

Three Counties Academy Trust



# Disciplinary and Grievance Policy and Procedure

#A29

Last updated: 07 February 2022

Review Date: 31 October 2023

## **Statement of intent**

Queen Elizabeth High School is committed to providing a fair and equitable policy for staff discipline and associated grievance procedures. The school follows policy and procedure as adopted throughout Herefordshire county as generated by Herefordshire Council and Hoople HR Services in the HR003(SCH) Staff Discipline Policy and Procedures and HR004(SCH) School Grievance Procedures.

Additionally, processes and model letters/forms used in conjunction with these policies are adopted for use within Queen Elizabeth High School. This document contains verbatim the aforementioned policy HR003(SCH) and the associated processes and HR004(SCH) and the associated processes.

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# **DISCIPLINARY POLICY AND PROCEDURE**

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## 1. POLICY

The purpose of this policy is to provide clear, consistent, and fair disciplinary procedures that enables the governing body to comply with its responsibilities under employment legislation and best practice, including ACAS guidelines and regulation 7 (1) of the School Staffing (England) Regulations 2009 (amended 2015).

The aim of this policy is to help employees achieve and maintain high standards of conduct. It sets out the procedure that ensures allegations of unsatisfactory conduct are dealt with fairly, consistently, and promptly.

This means that:

- No disciplinary action will be taken against an employee until the matter has been properly investigated, but it will be progressed promptly. In the event of a disciplinary hearing being arranged the employee will be advised of the nature of the allegations and the potential consequences of the allegations i.e., written warning, final written warning, or dismissal, beforehand and in writing.
- The employee will be given the opportunity to state his or her case before any decision is made.
- In reaching a decision on appropriate disciplinary penalties managers will take into account all of the circumstances including those put forward in mitigation by the employee.
- At all stages of the procedure the employee may be accompanied by a work colleague or a trade union representative.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.
- The procedure may be implemented at any stage if the alleged misconduct warrants such action; and
- Every employee has the right to appeal against any disciplinary action taken under the formal stages of the procedure.

Examples of behaviour that may be considered gross misconduct are listed under **APPENDIX 7 - EXAMPLES OF MISCONDUCT**. This list is not exhaustive, and it should be read alongside the relevant Code of Conduct for any employee.

The governing body's rules and standards apply to all employees and are summarised in the employee's statement of terms and conditions, policies and associated documents, and the relevant Code of Conduct.

## 2. SCOPE

This policy and procedure apply to schools with full delegated status as laid down in Herefordshire Council's Local Management of Schools (LMS) Scheme.

This policy and procedure apply to all employees who work in a maintained school, but can be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure. The governance arrangements for Voluntary Aided, Trust schools and Academies are different in that the governing body is the legal employer as opposed to the Local Authority. Therefore, the procedure may be varied in accordance with the arrangements at the school. Voluntary Aided Schools should, of course, keep the Diocesan Authorities informed of any action they intend to take. Where Voluntary Aided, Trust schools and Academies develop their own arrangements, and are responsible for consulting with the relevant trade unions. These arrangements must be communicated to HR Services.

The Disciplinary Policy and Procedure applies where the issues involved are under the reasonable control of the employee. These include negligence, lack of application on the part of the employee, or problems resulting from an employee's inappropriate attitude ('can but won't'). This is distinct from where the problems are due to the result of the employee's inability to undertake the duties of their post due to insufficient skill or aptitude ('would but can't').

Where the reason is not within the control of the employee, e.g., ill-health, lack of training, or the changing nature of the job, HR002 (SCCH) Managing Performance Policy for support staff or HR001 (SCH) Teacher

Capability Policy and Procedure, HR006 (SCH) Managing Attendance Policy and Procedure (or HR021 (SCH) Probationary Policy (for employees who are employed on NJC terms and conditions and new to local government) will be used instead. All policies can be supplied at request by the Headteacher or nominated representative. However, where an employee's absence level has been investigated and the absences have been deemed to constitute an abuse of the occupational sick pay scheme the employee will be dealt with under the disciplinary procedure.

### **3. SUPPLY TEACHERS**

In some cases, schools may need to consider an allegation against an individual that is not directly employed by them. Supply teachers whilst not employed by the school, are under the supervision, direction and control of the governing body when working in the school. Whilst the disciplinary procedure does not apply to non-employed school personnel, the school should still ensure any allegations are investigated properly. Consideration should be given to redeploying the supply teacher to another part of the school, if appropriate, whilst the investigation is carried out. Schools should work closely with the employing agency but take the lead on the investigation as they have direct access to children and other school staff that may need to be interviewed as part of the investigation. Any disciplinary hearing arising from the investigation would be undertaken by the employing agency (Keeping Children Safe in Education, September 2020).

### **4. INFORMAL DISCIPLINARY PROCEDURE**

Headteachers should speak with the employee, privately and at an early opportunity, if there are any concerns about the employee's conduct. This enables the headteacher or nominated representative to clarify the acceptable standards of behaviour. The headteacher or nominated representative will need to ensure that the employee understands what they need to do, when, and how this will be monitored or reviewed in future. Prompt action by the headteacher or nominated representative in such circumstances will help avoid the necessity to resort to formal procedures later on and will assist the employee to improve.

The headteacher or nominated representative will keep brief notes of the discussion and action agreed and will confirm the main points of the discussion to the employee in writing afterwards so that both parties have a record they can refer to., (TEMPLATE 1 – MGT INSTRUCTION)

This discussion is not a disciplinary hearing. If it appears that the issue is more serious than at first anticipated the meeting should be terminated and the formal procedures below followed.

### **5. FORMAL DISCIPLINARY PROCEDURE**

#### **5.1. FACT FINDING/INVESTIGATION**

When alleged misconduct has been identified or an allegation of misconduct is made, they will be investigated by a member of the Senior Leadership Team, the Headteacher, a nominated representative or HR Services. The investigating officer should have no conflict of interest regarding the case.

The role of the Investigating Officer is to consider and investigate the alleged incident objectively and determine whether the case should be referred to a disciplinary hearing.

The terms of reference for the investigation must be clearly determined (TEMPLATE 2 - INVEST TORS).

The investigation must be completed as soon as possible, and be thorough, impartial, proportionate, and fair. The investigation can include:

- interviews with the employee concerned
- Interviews with third parties such as witnesses, colleagues, and members of the senior leadership team
- Reviewing CCTV footage, emails, and internet usage, where this is allowed under school policy
- records in relation to timekeeping, written records, and documents
- a search of the employee's person or property with their permission.

Where necessary and on an exceptional basis (usually for fear of reprisal) the identity of witnesses may be kept confidential, although this cannot be guaranteed. (TEMPLATE 6 – INVEST INVITE (W))

Where an employee is called to attend an investigatory meeting, it will be made clear that whilst it is not a disciplinary hearing, the investigation could lead to a disciplinary hearing if circumstances warrant such action. (TEMPLATE 5 - INVEST INVITE (E))

If an employee wishes to be accompanied at an investigatory meeting (by a trade union representative or work colleague), they should request this of the Investigating Officer.

Where alleged misconduct is about corporate abuse of systems, or similar, a strategy meeting will be held between HR Services, the headteacher / chair of governors and legal services if appropriate, to decide how best to approach the investigation.

If there is a requirement to interview a child as part of the investigation it should be undertaken without delay. The child should be accompanied by a trusted adult during any meeting and care should be taken to ensure they are put at ease.

The Investigating Officer will ensure that notes are taken of the questions asked during any investigatory meeting, and the responses given. A suitable school-based employee i.e., clerk to governors, personal assistant will be invited to attend the meeting by the investigating manager for this purpose, or an external note taker will be appointed. Where this is not possible, a permission will be sought to record the meeting and this will then be transcribed, and a copy given to the employee. These notes will form the investigating officer's record of the meeting, but a copy will be provided to the employee and where applicable their representative for information, following the meeting. The employee and their representative should ensure that the notes are accurate and a true record of the meeting. The employee and their representative may, if they wish, submit a note to the Investigating Officer if they believe the management record is not accurate. This will then be attached to the Investigating Officer's notes and form part of the case records should a formal disciplinary hearing be necessary. (TEMPLATE 7 – COVER LETTER) Each employee should sign a copy of the notes of the investigatory meeting. The signed copies will then form part of the investigating officer's report. Agreement by email confirmation will also be acceptable. Where a child has been interviewed, the trusted adult should sign to confirm the notes are a true reflection of the meeting.

Once the investigation is concluded the investigating officer will complete TEMPLATE 4 – INVEST SUMM and send it to the headteacher, nominated representative or chair of governors (in cases of potential dismissal) [to be known as the Disciplining Manager], who will consider the recommendation. If it is decided to hold a disciplinary hearing the necessary arrangements will be made by either the headteacher or nominated representative or clerk to governors as appropriate. The investigating officer will present their report and findings at any disciplinary hearing that are subsequently arranged.

If it is decided not to hold a disciplinary hearing the Disciplining Manager should write to the employee to confirm this and to set out what arrangements, if any, are necessary to ensure a smooth return to normal working (TEMPLATE 9 – INVEST NFA).

## **5.2. CONSIDERATION FOR SUSPENSION**

In exceptional circumstances where an allegation of gross misconduct has been made and it is considered that the employee cannot remain in the school during the investigation process, it may be necessary to suspend the employee on normal pay.

- This is not in any way a disciplinary measure and does not prejudice the outcome of the investigation.
- Any decision to suspend will be made in accordance with the Staffing Regulations by the headteacher or chair of governor in consultation with HR Services and confirmed in writing.
- The suspension must be for as short a period as possible and be reviewed by the headteacher or chair of governors every 10 working days.
- Careful consideration should be given to the circumstances of the case and the employer should consider whether the arrangements that would have been achieved by the suspension could be obtained by alternative arrangements for example redeployment or providing an assistant to be present when the employee has contact with children. It may also be

appropriate to consider paid leave as an alternative to suspension. Such thought processes will minimise potential professional reputational damage to teachers that can result from suspension where an allegation may later be found to be unsubstantiated, unfounded, or malicious.

- Where an employee is suspended, they will receive a letter confirming the terms of their suspension and the alternatives considered and why they were not deemed appropriate in this instance.

