

SCHOOLS MODEL DISCIPLINARY PROCEDURE

PRODUCED BY HUMAN RESOURCE DIRECTORATE TRAFFORD COUNCIL

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1. PURPOSE

The school is committed to providing quality teaching and learning through its people. To achieve this, it is expected that the conduct of employees will reflect the school's ethos and values. All teaching staff are expected to uphold the professional teaching standards at all times.

This procedure is designed to encourage all employees to achieve and maintain acceptable standards of conduct, and to provide a fair, consistent, and effective mechanism for dealing with disciplinary matters.

2. PRINCIPLES

In accordance with the ACAS Code of Practice the main principles upon which the procedure is based are:

- Disciplinary issues will be dealt with fairly and effectively and with clear outcomes at all stages.
- At every stage of the procedure employees will be advised, in writing of the nature of the complaint against them and will be given the opportunity to respond to any allegations against them before any decision is made.
- At all formal stages of the Disciplinary Procedure an employee will have the right to be accompanied by a Trade Union representative, an official employed by the Trade Union or a work colleague of their choice. The companion is present to observe the proceedings and advise the employee. The companion may address the hearing to put and sum up the employee's case and confer with the employee, however they do not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the school from explaining their case.
- If an employee, or their representative, has good reason for being unable to attend a hearing/appeal hearing, it will be re-arranged. If the employee is unable to attend the re-arranged hearing it will normally be heard in their absence and a decision made based on the information available at the time of the hearing.
- No disciplinary action will be taken against a Trade Union representative either concerning their conduct whilst acting in the capacity of a Trade Union representative or at any other time, without prior consultation with the appropriate Branch Secretary and District Officer (subject to the employee's agreement to this consultation). The Trade Union representative also has the right to have their District Officer present at any Disciplinary Hearing.

- Formal disciplinary action will only be taken after the full facts of the case have been established and the employee has been given the opportunity to state their case at a Disciplinary Hearing.
- Hearings held under this procedure will be chaired in accordance with the school's internal Governance arrangements to ensure meetings are quorate and chaired by a suitably authorised person(s). All those involved in chairing hearings must be impartial and have had no prior involvement in the case. In exceptional circumstances Governors from another school may be involved in chairing hearings. It is recommended that a HR representative advises the panel.
- No employee will be dismissed for a first disciplinary offence except in the case of gross misconduct.
- Headteacher delegate and Governing Bodies will be responsible for applying this procedure in a fair and equitable way and seeking, guidance and support from Human Resources where appropriate.
- All parties will ensure that investigation, hearing, and appeal processes happen as quickly as is reasonably possible in accordance with the timescales detailed in the procedure. This is for the benefit of the school and the employee.
- Employees have the right of appeal against any formal disciplinary action taken under this procedure.
- Records will be treated as confidential in line with the General Data Protection Regulations.
- Where an employee has a disability under the Equality Act, reasonable adjustments will be considered where this is appropriate.

3. SCOPE

This procedure applies to all employees including the Headteacher.

Where conduct issues arise in relation to staff employed on NJC terms and conditions in their probationary period, the Probationary Procedure should be followed.

Whilst a separate procedure exists for dealing with sickness absence, unauthorised absence will be managed under this procedure.

Separate procedures are in place for dealing with unsatisfactory performance. Please see the schools Teacher Capability Procedure or Support Staff Capability Procedure which can be obtained from the Headteacher.

This procedure does not apply to contractors, external consultants, and agency staff (with the exception of those staff that have acquired employment rights). Advice should be sought from Human Resources .

Staff dismissal decisions are normally a matter for the school, but the Local Authority may dismiss staff in its employment directly in the following circumstances:

- Where the schools delegated budget has been suspended.
- Where the Secretary of State, the Teacher Regulation Agency or the DBS have restricted further employment.
- Where an early career teacher has failed to successfully complete their induction period.

4. EQUALITY, DIVERSITY, AND INCLUSION CONSIDERATIONS

The Headteacher/delegate and Governors are responsible for ensuring that they operate this procedure in line with Equality and Diversity and Inclusion principles and the Equality Act 2010.

The school is committed to ensuring that no-one is discriminated against, disadvantaged, or given preference, through membership of any particular group, with particular regard to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and pregnancy and maternity.

