

ROLE OF THE COMPANION

1. A companion can be:

   - a fellow school employee;
   - an official employed by a trade union;
   - a workplace-based trade union representative, certified in writing by the trade union as having experience of, or having received training in, acting as a worker's companion at a disciplinary or grievance hearing.

2. The companion will be allowed to address the hearing in order to:

   - put the employee's case and ask questions on behalf of the employee;
   - sum up the employee's case;
   - respond on the employee's behalf to any view expressed at the hearing;
   - confer with the employee during the hearing.

The companion has no right to answer questions on the employee's behalf, to address the hearing if the employee does not wish it, or to prevent the employee from explaining their case.

Appendix K

MODEL LETTER OF INVITE FOR AN EMPLOYEE TO AN INVESTIGATION MEETING

Dear [ ]

Investigation Meeting

Further to our discussion on XXX and / or the letter issued to you by XXX on XXX, (this only applies if a letter has been issued following suspension or paid leave or confirmation of investigation), I am writing to confirm that I would like to invite you to an investigation meeting to be held under the Disciplinary/ Grievance [delete as appropriate] Procedure on [date] at [time] in [location]. Upon arrival, please report to XX. Present at the investigation meeting will be [name], [job title], and myself.

The purpose of the investigation meeting will be to discuss the allegation(s) that have been made relating to [insert if conduct issues/concerns] raised about you and provide you with the opportunity to give your version of events. [The allegation/s is/ are [ ].]

Please note that the investigation meeting is a fact-finding exercise. Until it has been concluded, no decision will be made as to whether or not it will be necessary to instigate the relevant school/academy's formal proceedings. The investigation will be conducted impartially and fairly.

In order that you feel supported through the investigation process, you are entitled to be accompanied by either your Trade Union Representative or a workplace colleague during the meeting. If you would like to be accompanied, please could you let me know by [date] and the name/position of the person you would like to bring with you.

As discussed, as the allegations are deemed to have a bearing on the safety or welfare of children, an Allegations Reporting Form (ARF) has been submitted to the Local Authority Designated Officer (LADO) in accordance with statutory guidance (Keeping Children Safe in Education 2025). The LADO has confirmed that the allegations do / do not meet the criteria for the managing allegations procedures and the school will / will not be required to advise them of the outcome of the school's internal investigation.

We realise this is an anxious time for you and will endeavour for the investigation to be carried out in a timely and sensitive manner. Should you have any queries or concerns regarding the investigation process or our forthcoming meeting, please do not hesitate to contact either myself on [number] or [name] on [number].

As stated in your initial letter, this is a confidential matter and to that end, please do not discuss this investigation with anyone other than your support person or union representative. Failure to uphold this could lead to formal disciplinary action.

Collusion with or canvassing of potential witnesses or others involved in the investigation, at any stage of the process, could in itself result in disciplinary action.

Please bear in mind that the Care First Service (Tel: 0800 174319) is available to you as mentioned in previous letters.

Yours sincerely

Appendix L

MODEL LETTER OF INVITE FOR A WITNESS TO AN INVESTIGATION MEETING

CONFIDENTIAL
(Name)
(Address)

Dear

As part of the investigation into an incident on xx, allegations in relation to xx, you have been identified as a potential witness and I would request to meet with you to obtain a witness statement on xx at xx.

Please note that the purpose of this meeting is to ascertain your recollection of events and a note of the discussion will be made, which you will be asked to sign.

You should also be aware that to ensure that a full and fair investigation takes place into these events, the matter should be treated in the strictest of confidence and should not be discussed with others.

Present at the meeting will be xx and xx. If you would rather not meet with me to provide a statement, I would ask that you provide me with a written statement that can be provided at any hearing.

You may wish to be accompanied at this meeting by a workplace colleague or a trade union representative.

If you have any queries, please feel free to contact me on the above number or contact the investigating officer on xxxx

Yours sincerely

Appendix M

MODEL LETTER OF INVITE FOR A WITNESS TO A DISCIPLINARY HEARING

CONFIDENTIAL
(Name)
(Address)

Dear

Thank you for providing a witness statement to the investigating officer, ……. A request has been made by …… for you to be available as a witness at a hearing on …….

Present at the meeting will be xx and xx.

If you have any queries, please feel free to contact me on the above number or contact the investigating officer on xx.

You should also be aware that the matter should be treated in the strictest of confidence and should not be discussed with others.

Could you please confirm that you are available by midday on …….

Yours sincerely