During any period of suspension, the employee shall not attend his or her place of work other than for attending investigatory interviews and/or disciplinary hearings. The employee must not contact other employees, partners, governors, pupils, parents, or elected members (except as a constituent) of the council, or access the council's communication and information networks, without prior consent from the headteacher or chair of governors. The employee must comply with any requests from their headteacher or nominated representative to return items of council or school property, for example keys, laptop, etc. for the period of suspension. They should make themselves available during normal working hours.

The only exception to this is that if the employee has any queries, they may contact their nominated contact person. The contact person will be nominated by the headteacher or nominated representative and is there to listen to the employee's worries, pass on answers to their general queries and make arrangements on their behalf to allow them to prepare for their involvement in the investigation. If the employee wishes to contact any witness in the course of the investigation, take annual leave (where applicable) not previously authorised, or notify of any sickness, this should be done via the contact person. In allowing access for the employee to prepare their own case, the role of the contact person will be to make appropriate arrangements, with the consent of the headteacher or chair of governors, for the individual to have access to the relevant information either by passing the information to them or allowing them direct access with appropriate supervision. If the individual needs to contact a possible witness arrangement for this should be made via the contact person. This process should in no way impede the right of the employee to prepare their own case. If necessary, time scales may be extended to allow sufficient time for this to take place. Breaches of these requirements during suspension may lead to separate disciplinary action.

Communication regarding the reason for absence should be agreed with the Employee. In a situation where the employee is asked for information regarding the reasons for their suspension by other members of staff, this matter should be reported immediately to the headteacher or nominated representative.

Pay during suspension will be at the employee's current rate of pay. E.g., If they were on half pay whilst absent due to sickness immediately prior to being suspended, their suspension will be paid at this rate.

Further guidance on suspension and the process to follow in these circumstances may be found in APPENDIX 3 – GUIDELINES FOR SUSPENSION

**Criminal Offences.** If the manager considers that the alleged conduct may constitute a criminal offence, such as theft or assault, or if a criminal conviction comes to light that potentially impacts on the employee's suitability to perform their duties, s/he should seek immediate advice from HR Services.

**Allegations against members of staff regarding a safeguarding issue in school.** Any allegation against a member of staff where it is alleged that:

- The member of staff has behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved in a way towards a child or children, that indicates he / she is unsuitable to work with children

The Local Authority Designated Officer (LADO) must be informed immediately before any action is undertaken at school level. The LADO is responsible for advising and monitoring cases of this nature. Where

it is determined that a police investigation is necessary this will take precedence over the internal school investigation.

**Allegations made about trade union officials.** With the consent of the employee, a full-time union official may be informed, and the case discussed with him/her prior to any disciplinary investigation/hearing being arranged.

**Disciplinary and Grievance.** Where an employee raises a grievance during a disciplinary process or during any disciplinary meeting it may be necessary to suspend the disciplinary process while the grievance is dealt with separately. Where possible this will be dealt with by a different Senior Manager. Where the disciplinary and grievance cases are related, it may be possible to deal with both concurrently. Should this be the case the Chair of the meeting should decide if it is appropriate to continue or suspend the meeting to ensure there is no conflict of interests, bias, or discrimination.

### 5.3. CONFIDENTIALITY

It is extremely important that when an allegation is made, that the school make every effort to maintain confidentiality, and guard against publicity while an allegation is being investigated or considered.

Witnesses must be advised on the purpose and confidential nature of the interview and that they must not discuss the investigation with people outside of it.

Parents and carers of children named in an allegation should also be made aware of the requirement to maintain confidentiality about any allegations made against school staff as set out in section 141F of the Education Act 2002 (para 233-234). The deliberations of a disciplinary hearing or the information taken into account in reaching a decision cannot normally be disclosed but the parents or carers of the child should be kept informed during the process and notified when it has been concluded. It is not appropriate to share the specific outcome of any hearing.

### 5.4. DISCIPLINARY HEARINGS

Upon receipt of TEMPLATE 4 – INVEST SUMM the disciplining manager will undertake the following action:

Write to the employee outlining the allegations, the basis on which they have been made, and asking them to attend a disciplinary hearing (TEMPLATE 8 – HEAR INVITE). A minimum of five working days' notice will be given of the hearing. The disciplining manager will endeavour to hold the disciplinary hearing within 15 working days of receipt of the summary of investigation form. If the employee's representative (see para 5.3.4) cannot attend on the proposed date, the employee or the employee's representative can suggest another reasonable date and time for the hearing, normally no more than five working days after the date originally proposed. The five-day limit may only be extended by mutual agreement.

In addition to enclosing a copy of HR003 (SCH) Disciplinary Policy and Procedure, any documents that the investigating officer will refer to during the disciplinary hearing should also be sent to the employee (i.e. TEMPLATE 4 – INVEST SUMM, the investigating officer's notes of investigatory meetings, copies of witness statements etc.), along with the names of any witnesses who will be attending the hearing at the investigating officer's request. A copy of the letter requesting the employee's attendance at the hearing will be sent to HR Services for information (where appropriate) and, if the employee has requested, a copy will be sent to their work colleague/trade union representative.

**Right to be accompanied:** The employee has the right to be accompanied at all formal stages of the disciplinary procedure, including appeals, by a trade union representative or work colleague. This right does not apply to informal stages. No companion from an external source, other than a trade union official, may accompany the employee, unless this is agreed as a reasonable adjustment.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

**Evidence and witnesses:** The employee, or their representative, must provide copies of the documentation to which they may refer, and the names of any witnesses they wish to attend, to the nominated contact at

least two working days prior to the disciplinary hearing. It is the employee's responsibility to inform their witnesses of the date, time, and location of the hearing.

**Failure to attend:** If the employee fails to attend the disciplinary hearing without notifying the school or providing a medical certificate for absence, through circumstances beyond their control at the time the meeting was arranged, the disciplining manager should write to the employee advising of an alternative date for the disciplinary hearing (TEMPLATE 10 – HEAR FAIL). If the employee's work colleague or trade union representative cannot attend on the proposed date, the disciplining manager will suggest another reasonable date, normally no more than five working days after the date originally proposed. The five-day limit may only be extended by mutual agreement. If the employee fails to attend the re-arranged hearing the disciplinary will proceed in the employee's absence, and the employee will be notified of the outcome of the meeting in writing (TEMPLATE 11 – HEAR FAIL 2), normally within 5 working days.

**Format of the hearing:** The disciplinary hearing will include the following:

- The investigating officer will present the finding of his/her investigation. The employee and/or their trade union representative/work colleague will have the opportunity to ask questions of the investigating officer, and witnesses (where present). The disciplinary manager may also ask questions of the investigating officer.
- The employee and/or their trade union representative/work colleague will then present their case, and the investigating officer and disciplinary manager will have the opportunity to ask questions of the employee, and of any witnesses called. The employee, rather than the representative, must answer questions relating to matters of fact.
- Witnesses will attend in person, should appear one at a time and should only be present whilst they are giving evidence or are being questioned. Where a witness is unable to attend, the disciplining manager will take into consideration their statement but may reduce the weighting given to the statement.
- Both parties will be invited to sum up their cases in the order in which they were presented.
- The hearing will be adjourned while the disciplinary manager makes a decision. Where possible a decision will be made during the adjournment. However, it is essential that the disciplinary manager gives due time and attention to all the information provided at the hearing and in doing so it may not be possible to make a decision on the same day. The disciplinary manager will keep the employee informed of how and when they will be communicated to in accordance with the policy.

The disciplining manager or panel of governors will ask at any stage, questions they need of the employee, investigating officer and any witnesses. A representative from HR Services may attend the hearing to provide appropriate advice and guidance to the disciplining manager or panel of three governors hearing the case and to ask any additional questions in order to ensure the panel have the full information. The employee's representative will be able to address the hearing and put questions, but other than in exceptional circumstances the employee must answer any questions put directly to them. Notes of the hearing will be taken by a suitable note taker arranged by the headteacher or nominated representative / governing body. A copy of the hearing minutes will be provided to the employee and their representative, following the hearing, normally within 5 working days.

**Outcome and sanctions:** The disciplining manager or panel of governors will decide the appropriate disciplinary measure, if any, following a consideration of the facts, any statement put forward by the employee in mitigation, and on the balance of probability that the employee breached the rules of conduct. The measures open to the manager are:

- **No disciplinary action.** Applicable where there is insufficient or no evidence to support the allegation(s). If appropriate the headteacher or nominated representative or panel of three governors should bring to the attention of the employee any concerns about any of their actions, which whilst insufficient in themselves to warrant a disciplinary penalty, should be avoided in the future. Any such concerns should be followed up in writing and may be given as a Management Instruction.
- **First Written Warning.** If conduct is unsatisfactory the employee will be given a written warning. Details of the required improvements necessary and the consequences of failure to

achieve/adhere to these within a specified timescale will be given in writing. This warning will be disregarded for disciplinary purposes after 12 months.

- **Final Written Warning.** If the offence is sufficiently serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be issued. Details including the reason for the warning, the consequences of further failure or repetition, and the timescales required for improvement will be provided in writing. This warning will be disregarded for disciplinary purposes after 24 months.
- **Extension of Existing Live Warning.** Where a final written warning is in place, but the disciplining manager or panel of governors decides that dismissal is not proportionate, they may extend an existing warning by up to 24 months, as an alternative to dismissal.
- **Dismissal.** If the conduct has failed to improve, or if a further similar offence occurs, the normal consequence will be dismissal with notice or payment in lieu of notice. In cases of gross misconduct, the normal consequence will be summary dismissal (without notice or pay in lieu of notice).

In determining a disciplinary measure, the disciplining manager or panel of governors will, in consultation with HR Services (where applicable), give consideration to the following:

- the warning level detailed in the disciplinary procedure relevant to the type of misconduct
- the nature of the misconduct and any warnings imposed in similar cases in the past
- the employee's disciplinary and employment record (experience, position, length of service)
- any special circumstances that constitute mitigating factors that will mean that it is appropriate to adjust the severity of the penalty
- whether the proposed warning level is reasonable considering all factors of the case
- any training, or additional support that may be required.