This procedure will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

5. CONDUCT THAT MAY LEAD TO DISCIPLINARY ACTION

It is impossible to provide a comprehensive and exhaustive list of all the issues that might lead to a disciplinary investigation and formal disciplinary action. Appendix 1 provides examples of gross misconduct, which could, depending on the seriousness of the offence, result in summary dismissal. The list at Appendix 1 is not an exhaustive list and is provided for guidance only.

6. INFORMAL DISCUSSIONS

Depending on the specific circumstances it may be appropriate to deal with the misconduct matter through an informal discussion

The purpose of the informal discussion is to advise the employee that their conduct is failing to meet the required standards, to find out any explanation/reasons for the conduct and to encourage them to improve. Feedback should be clear and useful, with the emphasis being on finding ways for the employee to improve and for the improvement to be maintained.

During the informal discussion the line manager should listen to whatever the employee has to say about the issue. It may become clear that there is no cause for concern in which case the line manager should let the employee know this.

Where improvement is required the line manager should make sure that the employee understands what needs to be done, how their conduct will be reviewed and over what time frame. What has been agreed in the discussion should be confirmed in writing to the employee. No disciplinary action can be taken as a result of informal discussions about conduct.

If informal action does not bring about an improvement, i.e., the misconduct occurs again, or the misconduct is considered more serious after informal discussions, a formal disciplinary investigation should take place in line with the procedure set out below.

7. STAGE 1 THE FORMAL INVESTIGATION

Before any formal action is taken the matter must be investigated. The headteacher, or the Chair of Governing Body if the misconduct relates to the headteacher, will decide who is suitable to undertake the investigation; either themselves or a nominated officer. At all stages of the investigation advice can be sought from HR.

It is important to investigate the allegation(s) and establish the facts promptly to ensure the timely recording of events. Written, dated records should be made, including written statements from any witnesses where appropriate.

In most cases names of witnesses will be disclosed. In cases where a witness wishes to remain anonymous, the investigating officer should seek corroborative evidence, check the persons motives are genuine and assess the creditability and weight to be attached to their evidence. In exceptional circumstances the names of witnesses may be withheld if there are reasonable grounds for concern about their safety and well-being. In these circumstances, an anonymised witness statement may be provided to the employee.

An investigatory meeting will be held to try to find out what happened and obtain information. The reason for the meeting should be made clear to the employee involved and they should be made aware that the meeting is not a Disciplinary Hearing. The employee will be given a copy of the investigation meeting notes.

In most cases the investigation will be undertaken by one person, however for more complex cases and/or those that require expertise, a second individual may support.

If the allegation may relate to Safeguarding, the matter should be referred immediately to the Council's Safeguarding team before any disciplinary investigation is undertaken. The disciplinary investigation can only start once agreed with the Safeguarding team and any appropriate external authority, where applicable.

Similarly, if at any point during the investigation it becomes apparent that there may be safeguarding concerns that weren't initially known or identified, the matter should be referred immediately to the Council's Safeguarding team for advice on how to proceed.

Having investigated all the facts, the Investigating Officer should decide whether there is a disciplinary case to answer. If they decide that there is no disciplinary case to answer, then the employee should be informed accordingly, and the matter should be considered closed.

If the Investigating Officer decides that there is a disciplinary case to answer, they should write an investigation report establishing the substance to the allegation(s) and include the full details of the case, witness statements and evidence and arrange for the matter to be considered at a Disciplinary Hearing.

Where an employee is unable to participate in the investigation process due to ill health, and the investigating officer has determined it is necessary to interview them to ascertain the facts, an immediate referral to Occupational Health should be made.

8. STAGE 2 THE FORMAL DISCIPLINARY HEARING

In good time, and at least 7 calendar days before a formal disciplinary hearing, the employee must be informed of the following in writing:

- The date, time, and venue for the hearing.
- The names of those who will be present at the hearing, including;
 - the hearing officer(s) and their HR advisor
 - the investigating officer and their HR advisor (where applicable)
 - the note taker.
- What they are alleged to have done wrong. The letter should contain enough information for the employee to be able to understand both what it is that they are alleged to have done wrong, and the reasons why it is not acceptable.
- Confirmation that the formal disciplinary procedure is being followed.
- Whether the allegation(s) is being considered as potentially gross misconduct.
- Whether an outcome of the Hearing may be dismissal.
- Their right to be accompanied by a work colleague or trade union representative.