Normally the decision will be communicated to the employee at the reconvened hearing, following an adjournment to consider the information presented. In any event the decision will be put in writing to the employee, normally within five working days of the hearing. In very exceptional circumstances the decision may be deferred in which case the reason for the delay, along with an expected timescale will be put in writing to the parties. The final decision letter will explain, how the employee can appeal against the decision, should they wish (a copy of the letter should be sent to HR Services). (TEMPLATE 12 – HEAR NFA, TEMPLATE 13 – FIRST WRITTEN, TEMPLATE 14 – FINAL WRITTEN, TEMPLATE 15 - DISMISSAL)

**Duration of warnings:** Provided the employee's conduct has remained satisfactory throughout the duration of the warning period, all reference to the warning should be removed from the employee's file. If an employee is absent during the period of any formal warning being in force the warning will be extended by a period equivalent to the total absence from work. Any such extension must be confirmed in writing to the employee.

The ACAS Guidelines state that excepts in agreed special circumstances any disciplinary action taken should be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance. This period should be established clearly when the disciplinary procedure is being drawn up. A decision to dismiss should not be based on an expired warning but the fact that there is an expired warning may explain why the employer does not substitute a lesser sanction.

Further, where a pattern emerges of lapses in conduct soon after the expiry of warnings and there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any current warning should last.

Sanctions relating to allegations of child protection should remain on the employee's file until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## 6. DISCIPLINARY ACTION AGAINST THE HEADTEACHER

Any complaint or concern about the conduct of the headteacher should be reported to the chair of governors. The chair of governors will follow the procedure as outlined in section 3.

The chair of governors may appoint an investigating officer to the investigation, where this is considered appropriate - see above.

The chair of governors is advised to seek advice from HR Services before any action is taken under these procedures.

The chair of governors should inform the Director - Children and Families of any allegation of misconduct against the headteacher and immediately in all cases of gross misconduct where there is a potential for the headteacher to be suspended.

The chair of governors should take reasonable steps to ensure that confidentiality is maintained in the case of any allegations against the headteacher. Under no circumstances should the case or the alleged incident be discussed or considered by governors prior to disciplinary proceedings. Any governor who has been involved in any discussion on the case (with the exception of the chair of governors as the Investigating Manager), and any staff governors, will be prohibited from taking any part in a subsequent disciplinary panel or appeals panel.

Where it is determined that there is a need for a detailed investigation beyond the scope of the chair of governors, the Director - Children and Families should be notified.

The chair of governors, governor disciplinary panel and the appeal panel should give due regard to any advice issued by the Director of Children's Wellbeing or their nominated representative.

## **7. DISMISSAL**

The governing body in maintained and voluntary controlled schools is responsible for establishing procedures in relation to the dismissal of staff.

The governing body may delegate the function of dismissal to the headteacher where this is appropriate.

The decision to delegate this function should be fully documented, and governing bodies may use a standing order for this purpose.

Where a governing body has delegated the function of dismissal to the headteacher, the school should notify the local authority and HR services.

Where the functions have been delegated to the headteacher, the headteacher cannot delegate this function to another person or persons.

The local authority has a statutory duty to send a representative to all proceedings relating to the dismissal of any teacher and offer advice. Any advice offered by the local authority at these proceedings must be considered by the governing body when reaching a decision.

A member of HR Services has delegated responsibility to represent the local authority and perform this function on behalf of the local authority.

All advice offered by the representative and decisions made by the governing body in the light of that advice should be fully documented.

For community and voluntary controlled schools, the governing body must notify the local authority, in writing, if it determines that any person employed to work at the school should cease to work there and the reasons for that determination.

The local authority must terminate the employee's contract (with or without notice as appropriate) within 14 days of the date the notification was issued by the governing body.

## **8. APPEALS**

If a sanction (warning or dismissal) is imposed the employee has a right of appeal. All appeals must be made in writing by completing TEMPLATE 16 – APPEAL FORM within five working days of receipt of the written notification of the decision. If no appeal is lodged within the given timescales, the matter will be closed, unless an extension has been mutually agreed due to exceptional circumstances.

The grounds on which the employee can appeal are:

- This procedure was not followed, and / or
- The finding of the disciplinary hearing was unreasonable, and / or
- The findings of the disciplinary hearing are disputed on a point of fact that may have influenced the outcome, and / or
- New, or additional, information has come to light which was not available at the time of the hearing.

Any appeal against any level of sanction should be sent to clerk to governors for an appeal panel to be convened.

The appeal panel will consist of a panel of three governors who have not been previously involved with the case and are not members of staff. The appeal hearing will also be attended by the disciplining manager/chair of the disciplinary panel and the investigating officer.

The clerk to governors will write to the employee to invite them to an appeal hearing (TEMPLATE 17 – APPEAL INVITE). The employee should be advised in the letter that they have the right to be accompanied by a trade union representative or work colleague at the hearing.

A minimum of five working days' notice will be given of the appeal hearing. If the employee's representative cannot attend on the proposed date, the employee may suggest another reasonable date no more than five working days after the date originally proposed. The five-day limit may only be extended by mutual agreement.

A copy of the letter will be sent to HR Services for information where applicable. The appeal panel will normally be arranged within twenty working days of receipt of the appeal letter.

The appeal will be a review of the evidence considered and will not normally involve a full re-hearing unless additional information is available.

The employee must provide copies of any documentation they wish to refer to, to the clerk to governors, at least three working days prior to the appeal.

The appeal panel consisting of three governors will nominate a chair to conduct proceedings.

The appeal hearing will normally be conducted as follows with the chair of the hearing having the discretion to adapt the process to meet the circumstances of the case and depending on whether or not the appeal is a full rehearing:

- The chair of the hearing will introduce the participants and their roles, check that everyone has the correct documentation and explain what is going to happen
- A representative from HR Services may attend the appeal hearing in order to provide appropriate advice and guidance to the panel of three governors hearing the case. If HR Services have been involved in the disciplinary hearing stage, the HR representative at the appeal stage must be a different HR representative to the one who attended the disciplinary hearing.
- The employee (and/or their representative) will present their case/summary submission to the chair/panel. The disciplining manager and the investigating officer and the panel, including the HR representative, will have the opportunity to ask any questions. The employee, rather than the representative, must answer questions relating to matters of fact.
- The investigating officer will outline the case to the panel.
- The disciplining manager may be called as a witness by either party.
- The employee (and/or their representative) and the panel, including the HR Services representative, will have the opportunity to ask questions.

- Both sides will sum up their cases (no new information can be introduced at this stage).
- Both sides will adjourn while the appeal panel (and their adviser) consider the information and make their decision (normally this would be expected on the same day).
- The panel will ask both sides to return and inform the employee of their decision.

The options available to the appeal panel are:

- Uphold the appeal and dismiss the disciplinary sanction
- Substitute a lesser level of disciplinary sanction

Dismiss the appeal and uphold the disciplinary sanction. The decision will normally be confirmed to the employee in writing within five working days of the hearing (TEMPLATE 18 – APPEAL OUTCOME). The decision made on appeal will be final and where dismissal is upheld the effective date of termination shall be the date on which the employee was originally dismissed/given notice of dismissal. If appeal against dismissal is upheld the employee's pay and continuous service will be restored from the original date of dismissal.

If the appeal is upheld, then all records relating to the disciplinary hearing must be removed from the employee's file.

A copy of the letter will also be sent to HR Services.

## 9. NOTES

The timescales to complete the stages listed above will be adhered to wherever possible but are not binding on the governing body.

The governing body reserves the right to seek assistance from suitably experienced and/or qualified external experts at any stage in the procedure, in the interests of seeking a satisfactory outcome for all those concerned.

**Record Keeping.** The clerk to governors is responsible for recording any hearing conducted by a panel of governors.

The records of any meetings concerned with discipline are likely to be classified as sensitive data. The records must be relevant, accurate, confidential, and secure.

Documents pertaining to a case which has been found to have no merit will be securely destroyed.

In applying this procedure, the governing body will pay due regard to providing reasonable adjustments under employment legislation to an employee who has a disability.

Action initiated under one procedure may be changed to an alternative procedure if investigation of the circumstances indicates this would be more appropriate.

**Collaboration of Governing Bodies.** The Schools Governance (Collaboration) (England) Regulations 2003, S.I 1962 and as amended by the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, S.I. 1624 Part 1 Regulation 4, enable the governing bodies of two or more maintained schools to work together in relation to staffing functions including dismissal. These provisions allow schools to draw on a wider pool of governors for the purposes of the disciplinary processes.

A school wishing to use collaborated governors should seek advice from HR Services regarding the engagement of collaborated governors and the procedure to follow.

**Referral to professional bodies.** The Teaching Regulation Agency requires an employer to consider referring cases to them when the employer:

- has dismissed a teacher on the grounds of serious misconduct
- or might have done so if the teacher had not already resigned

For further details go to:

<https://www.gov.uk/government/collections/teacher-misconduct>

Where employment finishes due to a child protection allegation, whether resignation, dismissal, or non-renewal of a fixed term contract; the matter should be referred to the Disclosure and Barring Service. This would also be necessary if the employee is removed from working with children.

However, where the employee has resigned, non-renewal of a fixed term contract or has been removed from working with children, the employer will still need to continue the formal procedure in order to reach a formal decision in respect of the allegations.

For further details go to:

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

Copies of the policies and procedures referred to in this document are available from, your headteacher, or HR Services.

If you need further assistance with this document, please refer to your headteacher or HR Services.

## **10. COMPLIANCE**

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

## **11. IMPACT ON THE SCHOOL PRIORITIES**

The policy provides clear statements about headteacher and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This procedure supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

## **12. AWARENESS REQUIREMENTS**

Headteachers and employees will be informed about this policy and procedure via appropriate communication channels.

## **13. MONITORING**

The Director Children and Families is responsible for ensuring implementation and review of this policy and procedure for local authority schools. The governing body is responsible for adopting and implementing this policy and procedure.

HR Services and Assistant Director of Children and Families will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies, procedure, training, support, or any other aspect of the school's approach to disciplinary matters.