In addition the employee should be given copies of any relevant documents and the names of any witnesses who will be called to provide evidence.

Not less than 2 working days in advance of the hearing the employee shall submit copies of any documents that they intend to refer to at the hearing together with a list of witnesses they intend to call.

The Disciplinary Hearing should be held in accordance with both the school's constitution, and the protocol for conducting disciplinary hearings found at Appendix 2.

9. POSSIBLE HEARING OUTCOMES

Following the hearing the outcome should be determined based on:

- The findings from the investigation and the hearing.
- Any explanations/mitigations put forward by the employee.
- The employee's general employment record and length of service.
- Any previous related misconduct.
- What the school has done in any similar cases before.

Following the decision the Chair/Panel should also take into consideration any relevant existing live warnings the employee has.

Potential outcomes

- No formal disciplinary action needed.
- First written warning which will remain live for 12 months.
- Second written warning which will remain live for 18 months.
- Action short of dismissal
- Dismissal

Employees should be provided with written confirmation of the outcome of the hearing within 7 calendar days. Where a warning has been issued the letter should include the following information:

- The exact nature of the misconduct proven.
- The basis of the decision.
- The standard of improvement expected if appropriate.
- The disciplinary sanction being applied and, where appropriate how long it will remain live.
- Notification of the likely consequences of further proven misconduct where appropriate.
- The right to appeal and how an appeal should be raised.

Once a live warning period has expired, it will be disregarded for disciplinary purposes.

Action Short of Dismissal

If, because of proven misconduct following the issuing of a final written warning, or due to the seriousness of the misconduct, dismissal is appropriate, the school should consider whether there are any alternatives to dismissal. Depending on the circumstance the following alternatives to dismissal may be appropriate

- Transfer to equivalent work.
- Demotion to another job with loss of pay-

Action short of dismissal will be subject to:

- The availability of a suitable vacant post
- The employee having the required skills, knowledge and experience for the post.
- The employee agreeing to the change of their terms and conditions of employment.

Identification of an alternative post in these circumstances is outside of the scope of the Redeployment Procedure and should be managed within the relevant School.

Where no other options are available dismissal will apply.

Where an employee is dismissed:

- Other than dismissal for gross misconduct, the employee will be issued with contractual notice. The notice period will take effect from the date the employee receives the dismissal notification letter.
- Where gross misconduct has been established, the employee will be summarily dismissed without notice and the dismissal will take effect from the date of notification
- In the case of teachers, all dismissals under the Disciplinary Procedure are reported to the Teaching Regulation Agency, as appropriate (see Appendix 5).
- Cases involving a safeguarding matter towards children or adults, will be reported to the Disclosure and Barring Service, as appropriate (see Appendix 5.)

10. PRECAUTIONARY DISCIPLINARY SUSPENSION

Wherever possible, suspension should be avoided and should only be considered after all reasonable alternatives have been explored. Employees should only be suspended where it is believed to be necessary to protect:

- The school, for example, if there is a genuine risk to pupils, school property or the school's interests.
- Other employees.
- The person under investigation.
- The investigation process, for example, if there is concern that evidence could be damaged or witnesses could be influenced.

Possible alternatives to suspension include temporarily:

- Changing the employees working hours where possible.
- Moving the employee to a different team, or department.
- Moving the employee to an alternative location e.g., working from home where possible.
- Adjusting the employee's role/duties.
- Removing contact with pupils or parents.
- Stopping the employee from using specific systems, tools, or equipment.
- Putting additional supervision in place.

This list is for guidance only and is not exhaustive.

Depending on the circumstances, there may be a need to consider separating employees so they avoid working together physically or on work activity. Where such a need arises managers should consider the situation carefully and act fairly and reasonably when making decisions. Depending on what is fair and reasonable in the circumstances it might be appropriate to:

- Move all relevant employees.
- Only move one/certain employee(s).
- Not move any employees but consider how relationships can be best supported.

If there is a need to separate employees due to the nature and seriousness of the allegation(s), care needs to be taken to ensure any action taken cannot be seen as a punishment for any complainants.

Where suspension is being considered, advice from HR should be obtained and the Suspension Risk Assessment form must be completed. This form must be signed by the Headteacher or their nominated representative (or Chair of Governors if it concerns the Headteacher) to ensure suspension is used appropriately and consistently. A copy of the Suspension Risk Assessment Form can be found at Appendix 3

Suspension should normally be undertaken by the line manager who is likely to investigate the case and must be confirmed in writing.