HR Services will monitor the effectiveness of the policy through information received via feedback from Headteachers and employees through, for example, management team meetings and exit interviews, as well as the numbers of employees using this procedure.

## **14. REVIEW**

This document will be reviewed after three years unless circumstances demand a review before then.

## **15. CONSULTATION LOG**

<i>Date</i>	<i>Consultees</i>
-------------	-------------------

*Finalised at consultation meeting on 02/10/2020.*

Herefordshire Council

Ceri Morgan –Assistant Director –Education Development & Skills – Herefordshire Council

Schools/Academies

Julie Rees – Headteacher – Ledbury Primary School (attended)

Lisa Appleton – Headteacher -Barrs Court Special School

Sue Gaston - Headteacher – Fairfield High School

Tim Mamak – Headteacher – Leominster Primary School

Martin Henton – Headteacher – Bishop of Hereford's Bluecoat School

Tracey Kneale – Executive Headteacher – Marlbrook Primary School, St Martins Primary School, Little Dewchurch Primary School

Kristian Phillips – Assistant Headteacher – John Kyrle High School and Sixth Form College

Stephen Kendrick – Headteacher - Ashfield Park Primary School

Hoople Ltd (HR Services)

Julie Davies, HR Services Manager

Julie Bridgewater- Senior HR Advisor – Schools

Anna Green – HR Advisor - Schools

Trade Unions

Chris Lewandowski, (NASUWT)

Paul Deneen (NEU)

Noel Glover (NAHT)

Carol Rushton (ASCL)

Steven Baker (NEU)

Dick Colligan (VOICE)

Kim Wright (GMB)

## 16. APPENDIX 1 - DEFINITIONS AND RESPONSIBILITIES

### DEFINITIONS

The meaning of some key words and phrases, for the purposes of this policy, are explained below:

**Work Colleague.** A current employee of Herefordshire Council based in a Herefordshire maintained school.

**Headteacher.** The person responsible for leading and managing the school and has delegated powers to ensure all matters of discipline are appropriately managed. References to the headteacher shall include any nominated deputy headteacher / line manager acting on his / her behalf. In the case of teachers, the headteacher or in his / her absence, the deputy headteacher may act on his / her behalf.

**Panel of governors.** This is a panel of three governors who are used for any potential dismissal hearing and any appeal hearing. Where governors have been involved in the disciplinary, they are then precluded from being on the appeal panel.

**Trade Union representative.** Lay or permanent official of the Trade Union to which the employee belongs, who has been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

**Working days.** Any designated term-time or Teacher Education Training Day or any other contractual working day but excluding the day of any disciplinary hearing and the day on which the notification of hearing is sent to the employee.

**Investigatory Fact Finding/Meeting.** Meetings held by the headteacher or nominated representative investigating an allegation of misconduct to ascertain the facts of a case which will determine if a disciplinary hearing is held. The employee has no formal right of representation at this stage, although it will not normally be refused.

**Disciplinary Hearing.** A hearing to determine whether a disciplinary penalty should be imposed, following full consideration of the case. An employee facing a disciplinary hearing has the right of representation at the hearing.

**Gross Misconduct.** An employee's actions that are felt to be so serious that they warrant summary dismissal, i.e., dismissal without notice or pay in lieu of notice (see below).

**Summary dismissal.** Dismissal without pay (or pay in lieu of notice) imposed at a disciplinary hearing following an act or omission which constitutes gross misconduct.

### RESPONSIBILITIES

**Headteachers or nominated representatives are responsible** for ensuring that employees understand the standards of behaviour that are expected of them, maintaining those standards within their teams, and complying with the requirements of this policy and procedure, should action need to be taken. These standards should be made clear during the induction process and as part of the ongoing communication with employees, including 1:1s, the performance appraisal process where applicable, and performance management process for teachers in schools.

**Employees are responsible** for familiarising themselves with the main standards of conduct, for asking their headteacher or nominated representative if they are unclear about what is expected of them, and for their own subsequent behaviour and actions.

**Headteachers and employees** are both responsible for acting respectfully toward others in relation to the implementation of these procedures. All parties should have due regard for maintaining confidentiality during any investigation or disciplinary hearing and, if in doubt, should seek advice on this from HR Services.

**Governing body** is responsible for ensuring that the procedure is applied consistently and fairly, and that appropriate action is undertaken.

**Governors** are responsible for conducting themselves in an appropriate manner and should have due regard for maintaining confidentiality in relation to any disciplinary issue.

**HR Services** are responsible for providing timely and appropriate advice and support as required to headteachers or nominated representatives and governing bodies conducting investigations, disciplinary hearings, and appeals. They are not responsible for maintaining standards of conduct in schools. They are not responsible for making decisions in relation to disciplinary penalties; these remain at all times the responsibility of the headteacher, and governor panels. HR Services is accountable for the advice they give.

**Trade Union Representatives** are responsible for providing advice and support as required to their members on matters of discipline and representing any of their members in disciplinary hearings and appeals.

## **17. APPENDIX 2 - INVESTIGATION**

When a matter of concern regarding conduct arises, it is important that a thorough investigation takes place to establish the facts as soon as possible. It is important to be able to demonstrate that any subsequent

disciplinary action is based on reasonable attempts to investigate all the circumstances surrounding the alleged incident.

The Headteacher must consider the appropriate person to conduct the investigation having regard to the seniority status of the accused employee and the nature of the allegation. The investigating officer should be neutral and independent and not otherwise involved in deciding the outcome of the case. It is strongly recommended that the headteacher should not, unless absolutely unavoidable, carry out investigations as this will automatically exclude them, on grounds of impartiality and objectivity, from taking part in any subsequent disciplinary hearing.

Once an investigating officer has been appointed, they must be clear from the outset about:

- The reason for the investigation
- The precise issues to be investigated
- How the investigation will be conducted
- The proposed time frames
- All key and relevant evidence to be gathered

The extent of the investigation will depend on the nature and seriousness of the alleged misconduct. For example, in the case of poor timekeeping, a meeting with the employee and a record of attendance, and previous informal efforts to deal with the matter may be the only form of investigation required prior to a decision on whether or not to convene a formal disciplinary hearing. In other cases, the alleged misconduct may be of a more serious nature and will require a more detailed investigation.

It is important to identify the types of evidence needed and this will be determined by the nature of the alleged misconduct. The investigation will usually require the person making the allegation and any witnesses to the alleged incident to be interviewed as soon as possible in order to obtain as accurate an account of events as possible. However, there may be other forms of evidence that may be relevant e.g., documentary evidence, CCTV footage, computer records. Care should be taken to ensure such evidence is obtained as a priority as it may be destroyed before being obtained.

Often, further facts will come to light during investigation. This may present the need for the investigating officer to carry out further investigation and may involve interviewing other witnesses or revisiting certain areas of the investigation with the witnesses or the employee for clarification or fresh evidence.

During any fact-finding interviews, care should be taken to adopt a probative approach and to avoid using leading questions. Any questions should encourage people to recall their version of events in their own words. **Witnesses must be advised on the purpose and confidential nature of the interview and that they must not discuss the investigation with people outside of it.** Witnesses must be informed that they may be required to give evidence at any subsequent disciplinary hearing. Reasonable notice should be given of the interview. Interviews should be documented in writing showing the date and time of the interview with signature of witness.

At times a witness may be reluctant to present evidence or will do so only if they are given an assurance of anonymity. In such circumstances, the investigating officer should try and establish the reasons for such reluctance and ensure the witness are aware of their obligation to help assist with establishing the facts. It would be reasonable to investigate the motivation of any informant and why there is any reason for anonymity.

No guarantee of complete anonymity can be given to witnesses as there is always a risk that if the matter becomes subject to legal proceedings, they may be required to present evidence.

Where a child is a witness to an alleged incident, it is the responsibility of the headteacher, in conjunction with the parents/carers, to determine whether they may be interviewed or questioned. It may also be appropriate to seek advice from the Local Authority Designated Officer for Child Protection (LADO). However, this does not preclude the headteacher asking the child to give a written account of events.

The employee should be notified of the allegation(s) and asked to attend a meeting with the investigating officer. They should be informed that the meeting is not a disciplinary hearing but an opportunity for them to respond to the allegation(s) and to assist in establishing the facts. The employee should be given reasonable notice of the meeting and advised that they may be accompanied by a trade union representative or a work colleague. At the meeting, any explanations put forward by the employee, including whether there are any special circumstances to be taken into account must be considered and investigated. If the employee unreasonably refuses to participate in the investigatory meeting, they should be informed that a decision will be based on the remaining evidence gathered.

Once the investigation has been concluded, the investigating officer will submit their findings in the form of an investigation report which should clearly identify options for action by the headteacher and/or governing body. If the recommendation is to proceed to a formal disciplinary hearing, the investigating officer will be required to present the case at any such hearing. Where there is no case to answer all reference to the alleged misconduct will be removed from the employee's file.

## **18. APPENDIX 3 – GUIDELINES FOR SUSPENSION**

Suspension from duty is not intended as a disciplinary measure in itself and should not be seen as punitive or pre-judging the outcome of any investigation. Suspension should be seen as a neutral act.

Suspension should not be an automatic response when an allegation is reported; careful thought should be given to each case and will be dependent on the circumstances.

Suspension is usually only appropriate:

- In cases which appear to involve gross misconduct; or
- In order to allow a thorough and unhindered investigation to take place; or
- For reasons of safety

At the suspension meeting the headteacher or nominated representative (or chair of governors if suspending a headteacher) should:

- Inform the employee of each and every allegation made against them, being as specific as possible.
- Try and obtain an initial response to each allegation, namely acceptance, denial, or no comment.
- Spell out which allegations, if any, constitute gross misconduct, or otherwise explain why the suspension is necessary.
- Explain that the suspension is immediate, but that it is neither an indication of perceived guilt, nor a disciplinary penalty.
- Explain that an investigation into each allegation is being undertaken and that the outcome of the investigation could lead to informal action, a formal disciplinary hearing, other management action, or no further action.
- Either give the employee a date, time and venue for an investigatory meeting or let them know when they may expect to receive these details.
- Advise them that they should stay away from work premises, avoid using the information networks such as email, and avoid contact with pupils, parents, other employees, and elected members / governors until the matter is resolved, using the investigating officer for indirect contact where necessary. The employee should be made aware of who is the investigating officer where this is someone other than the headteacher.
- Explain that they should make themselves available during normal working hours.
- Advise them that, if pressed for information by pupils, parents or other employees, governors, or elected members they should simply explain that they are away for a short time while some work matters are resolved.
- Secure the return of any council or school property and explain that this will be returned to the employee, if appropriate as soon as the matter is resolved.
- Check the employee's home address and contact numbers and instruct them to notify the investigating officer immediately of any changes, including notification of sickness, which occur during the suspension.
- Handle any enquiries about the suspension, but do not be drawn into the detail of the investigation.
- Inform them they may wish to contact their trade union representative

On receipt of the above information, either verbally, or in writing, HR Services will provide a template letter confirming the details of the suspension. See **TEMPLATE 3 – SUSPEND** Only the governing body has the authority to end the suspension of a member of staff.

## **19. APPENDIX 4 - ROLE OF THE REPRESENTATIVE**

Employees have a statutory right to be accompanied, regardless of the length of service, by a trade union representative or a work colleague at a disciplinary hearing and any subsequent appeal hearing. If the representative is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the hearing, time to familiarise themselves with the case and confer with the employee before and after the hearing.

A representative has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting

A representative does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish them to do so
- Prevent the investigating officer from explaining their case

Given the importance of the representative's role, it is good practice to allow them to ask questions and participate as fully as possible.

## **20. APPENDIX 5 - DISCIPLINARY HEARING FORMAT**

The Hearing should proceed in the following manner:

Introductions:

Introduce each participant and their role in the meeting.

Explain the purpose of the meeting - this is a meeting held under the Disciplinary Policy and Procedure to hear the allegations and to consider what, if any, disciplinary action should be taken. The allegations to be considered are *detail allegation(s)*

The possible consequences arising from this meeting could include- **no action; first written warning; final written warning; dismissal.** (*\*Delete as appropriate*)

If the allegations are to constitute gross misconduct the employee should be made aware of this.

Management's case:

The Headteacher/Chair of the Disciplinary Panel will ask the Investigating Officer to present the management case against the employee and call any witness

The Headteacher/Chair of the Disciplinary Panel will invite the employee and the employee's representatives to ask any questions of the Investigating Officer and any witnesses called.

The Headteacher/Chair of the Disciplinary Panel together with the HR representative supporting the panel may ask any questions of the Investigating Officer and any witnesses called.

Employee's case:

The Headteacher/Chair of the Disciplinary Panel will ask the employee and/or the employee's representative to present the employee's case and call any witnesses.

The Headteacher/Chair of the Disciplinary Panel will invite the Investigating Officer to ask any questions of the employee and/or the employee's representatives and any witnesses called.

The Headteacher/Chair of the Disciplinary Panel together with the HR Representative supporting the panel may ask any questions of the employee and/or employee's representative and any witnesses called.

Summing up:

The Headteacher/Chair of the Disciplinary Panel will invite both parties to sum up their case in the order in which they were presented. The Headteacher/Chair of the Disciplinary Panel may wish to adjourn the Hearing briefly, if necessary, to allow both parties to prepare their summations

During the summing up no new evidence should be introduced by either party.

Following the summations, the Headteacher/Chair of Disciplinary Panel will invite both parties to withdraw whilst the Headteacher/Disciplinary Panel, advised by the HR Representative, reaches a decision.

The Decision:

The Headteacher/Disciplinary Panel will consider the evidence presented seeking advice from the HR Representative as required and, if present, the representative from the Local Authority.

If there is any uncertainty about the information presented, or the discussion raises the need for further questioning of either party's evidence, the Headteacher/Chair of the Disciplinary Panel should invite both parties to return so that further clarification can be sought from either or both parties.

If the Headteacher/Disciplinary Panel wishes to question either party on matters which have not already been raised, or new evidence emerges at this stage, either party may request an adjournment

to carry out further investigation before responding. The Headteacher/Chair of Disciplinary Panel will make a decision on any such requests including the length of any adjournment.

Once the Headteacher/Chair of Disciplinary Panel has reached a decision, both parties will normally be recalled and informed of the decision.

Where the allegation is proven, before deciding the level of sanction, the Chair of the Disciplinary Panel will consider the nature and level of the current offence in relation to the employee's job, any mitigating circumstances evident from the case presentations, and the employee's current disciplinary record. The Headteacher/Chair of the Disciplinary Panel will inform the employee:

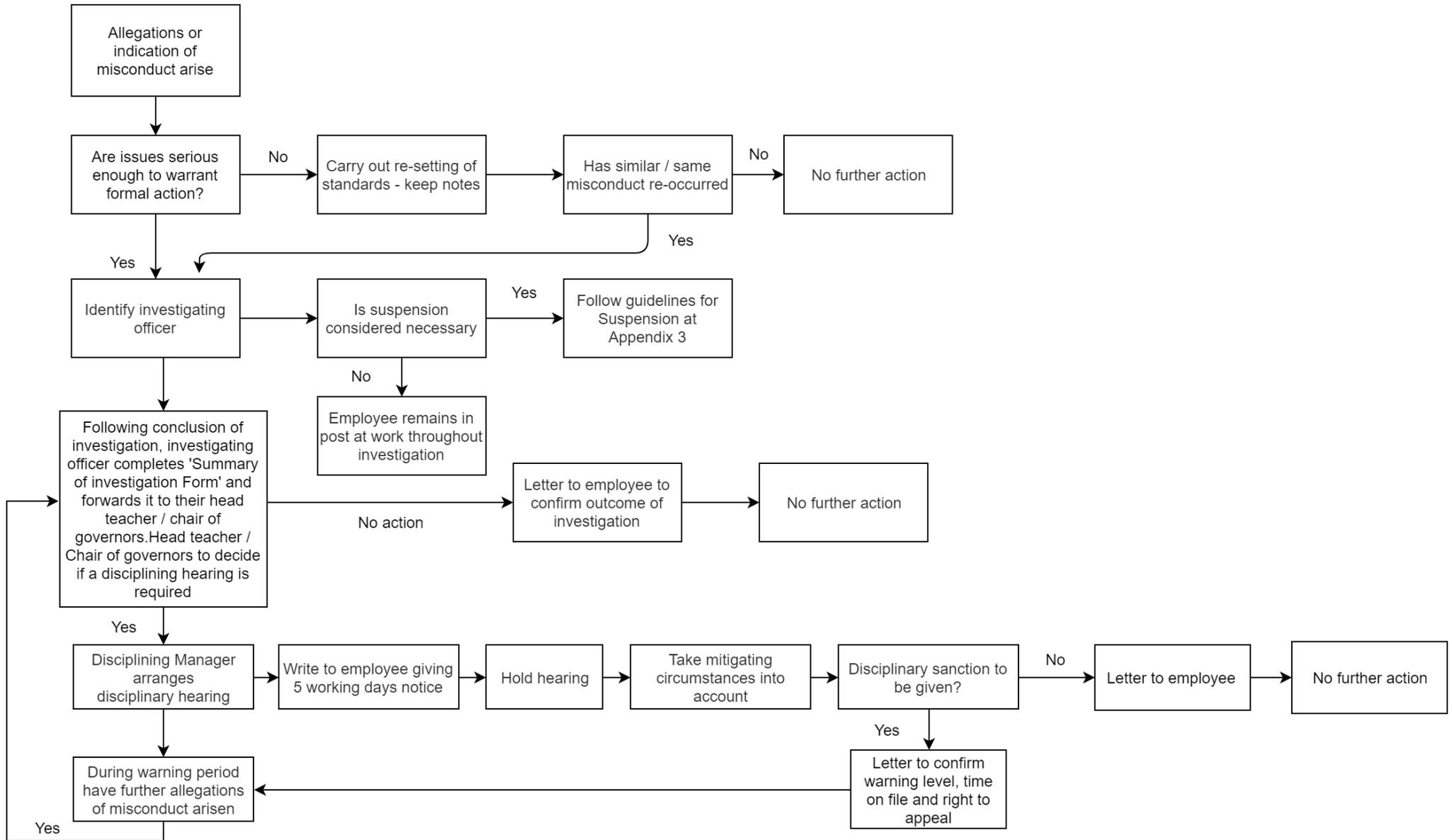
- The precise nature of the misconduct; and whether it is considered to be misconduct or gross misconduct;
- What, if any, mitigating circumstances have been taken into account;
- What disciplinary action is being taken and the length of time for which the disciplinary action is valid, or in the event of dismissal whether it is with or without contractual notice (the latter only applies in the case of gross misconduct)
- The employee should be informed of the consequences of further misconduct within the set period of the disciplinary sanction issued. For instance, that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.
- Their right of appeal and the appropriate timescale within which the employee needs to submit their appeal.

Where the allegation(s) is judged not proven all reference to the matter will be removed from the employee's file.

The outcome of the Hearing should be confirmed in writing within 5 working days of the date of the Disciplinary hearing

At times, due to the complex nature of the case and the extent of the evidence presented, it may not always be possible for the Headteacher/Disciplinary Panel to reach a decision within the timeframes set for the day. At times the Hearing itself may continue late into the day and it may be considered reasonable to allow the employee and their representatives to go home. In these circumstances, the employee will be notified of the decision and corresponding reasons in writing within 5 working days of the date of the hearing.