Subject to availability, employees may be accompanied by a colleague or trade union representative at a suspension meeting. There is no statutory right to be accompanied at such a meeting therefore suspension meetings should not be delayed if a colleague or trade union representative is not available.

The Chair of Governors of the school must be informed of a suspension as soon as is reasonably possible.

Suspension is not a disciplinary act and does not imply that there has been any misconduct. Suspensions should be for as short a period as possible therefore any investigation or further action required should be undertaken as soon as possible.

In some cases, it may become necessary to suspend an employee who wasn't suspended at the beginning, as the investigation progresses.

In other cases, it may be necessary to end a suspension and to bring an employee back to work before an investigation has concluded. In these scenarios the Suspension Risk Assessment will be reviewed and updated.

Being suspended can have a significant effect on an employee's mental health and reputation. When an employee is suspended it is important to ensure they are supported. A contact officer not linked to the investigation in any way should be nominated to support the employee during the period of suspension. The role of the contact officer will be to keep in regular contact with the employee, send the employee any staff bulletins and any other information they would normally receive if not suspended, and signpost the employee to relevant support available to them.

If an employee is suspended the matter will need to be kept confidential. Managers should confirm what will be communicated to colleagues and third parties. Managers should acknowledge the absence and keep the explanation neutral.

During a period of suspension employees will be paid their normal pay. The conditions of the suspension will be detailed in the suspension letter. If the employee does not comply with the conditions of suspension this may be a further cause of disciplinary action in its own right.

Where suspension is determined reasonable and appropriate in the circumstances, managers should follow the guidance on how to suspend an employee which can be found at Appendix 4.

11. STAGE 3 DISCIPLINARY APPEAL

An employee has the right of appeal against any disciplinary action taken against them.

The appeal form (Appendix 6) should be completed, stating the grounds/reasons for the appeal. It should be sent to the Clerk to the Governors, within 14 calendar days of the date the employee was notified of the outcome.

An appeal will be convened as soon as is reasonably possible. The employee will be given at least 7 calendar days' notice of the date of the appeal hearing and informed of their right to representation.

The Appeal Hearing will be conducted in accordance with both the school's constitution and the protocol for conducting appeal hearings found at Appendix 7.

Unless there has been any new evidence submitted, or a significant change in circumstances affecting the case, the purpose of the appeal is to decide whether the previous decision was appropriate given all the circumstances and the evidence heard. In exceptional circumstances, where significant new evidence is available, further investigation at stage 2 of this procedure may be required.

Possible outcomes include the employee's appeal being upheld, substitution of the original sanction for a lesser disciplinary sanction, or the employee's appeal not being upheld and confirm the original disciplinary decision taken. Should the appeal be successful, reinstatement will be from the original dismissal date with no break in continuous service.

12. OVERLAPPING DISCIPLINARY AND GRIEVANCE PROCESS

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

13. SUPPORT

A free, confidential, and external counselling service is available to all employees in schools that purchase the Council's Health & Wellbeing SLA. Those who use other providers may have an alternative provision in place.

Appendix 1

Acts of potential Gross Misconduct

The following list is not intended to be comprehensive or exhaustive and provides examples of gross misconduct, which could, dependent on the seriousness of the offences, result in summary dismissal.