## 21. APPENDIX 6 - DISCIPLINARY PROCEDURE – KEY STEPS



## 22. APPENDIX 7 - EXAMPLES OF MISCONDUCT

### EXAMPLES OF GROSS MISCONDUCT - This list is not exhaustive.

- Bullying or harassment; to include cyber-bullying whether it be on the basis of age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex or sexual orientation or any other grounds.
- Theft or fraud; from the school, governors, other employees, pupils, or members of the public
- Malicious or serious damage or misuse to school / governing body property or equipment
- Fighting or assault
- Serious incapability through alcohol or being under the influence of illegal drugs
- Falsification of records e.g., timesheets, expenses claims or qualifications/criminal record in a job application etc. or aiding someone else in doing so
- Sexual or indecent assault
- Deliberately accessing Internet sites containing pornographic, offensive, or obscene material, or the forwarding on of emails containing these
- Serious and/or repeated breaches of health and safety rules e.g., endangering other people or resulting in damage to property and/or equipment
- Serious insubordination or disobedience of instructions, or failure to co-operate with the employer
- Serious negligence which causes unacceptable loss, damage, or injury.
- Bringing the school / governing body into serious disrepute
- Serious breach of confidence

### 23. Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
2.1	Archive	19/09/2019	Added clarity regarding witnesses, and collaborated governing body's expanded appendices to include the format of a hearing, flow chart, role of TU rep, the investigation stage	Feedback and observations during use of policy	All reviewed
3.0	Final	02.10.2020	Removal of disciplining managers required attendance at all appeal hearings. General updates and clarification of other points.	Feedback during use of policy and from TU colleagues.	All reviewed

**HR003(SCH) DISCIPLINARY POLICY AND PROCEDURE FOR ALL LOCAL AUTHORITY MAINTAINED AND VOLUNTARY CONTROLLED SCHOOLS: MODEL LETTERS AND FORMS**

1	MGT INSTRCT	Management instruction letter
2	INVEST TORS	Investigation terms of reference template
3	SUSPEND	Suspension letter
3b	SUSPEND B	Suspension letter with LADO details
4	INVEST SUMM	Summary of investigation form
5	INVEST INVITE (E)	Invitation to investigation letter
6	INVEST INVITE (W)	Invitation to meeting letter (witness)
7	COVER LETTER	Statement/minutes covering letter
8	HEAR INVITE	Invitation to disciplinary hearing letter
9	INVEST NFA	Outcome of investigation letter
10	HEAR FAIL	Failure to attend a disciplinary hearing letter
11	HEAR FAIL 2	Failure to attend re-arranged disciplinary hearing letter - issue warning

11a	HEAR FAIL 2 (a)	Failure to attend re-arranged disciplinary hearing letter - Dismiss with notice
11b	HEAR FAIL 2 (b)	Failure to attend re-arranged disciplinary hearing letter - Dismiss without notice
12	HEAR NFA	No further action after disciplinary hearing letter
13	FIRST WRITTEN	First written warning letter
14	FINAL WRITTEN	Final written warning letter
15	DISMISSAL	Dismissal letter with notice
15a	DISMISSAL (a)	Dismissal letter without notice
16	APPEAL FORM	Appeal form
17	APPEAL INVITE	Invitation to appeal letter
18	APPEAL OUTCOME	Outcome of appeal hearing letter – Overturn decision
18 (a)	APPEAL OUTCOME (a)	Outcome of appeal hearing letter – Uphold decision

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NB

1. School to insert logo on templates
2. Protective marking should be added as appropriate to the school's policy

**1. MGT INSTRUCT: MANAGEMENT INSTRUCTION LETTER**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**,

## **MANAGEMENT INSTRUCTION**

At our meeting on [**DATE**] I discussed with you the ongoing problems that have been experienced with [**EXPLAIN PROBLEMS**]. We discussed the actions that have been taken to date to overcome these problems. I reinforced the standards expected. We also explored barriers to improvement and other action that could be taken and agreed a performance improvement plan.

I explained to you that I would not proceed to a disciplinary hearing at present. However, unless your [**CONDUCT / BEHAVIOUR**] meets the required standards I will consider further action under the school's disciplinary procedure.

### **Instruction**

In our meeting I instructed that in future, you must [**INSERT DESIRED IMPROVEMENT ACTION FOR THE FUTURE**].

### **Breach of Instruction**

In the instance of any further breach of this instruction, I may instigate an investigation under the school's disciplinary procedure, which may lead to the issuing of a disciplinary sanction at a formal hearing.

### **Training and Support**

I will be arranging training and support to assist you in understanding [**INSERT AN APPROPRIATE SENTENCE TO REFLECT THE PROVISION OF TRAINING AND SUPPORT TO ENABLE AVOIDANCE OF THE SITUATION IN THE FUTURE**].

Please sign the following statement to acknowledge that you understand this management instruction.

Yours sincerely

**HEADTEACHER / CHAIR OF GOVERNORS**

**I have read and understood this Management Instruction.**

<b>Signed:</b>		<b>Date:</b>	
<b>Name:</b>		<b>Job title:</b>	

## 2. INVEST TORS: INVESTIGATION TERMS OF REFERENCE

PRIVATE & CONFIDENTIAL

### DISCIPLINARY INVESTIGATION TERMS OF REFERENCE

Investigating officer		Job title:	
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Employee under investigation:	
Job Title:	

**The responsibilities of an investigating officer are to:**

- gather all the relevant facts promptly
- establish the exact nature of the allegation(s) and the evidence to substantiate or refute this
- summarise findings in an investigation report and make recommendations
- where required, present evidence at a disciplinary hearing and answer questions as required
- attend any appeal hearing where required

**Specific terms of reference are:**

-

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<b>Headteacher / Chair of Governors signature:</b>		<b>Date:</b>	
<b>Headteacher / Chair of Governors name:</b>		<b>Job title:</b>	

### **3. SUSPEND: SUSPENSION LETTER**

#### **PRIVATE & CONFIDENTIAL**

Dear **NAME**,

#### **INVESTIGATION AND SUSPENSION FROM DUTY**

I am writing to you following our meeting on <<DATE>> when I explained that I had become aware of information that has caused me to have very serious concerns such that regrettably I have no alternative but to conduct an investigation into the matters in question.

The need for the investigation has arisen as a consequence of:

1. Serious concerns relating to your <<INSERT INCIDENT/DETAIL>>. This is in breach of the School's <<INSERT>> policy/legislation.
2. Serious concerns that you have breached the <<POLICY/LEGISLATION>> as you have <<INSERT INCIDENT/DETAIL>>
3. Serious concerns that you have <<INSERT DETAIL>>.

Before deciding that suspension was an appropriate course of action, we considered whether it was necessary in all the circumstances to suspend you from your duties and whether it would be appropriate and viable in the circumstances of the investigation that will be conducted, for you to remain in post during the investigation.

After careful consideration I have concluded that the appropriate course of action is to suspend you from your duties. That decision was considered appropriate because: <<SEE EXAMPLES BELOW & AMEND TO SUIT>>

- My concerns relate to the potential of there having been very serious misconduct on your part. Given your <<senior>> role as <<INSERT ROLE>> you are required to frequently make management decisions as a fundamental part of your role. We have sufficient concern at this stage to warrant investigation and in all the circumstances consider it appropriate for you not to have to take management decisions until the matter has been resolved.
- Part of the investigation relates to your behaviour and whether your alleged actions are in breach of the <<INSERT>>, particularly <<DETAIL SECTION OR ACT IN LEGISLATION>> and <<DETAIL FURTHER SECTIONS BREACHED>>.
- Under Teachers' Standards you are expected to demonstrate consistently high standards of personal and professional conduct and as such should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. Part of the investigation relates to your behaviour and whether your alleged actions are in breach of the Teachers' Standards. As a consequence, we are concerned that your behaviour may be adversely affected while matters are being investigated.
- I considered proceeding on the basis of not suspending you from your duties, but the investigation will involve accessing your ICT usage at school and at the other sites you work across which will temporarily be withdrawn. Without this access, you are unable to efficiently carry out your role and I have concluded on balance that this would not be a viable approach and would place you in a difficult and embarrassing position with staff.
- The decision to suspend you from your duties is the appropriate one as much in order to protect you from any suggestion being raised that you have or may have any improper influence on witnesses or evidence as it is to ensure that the investigation is able to proceed in an uninhibited manner.

We will seek to ensure that the period of your suspension is kept as short as practicably possible in all the circumstances and therefore you are suspended until <<DATE- 10 DAYS>> in the first instance.

You will be contacted separately regarding details of an investigation meeting where you will be asked to respond to the allegations being made against you. Once the investigation is complete a decision will then be made as to whether to refer this matter to a formal disciplinary meeting in accordance with our disciplinary procedure, a copy of which is enclosed, and you will be advised accordingly. The name of the person undertaking the investigation will be <<NAME>> who will undertake the investigation into the allegations in accordance with our procedure.

Whilst I have taken the decision to suspend you from your duties, my preference is to describe your absence (to colleagues and third parties) as a period of extended leave. I believe this approach to be preferable in order to preserve and protect your position and enable you to return to work as normal if the investigation concludes that a disciplinary process is not required.

Once the investigation process is completed, the recommendations will be considered, and a decision made as to whether or not a formal disciplinary process is required. Therefore, dependent on the outcome of the investigation you will either be:

Reinstated to your post with no further action taken  
Re-suspended pending further investigation  
Invited to attend formal disciplinary hearing

During your suspension you will continue to receive your normal payment of salary and benefits.

I require that during your suspension you do not contact or discuss the investigation with any members of staff at xxxxxx [and other schools within the Federation / or associated schools within the Federation]. Additionally, I require that you do not have contact with any pupils or parents of either xxx school or other associated schools within the Federation. During your period of suspension, you should not attend any of the above premises unless specifically directed to attend by me.

I will <<OR INSERT NAME>> be your contact person during your suspension and can be contacted on <<NUMBER>>. My role is to listen to your worries, pass on answers to your general queries and make arrangements on your behalf to allow you to prepare for your involvement in the investigation.

You are reminded that this is confidential matter and should not be discussed with others. Failure to observe the conditions of this suspension may itself be a disciplinary matter. You are of course allowed to discuss this with your union, and you may also contact HR Services for support and advice on the process.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS**

3a – SUSPEND B - SUSPENSION LETTER WITH LADO

**PRIVATE & CONFIDENTIAL**

Dear **NAME**,

**INVESTIGATION AND SUSPENSION FROM DUTY**

I am writing to you following our meeting on <<DATE>> when I explained that I had become aware of information that has caused me to have very serious concerns such that regrettably I have no alternative but to conduct an investigation into the matters in question.

The need for the investigation has arisen as a consequence of:

4. Serious concerns relating to your <<INSERT INCIDENT/DETAIL>>. This is in breach of the School's <<INSERT>> policy/legislation.
5. Serious concerns that you have breached the <<POLICY/LEGISLATION>> as you have <<INSERT INCIDENT/DETAIL>>
6. Serious concerns that you have <<INSERT DETAIL>>.