- Theft or incitement to steal.
- Fraud and/or corruption including omission and/or falsification of records and/or deliberate financial irregularity involving the Council and/or School or other public monies.
- Any offence under the Bribery Act 2010 including accepting profits, incentives or bribes for personal gain, including the inappropriate acceptance of certain gifts and hospitality.
- Conduct (e.g. fighting, violence, or assault of another person) in or outside of work which makes the employee unsuitable for their type of work.
- Conduct that has, or is likely to destroy the school's trust and confidence in the employee
- Failure to account for, report or record any matter for which it is the employee's duty to do so in line with the employees' role and responsibility, and in accordance with School/Council procedures.
- Making false and misleading statements e.g. on application forms, on medical questionnaires or at medical examination, at an accident investigation or at a disciplinary investigation.
- Actions contrary to the Council/School's procedures relating to harassment, bullying or abuse of colleagues, pupils, parents or Governors for a reason relating to one of the protected characteristics (including gender, race (including colour, nationality and ethnic origin or national origins), disability, age, sexual orientation, gender re-assignment, pregnancy or maternity, marital status, religion or belief).
- A serious safeguarding matter.
- Breach of professional standards, code of conduct or required standards relevant to the post.
- Failure to disclose a caution, conviction or any bind over order in respect of a criminal offence outside the workplace (including a spent conviction and traffic offences), which may be deemed detrimental to the performance of an employee's job and/or which may give rise to a breach of trust and confidence between the School and/or Council.
- Failing to comply with any obligation to inform or disclose any matter to your employer which may lead to a disqualification from working with children or vulnerable adults.
- Deliberate and serious misuse of the school's property, or items on the school property, or the school's name, causing loss, damage, or injury.
- Failure to comply with the School's and/or Council's acceptable use of IT and Social Media policies, including abuse of e-mail or other communication systems and use of the internet, including deliberately accessing inappropriate or offensive internet sites or applications.
- Grossly offensive behaviour including serious insubordination.
- Bringing the school into disrepute.
- Serious incapability at work through being under the influence of alcohol or illegal drugs.
- A serious breach of health and safety rules.
- Bringing firearms or offensive weapons on the School's premises.
- Allowing one's private interests or duty to conflict with the interests of the School.

Appendix 2

FORMAT FOR STAGE TWO - DISCIPLINARY HEARING

Chair of Disciplinary Hearing:

- Welcomes all to the hearing and allows all present to introduce themselves
- confirms that the disciplinary hearing has been convened under stage two of the disciplinary procedure
- confirms the disciplinary allegations being considered
- confirms the employee has received the information pack
- checks if employee is happy with their representation
- establishes if any witnesses are to be called (*witnesses should be called into the hearing at the point that they are required to give their evidence. When they have done so and have answered questions they will be asked to leave the hearing*)
- confirms that hearing is to try and establish the facts of the case, and to establish if all relevant information is available to make an informed decision, and to reach a decision on what action is necessary
- explains the running order of the meeting (below)

The Process

1. The investigating officer presents information to the Chair / Committee, including the issue for concern, giving specific details of incident, the results of the fact finding and other relevant information. Witnesses are called, as appropriate.
2. Employee (or their representative) may question the investigating officer / witnesses
3. Chair / Committee may question the investigating officer / witnesses
4. The employee (or their representative) present information to the Chair / Committee responding to the allegations put forward. Calls witnesses as appropriate.
5. The investigating officer may question the employee
6. The Chair / Committee may question the employee
7. The investigating officer may sum up
8. The employee (or their representative) may sum up

ADJOURN

Meeting adjourned and both sides withdraw whilst the Chair / Committee consider the matter and deliberate their response.

RECONVENE

9. The investigating officer and the employee are both recalled and the decision is conveyed and/or the decision will be confirmed in writing, including the right of appeal.

Note: *Following a decision to dismiss an employee in a community or voluntary controlled school, the Committee must write to the Chief Education Officer immediately to formally request the LEA to ratify the decision to terminate the employee's employment. Dismissal of a school employee can only be actioned by the Local Education Authority (LEA) as the employer within 14 days of the school dismissal decision taking place. Failure to notify the LEA will result in the dismissal being void.*

Appendix 3
Suspension Risk Assessment Form

This form is to be used prior to any decision being taken about whether to suspend/redeploy or limit duties of any employee.

The Headteacher/ DSP (Designated Safeguarding Person) should complete the risk assessment seeking advice from their HR Representative.

Name of employee:	Job Title:	School:	Type of school (e.g. Special school)
Length of service:	Date of alleged incident:	Have any allegations been made against this person previously?	
Details of incident:			
Allegation/s:			
Any injury to child?	Evidence e.g. witnesses? CCTV?	If child made allegation, any history of unfounded allegations?	
Initial response from employee when asked about allegation, do they deny or accept allegation?			
Potential gross misconduct?	Have all relevant procedures been followed and appropriate people notified? e.g. LADO, HR	Police Involvement?	If Police involved are we able to continue with our investigation?

Potential/Actual Risks

Is the risk high/med/low?

Risks	Specific details of risk	High	Medium	Low
1) Could the continued presence in the school be a risk to others (i.e. pupils, colleagues, third parties). Is there a risk of a similar incident happening again?				
2) Could the continued presence in the school be a risk to the individual (i.e. physical or emotional well-being)?				
3) Could the individuals continued presence in the workplace make it difficult for a full and proper investigation of the incident/allegation?				
4) Does the allegation constitute a significant breach of trust and confidence?				
5) Would the continued presence in the school pose a risk to the reputation of the school?				
6) Is the allegation one that may lead to or involve legal action? (and could the continued presence in school compromise a criminal investigation)?				

Control measures/safeguards

Control measure/safeguard	Yes/No	Details of why measure is/is not appropriate
Can the employee temporarily work from home?		
Can the employee be transferred to another base?		
Can the employee work in a more supervised environment?		
Can removal of duties be considered?		

The above list is not exhaustive and other alternatives may be appropriate.

Recommendation

After completing the above checklist and taking into consideration all alternatives to suspension, the following recommendation has been arrived at:

Signed Head teacher/Chair of Governors	Print name	Date

Appendix 4

Guidance on suspension

If, having carefully considered the situation through completing the Suspension Risk Assessment, it has been determined that suspension is fair and reasonable you should meet with the employee, ideally in person, as soon as possible. Although employees don't have a legal entitlement to be accompanied at a suspension meeting you should allow them to be accompanied if doing so would not result in the meeting being delayed. Where practicable, another manager or HR representative should be present to act as a witness to the suspension. Although suspension implies no guilt it can be an emotive situation. You should consider how the employee might react and how you can mitigate any potential risks. You should also consider any reasonable adjustments where appropriate to ensure employees are fully supported through the process.

In the meeting the investigating officer should:

- Explain that the decision has been made to suspend them pending the investigation into the specific allegations/incident and provide the reasons why it has been deemed necessary to suspend them.
- Explain that the matter is, and must be treated, as confidential therefore, with the exception of their trade union representative/chosen workplace representative they must not discuss with any of the school's employees, contractors, pupils or parents any information in relation to the investigation unless authorised to do so by the investigating officer.
- Advise them as to what colleagues and third parties will be told.
- Explain that they are not to attend the school/place of work, access computer systems, or make contact with their colleagues, pupils, parents or third party contractors.
- Explain that they need to remain available and provide any information or details the school reasonably requests to assist with the investigation or to cover their work whilst they are suspended.
- Advise that they are still employed and need to comply with their contract and Council policies.
- Advise that they will receive their normal pay during the period of suspension.
- Advise that they must not carry out any work for anyone else or for themselves during their contracted working hours. They must be available to cooperate with the investigation during normal working hours, and if they become unwell then they need to notify the school in the normal way.
- Make it clear that suspension is a precautionary measure, not disciplinary action and you have made no decision about the outcome at this stage. Suspension in no way implies guilt.
- Reassure them that they will have an opportunity to give full details of what happened from their perspective and that you will commit to keeping the suspension as short as possible and will review whether it is necessary at all stages.
- Obtain the employee's up to date contact details, including an emergency contact person, and agree the method of communication during the period of suspension. The preferred method of communication would be email.
- Provide the employee with a copy of the Disciplinary Procedure.
- Provide the employee with details of the Employee Assistance Programme where applicable.
- Advise the employee that they will be assigned a contact officer. Explain the role of the contact officer and seek permission to provide the contact officer with their contact telephone number.
- Check where they are going, that they are safe to travel on their own and that they have someone to speak to at home.
- Advise the employee to contact their GP or a friend/relative if they need support at home.
- Accompany the employee out of work.

After the meeting:

- Keep notes of the meeting.
- Confirm the suspension in writing using the template letter.
- Communicate with colleagues and third parties. Remember that while the matter must be kept confidential, if no explanation is given people make incorrect assumptions . Acknowledge the absence but keep your explanation neutral e.g., the employee is absent for personal reasons, or the employee is not able to be in work at the moment. Provide colleagues/third parties with an alternative contact in their absence if necessary.
- Put in place any additional security measures, such as removing remote access to school IT systems.
- Make arrangements for their contact officer to make contact either later that day or the following day to check on their wellbeing.
- Keep the suspension as short as possible: Do everything you can to limit the amount of time someone is suspended, regularly reviewing whether suspension is still necessary.

Appendix 5 - Referrals

Referrals to the Disclosure and Barring Service

As a regulated activity provider, the school has a legal duty to refer individuals to the DBS where **both** of the following conditions have been met:

Condition 1

We withdraw permission for an employee to engage in regulated activity with children and/or vulnerable adults, OR we move the employee to another area of work that isn't regulated activity. This includes situations when we would have taken the above action, but the employee was re-deployed, resigned, retired, or left.