Before deciding that suspension was an appropriate course of action, we considered whether it was necessary in all the circumstances to suspend you from your duties and whether it would be appropriate and viable in the circumstances of the investigation that will be conducted, for you to remain in post during the investigation/whilst a LADO strategy meeting is arranged.

A strategy meeting arranged by the Local Authority will now take place and dependent on the outcome of this meeting:

- a) a police investigation will be instigated, or
- b) no further action to be taken by the police and the school will undertake an internal investigation.

After careful consideration I have concluded that the appropriate course of action is to suspend you from your duties. That decision was considered appropriate because: <<SEE EXAMPLES BELOW & AMEND TO SUIT>>

- My concerns relate to the potential of there having been very serious misconduct on your part. Given your <<senior>> role as <<INSERT ROLE>> you are required to frequently make management decisions as a fundamental part of your role. We have sufficient concern at this stage to warrant investigation and in all the circumstances consider it appropriate for you not to have to take management decisions until the matter has been resolved.
- Part of the investigation relates to your behaviour and whether your alleged actions are in breach of the <<INSERT>>, particularly <<DETAIL SECTION OR ACT IN LEGISLATION>> and <<DETAIL FURTHER SECTIONS BREACHED>>.
- Under Teachers' Standards you are expected to demonstrate consistently high standards of personal and professional conduct and as such should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. Part of the investigation relates to your behaviour and whether your alleged actions are in breach of the Teachers' Standards. As a consequence, we are concerned that your behaviour may be adversely affected while matters are being investigated.
- I considered proceeding on the basis of not suspending you from your duties, but the investigation will involve accessing your ICT usage at school and at the other sites you work across which will temporarily be withdrawn. Without this access, you are unable to efficiently carry out your role and I have concluded on balance that this would not be a viable approach and would place you in a difficult and embarrassing position with staff.
- The decision to suspend you from your duties is the appropriate one as much in order to protect you from any suggestion being raised that you have or may have any improper influence on witnesses or evidence as it is to ensure that the investigation is able to proceed in an uninhibited manner.

We will seek to ensure that the period of your suspension is kept as short as practicably possible in all the circumstances and therefore you are suspended until <<DATE- 10 DAYS>> in the first instance.

If following the LADO meeting it is deemed necessary for an investigation to take place you will be contacted separately regarding details of any meeting where you will be asked to respond to the allegations being made against you. Once the investigation is complete a decision will then be made as to whether to refer this matter to a formal disciplinary meeting in accordance with our disciplinary procedure, a copy of which is enclosed, and you will be advised accordingly. The name of the person undertaking the investigation will be <<NAME>> who will undertake the investigation into the allegations in accordance with our procedure.

Whilst I have taken the decision to suspend you from your duties, my preference is to describe your absence (to colleagues and third parties) as a period of extended leave. I believe this approach to be preferable in order to preserve and protect your position and enable you to return to work as normal if the investigation concludes that a disciplinary process is not required.

Once any investigation process is completed, the recommendations will be considered, and a decision made as to whether or not a formal disciplinary process is required. Therefore, dependent on the outcome of any investigation you will either be:

Reinstated to your post with no further action taken  
Re-suspended pending further investigation  
Invited to attend formal disciplinary hearing

During your suspension you will continue to receive your normal payment of salary and benefits.

I require that during your suspension you do not contact or discuss the investigation/matter with any members of staff at xxxxxx [and other schools within the Federation / or associated schools within the Federation]. Additionally, I require that you do not have contact with any pupils or parents of either xxx school or other associated schools within the Federation. During your period of suspension, you should not attend any of the above premises unless specifically directed to attend by me.

I will <<OR INSERT NAME>> be your contact person during your suspension and can be contacted on <<NUMBER>>. My role is to listen to your worries, pass on answers to your general queries and make arrangements on your behalf to allow you to prepare for your involvement in the investigation.

You are reminded that this is confidential matter and should not be discussed with others. Failure to observe the conditions of this suspension may itself be a disciplinary matter. You are of course allowed to discuss this with your union, and you may also contact HR Services for support and advice on the process.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS**

4. INVEST SUMM: SUMMARY OF INVESTIGATION

PRIVATE & CONFIDENTIAL

DISCIPLINARY PROCEDURE: – SUMMARY OF INVESTIGATION

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**TO HEADTEACHER / CHAIR  
OF GOVERNORS: .....**

---

**NAME OF  
PERSON \_\_\_\_\_  
WHOSE  
CONDUCT  
HAS BEEN  
INVESTIGA  
TED:**

---

**The allegation is that  
(please provide brief details**

of nature of allegation,  
date(s), location etc. and  
how the incident came to  
light):

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**My investigation  
included the following –**

**It is my recommendation that**

**A DISCIPLINARY HEARING  
SHOULD BE ARRANGED**

**OR**

**A DISCIPLINARY  
HEARING SHOULD  
NOT BE ARRANGED**

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**FROM  
(NAME  
OF  
INVESTIG  
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*Important: Send a copy of this form to HR Services.*

## **5. INVEST INVITE (E) LETTER FROM INVESTIGATING OFFICER TO EMPLOYEE- INVITE TO INVESTIGATION MEETING**

**PRIVATE & CONFIDENTIAL**

Dear

### **Investigation Interview Meeting**

I am writing to tell you that you are required to attend an investigatory meeting on <<date- >> at <<time>> in /at <<room or location>>.

The meeting is being held so that an investigation can be undertaken into the following allegation(s) against you:

#### *Detail allegations*

- *Allegation 1....*

I will be undertaking the investigation. The purpose of this meeting is to establish the facts and hear your response. Also present at the meeting will be a note taker who will take notes. These notes will represent my record of the meeting and a copy will be sent to you after the meeting for your information. Following receipt of those notes if you believe there are any inaccuracies you should submit a written note of these to me and I will append them to my record. If this investigation proceeds to a disciplinary hearing your appended notes will be included with the evidence used at the hearing itself.

The investigatory meeting is not a disciplinary hearing, and you are informed that there is no formal right of representation. However, should you wish for a trade union representative or work colleague to attend you should request this in advance of the meeting taking place. A copy of the school disciplinary policy and procedure is enclosed.

You should be aware that as a result of this investigation a disciplinary hearing may be convened if the circumstances warrant. If this is the case, you will receive a letter confirming all the necessary details. Alternatively, if as a result of the investigation it is concluded that there is no case to answer this will be communicated in writing to you.

Every effort will be made to conclude the investigation as quickly as possible.

If you have any questions concerning the content of this letter, then please contact me on 01432 \*\*\*\*\* or on the email above.

I shall look forward to meeting with you as detailed above, if this date or time is not convenient for you to attend, please let me know as soon as possible.

Yours sincerely

XXXXXXXXXX

Investigating Officer

**6. INVEST INVITE (W): LETTER FROM INVESTIGATING OFFICER TO WITNESS**

**PRIVATE & CONFIDENTIAL**

Dear []

I would be grateful if you could attend an investigatory meeting on [date] at [time] at [place]. This meeting has been arranged because we are in the process of investigating allegations that have been made relating to [name of employee]'s conduct in the workplace [on [date]]. I understand that you may have [list the appropriate points and expand on them as necessary]:

- [witnessed the events that are alleged to have taken place and said to have involved [drunken behaviour by the employee/shouting at a customer/taking money from the safe];
- useful information concerning the employee's alleged [bullying of other employees/misappropriation of company property/inflation of sales figures], that could assist us in conducting our investigation.]

Please note that this meeting is entirely a fact-finding exercise, and it is not your conduct that is under investigation.

The investigatory meeting will be chaired by [] and [] will also be present to take notes of the meeting. Please could you bring with you any information or documentation that might be of assistance to the investigation.

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

Following this meeting, the note taker will prepare a witness statement setting out all the information that you gave us. You will have the opportunity to ensure that it accurately reflects your version of events. Once you are happy with it, you will be asked to sign and date it.

If you have any questions or concerns, please do not hesitate to contact me.

I would be grateful if you could let me know whether or not you can attend the scheduled meeting [and whether or not you will be accompanied] by [date].

As this matter is currently under investigation, please keep it confidential and do not discuss it with your colleagues.

Thank you for your assistance, and I look forward to hearing from you.

Yours sincerely

**INVESTIGATING OFFICER**

**7. COVER LETTER: LETTER FROM INVESTIGATING OFFICER TO EMPLOYEE- REQUEST TO AGREE STATEMENT**

**PRIVATE & CONFIDENTIAL**

Dear

**Investigation Interview Meeting**

Please find enclosed two copies of your statement taken on <enter date>>.

Please read through your statement carefully to ensure that you are happy it reflects our discussions. If you wish to make any amendments please do so, ensuring that you initial any amendments.

Once you have done so, please sign and date all pages of the statement and return the full document to me in the envelope provided by <<enter date 7 days>>. If you make any amendments, please ensure they are clear. I will then amend your statement and return a final copy for you to sign.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

XXXXXXXXXX

Investigating Officer

8. HEAR INVITE: **INVITATION TO DISCIPLINARY HEARING LETTER**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

**INVITATION TO DISCIPLINARY HEARING**

Further to our recent investigation meeting I am writing to inform you that you are required to attend a disciplinary hearing on *(\*\*\*\*must give 5 clear working days' notice\*\*\*\*DATE)* at *(TIME) AM/PM\** which is to be held in *(LOCATION)\**.

**(In cases of gross misconduct or where the investigation has been undertaken by the Headteacher):**  
The panel of governors who will be hearing the disciplinary are:

- **NAME, TITLE**

At this meeting the allegation of:

- ***(ENTER DETAILS) \****

will be considered and whether any disciplinary action should be taken against you, in accordance with the school's disciplinary procedure.

I enclose the summary investigation report, and other supporting documentation/witness statements\* relevant to this case. At this hearing the investigating officer intends to call the following witnesses\*\*:

- ***NAME, TITLE***

I would be grateful if you could inform me of the names of any witnesses you intend to call to the disciplinary hearing at ***least two working days prior to the disciplinary hearing / (DATE)\****. In addition, you should provide written copies of the documentation you will be referring to at the hearing.