Condition 2

We think the employee has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults- an action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
- satisfied the harm test in relation to children and / or vulnerable adults e.g., there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists; or
- been cautioned or convicted of a relevant offence - automatic barring either with or without the right to make representations.

Where the above conditions have been met the head teacher is responsible for making the referral to the DBS. Before making the referral, advice should be sought from the HR Service.

Referrals can be made online or by downloading and completing a DBS referral form. Further details can be found at www.gov.uk/guidance/making-barring-referrals-to-the-dbs

Referrals to the Teaching Regulation Agency

Where there has been serious misconduct in respect of a teacher, a referral to the Teaching Regulation Agency must be made. Serious misconduct in respect of a teacher includes:

- Sexual misconduct, including assault, abuse or harassment.
- Violent behaviour.
- Serious failure to protect the safety and wellbeing of pupils.
- Alcohol or drug misuse.
- Fraud or serious dishonesty.
- Discrimination or harassment.
- Promoting extreme political or religious views.

Before reporting a teacher for serious misconduct, head teachers should follow the complaints process / disciplinary process and seek advice from the HR Service. Further guidance and information can be found at www.gov.uk/report-teacher-misconduct.

Appendix 6 Appeal against disciplinary action form

FORM TO APPEAL AGAINST DISCIPLINARY ACTION			
<p>Please complete this form in full if you wish to appeal against a disciplinary sanction. The form should be returned, together with any new supporting documents, to the Clerk to the Governing Body, within 10 working days of the effective date of the disciplinary sanction.</p> <p>You must clearly state why you wish to appeal and detail why you disagree with the Disciplinary Panel's decision. Please indicate the ground(s) for your appeal by placing a tick next to a-d below as appropriate:</p> <p>a) Appeal against the facts b) Appeal against the decision c) Appeal on procedural grounds d) New information is available</p>			
Employee details			
Name			
Address			
Job Title			
Department			
Telephone Number	Work		Home
Start date with the school			
Representative's details			
Name			
Address			
Telephone			
Disciplinary decision			
Name of disciplining officer			
Nature of decision made (e.g. written warning, dismissal, etc.)			
Date of sanction			

Details of appeal

Please use this space to detail the reason for your appeal. If you are appealing on the grounds that new information is available, you should also explain why this information has only just become available.

If applicable, please provide the names of the witness(es) you wish to call

Name	
Contact no.	
Name	
Contact no.	
Name	
Contact no.	

Signature of Employee:	
Date:	

Appendix 7

FORMAT FOR DISCIPLINARY APPEAL HEARING

Chair of Appeal Hearing:

- Welcomes all to the appeal hearing and allows all present to introduce themselves
- Confirms that the appeal hearing has been convened under the stage 3 of the School's disciplinary procedure
- confirms the appeal points being considered
- confirms the employee has received the information pack
- checks if employee is happy with their representation
- establishes if any witnesses are to be called (*witnesses should be called into the hearing at the point that they are required to give their evidence. When they have done so and have answered questions they will be asked to leave the hearing*)
- confirms that appeal hearing is to consider the appeal points, and to establish if all relevant information is available to make an informed decision, and to reach a decision on what action is necessary
- explains the running order of the meeting (below)

The Process

1. The Chair of the stage two disciplinary hearing presents information to the appeal Chair / Committee, in response to the appeal submitted by the employee. The Stage Two Chair may call their witness(es), as appropriate.
2. Employee (or their representative) may question the stage two Chair.
3. The appeal Chair / Committee may question the stage two Chair.
4. The employee (or their representative) presents information to the appeal Chair / Committee outlining the reason for their appeal and referring to any supporting evidence. Employee may call witness(es), as appropriate.
5. The stage two Chair may question the employee.
6. The appeal Chair / Committee may question the employee.
7. The stage two Chair may sum up.
8. The employee (or their representative) may sum up.

ADJOURN

Meeting adjourned and all parties withdraw whilst the appeal Chair / Committee consider the matter and deliberate their response.

RECONVENE

9. The stage two Chair and the employee are both recalled and the decision is conveyed and / or the decision will be confirmed in writing.
10. The employee is advised there is no further right to appeal.