Depending on the facts established at the hearing, the outcome could be ***first written warning; final written warning; dismissal\**** but a decision on this will not be made until you have had a full opportunity to put forward everything that you wish to raise, and the hearing has been concluded.

You are entitled, if you wish, to be accompanied by a work colleague or trade union representative and I would ask that you let me know who you will be bringing ahead of the hearing.

I would be grateful if you could confirm your attendance at the hearing by **(DATE)**. If, however, you or your representative are unable to attend the hearing at this date and time I would be grateful if you could inform me as soon as possible so that an alternative date can be arranged.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS\***

**Copy: Trade union representative**

\* Amend as appropriate, not chair of the panel (unless the chair of the panel is the COG)

\*\* Delete as appropriate

## **9. INVEST NFA: MODEL NO FURTHER ACTION AFTER INVESTIGATION LETTER**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **OUTCOME OF INVESTIGATION – NO FURTHER ACTION**

Further to our recent meeting I am writing to inform you that there will be no further action in respect of the allegation of ***(ENTER DETAILS)*** \*.

It has been determined through the investigation it could not be substantiated that there was a breach of ***(STANDARD / POLICY)*** \* in respect of ***(ENTER DETAILS)*** and therefore there are insufficient grounds for a disciplinary hearing.

You should therefore resume you normal duties, as this matter is now closed.

***(ADD ANY ARRANGEMENTS THAT MAY BE NECESSARY TO ENUSRE THE EMPLOYEE'S SMOOTH RETURN TO WORK.)***

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / NOMINATED REPRESENTATIVE / CHAIR OF GOVERNORS\*\***

\* Amend as appropriate

\*\* Delete as appropriate

## **10. HEAR FAIL FAILURE TO ATTEND TO DISCIPLINARY HEARING LETTER**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **FAILURE TO ATTEND A DISCIPLINARY HEARING**

Further to my recent letter advising you to attend a disciplinary hearing on **(DATE)** at **(TIME) AM/PM\*** in respect of **(ENTER DETAILS OF ALLEGATION)**, I note that you failed to attend this hearing OR informed me that you were unable attend OR that you were ill. It is appreciated that there may be genuine reasons for non-attendance, however it is very important that you have the opportunity to present your case at the disciplinary hearing. You are therefore invited to attend a rearranged disciplinary hearing at [location] on [date] at [time]. The purpose of the meeting remains the same. It is to discuss your alleged misconduct, as set out in the [attached document/document that we sent you in our original letter dated [date]].

Depending on the facts established at the hearing, the outcome could be [state potential action i.e., no further action; written warning; final written warning; dismissal etc], but ideally a decision on this would not be made until you have had a full opportunity to put forward your version of events and the hearing has been concluded.

I would be grateful if you could confirm your attendance at the hearing by **(DATE)**. If, however, you or your representative are unable to attend the hearing at this date and time I would be grateful if you could inform me as soon as possible so that an alternative date can be arranged.

I must inform you that failure to attend this hearing or failure to provide a written statement to support your case, will result in a decision being made based on the evidence available.

You are entitled, if you wish, to be accompanied by a work colleague or trade union representative.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS\***

**Copy: Trade Union representative**

\* Amend as appropriate

\*\* Delete as appropriate

**11. HEAR FAIL 2: FAILURE TO ATTEND RE-ARRANGED DISCIPLINARY HEARING LETTER - ISSUE WARNING**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

**FAILURE TO ATTEND A REARRANGED DISCIPLINARY HEARING**

Further to my recent letter advising you to attend a re-arranged disciplinary hearing on **(DATE)** at **(TIME) AM/PM\*** in respect of **(ENTER DETAILS OF ALLEGATION)**, to which you failed to attend on a second occasion without notification, I am writing to advise you of the outcome of the disciplinary hearing. It was determined that the disciplinary hearing should proceed in your absence and the decision determined was based on the evidence available. [In reaching its conclusions, the panel paid particularly close attention to the representations [that you submitted in writing/made by your representative]

The decision of the disciplinary panel was to issue you with a **first written warning / final written warning\*\*** under the school's disciplinary procedure.

**First written warning / final written warning:** This warning will be placed on your file but will be disregarded for disciplinary purposes after a period of **12 / 24\*\*** months **provided your conduct improves/performance reaches a satisfactory level\*\***.

The conduct or performance improvement expected is:

- 

The timescale in which the improvement is required is **(X MONTHS)\***. Any further misconduct of this nature within the duration of the **first written warning / final written\*\* warning** will result in further **disciplinary action being taken against you / with the potential outcome of dismissal\*\***

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D10(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS\***

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

**11a. HEAR FAIL 2 (a): FAILURE TO ATTEND RE-ARRANGED DISCIPLINARY HEARING LETTER – DISMISSAL WITH NOTICE**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

**FAILURE TO ATTEND A REARRANGED DISCIPLINARY HEARING**

Further to my recent letter advising you to attend a re-arranged disciplinary hearing on **(DATE)** at **(TIME) AM/PM\*** in respect of **(ENTER DETAILS OF ALLEGATION)**, to which you failed to attend on a second occasion without notification, I am writing to advise you of the outcome of the disciplinary hearing. It was determined that the disciplinary hearing should proceed in your absence and the decision determined was based on the evidence available. [In reaching its conclusions, the panel paid particularly close attention to the representations [that you submitted in writing/made by your representative]

The decision of the disciplinary panel was that you should be dismissed under the school's disciplinary procedure.

The purpose of the meeting was to consider the following allegation/s regarding your conduct:

- **Allegation 1**
- **Allegation 2**

The panel listened carefully to all the information presented to us by **Investigating Manager** [and the representations that you submitted in writing/made by your representative] on the day and have considered the information released in the letter dated **date**. The Panel are satisfied that every opportunity was given at the meeting for all relevant information to be presented and are therefore in a position to make a decision.

Having listened to the evidence presented and considered all the facts the Panel believe the allegations/s is/are substantiated and took the decision to terminate your employment with the **SCHOOL**. The Panel came to this conclusion for the following reasons:

*[You must include here an explanation of how this decision was reached and what factors were taken into consideration. You should include a history of any previously issued disciplinary warnings taken into consideration e.g. Following a disciplinary meeting on **date** you were issued with a final written warning for .... You should include any relevant points from the meeting.]*

This decision has been taken as you have repeatedly failed to respond appropriately to previous warnings in respect of similar incidents of misconduct. Taking all the factors of the case into consideration **(ENTER DETAILS)**, the panel felt there was no option but to dismiss you with notice. Therefore, on this basis your last working day at **(SCHOOL)** will be **(DATE)**. A copy of the notes of the Disciplinary Hearing are enclosed for your information.

**For your information paid pension contributions are not affected by this decision.**

## **Arrangements for personal belongings, keys etc etc**

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D10(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS\***

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

**11b. HEAR FAIL 2 (b): FAILURE TO ATTEND RE-ARRANGED DISCIPLINARY HEARING LETTER – DISMISSAL WITHOUT NOTICE**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

**FAILURE TO ATTEND A REARRANGED DISCIPLINARY HEARING**

Further to my recent letter advising you to attend a re-arranged disciplinary hearing on **(DATE)** at **(TIME) AM/PM\*** in respect of **(ENTER DETAILS OF ALLEGATION)**, to which you failed to attend on a second occasion without notification, I am writing to advise you of the outcome of the disciplinary hearing. It was determined that the disciplinary hearing should proceed in your absence and the decision determined was based on the evidence available. [In reaching its conclusions, the panel paid particularly close attention to the representations [that you submitted in writing/made by your representative]

The decision of the disciplinary panel was that you should be dismissed under the school's disciplinary procedure.

The purpose of the meeting was to consider the following allegation/s regarding your conduct:

- **Allegation 1**
- **Allegation 2**

The panel listened carefully to all the information presented to us by **Investigating Manager** [and the representations that you submitted in writing/made by your representative] on the day and have considered the information released in the letter dated **date**. The Panel are satisfied that every opportunity was given at the meeting for all relevant information to be presented and are therefore in a position to make a decision.

Having listened to the evidence presented and considered all the facts the Panel believe the allegations/s is/are substantiated and took the decision to terminate your employment with the **SCHOOL**. The Panel came to this conclusion for the following reasons:

*[You must include here an explanation of how this decision was reached and what factors were taken into consideration. You should include a history of any previously issued disciplinary warnings taken into consideration e.g. Following a disciplinary meeting on **date** you were issued with a final written warning for .... You should include any relevant points from the meeting.]*

In finding the allegations substantiated I believe that gross misconduct has taken place. The trust placed in you as **JOB ROLE** for **(SCHOOL)** has been broken which strikes at the heart of the employment relationship and as such the panel find this a fundamental breach of the employment contract. The panel therefore conclude that summary dismissal from the post of **ROLE** at **SCHOOL** is the only appropriate outcome.

As you have been summarily dismissed for gross misconduct you are not entitled to receive notice and your last day of service with **SCHOOL** will therefore be **DATE**. A copy of the notes of the Disciplinary Hearing are enclosed for your information.

**For your information paid pension contributions are not affected by this decision.**

#### **Arrangements for personal belongings, keys etc etc**

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D10(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / CHAIR OF GOVERNORS\***

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

## **12. HEAR NFA:NO FURTHER ACTION AFTER DISCIPLINARY HEARING LETTER**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **OUTCOME OF DISCIPLINARY HEARING – NO FURTHER ACTION**

I write to confirm the outcome of your disciplinary hearing held on *(DATE)*. I was accompanied by *(NAME OF REPRESENTATIVE)* \*\* and you were accompanied by *(NAME OF REPRESENTATIVE)* \*\*. The decision of the disciplinary panel was that no disciplinary action should be taken against you. This decision was taken on the grounds that:

- *there is insufficient evidence\*\**
- *you were unaware of the standards of performance expected of you\*\**
- *the allegation against you was found to be false*
- *the allegation against you has been withdrawn*
- *you have not had sufficient training and support\*\**
- *the police investigation determined a no further action ruling\*\**

You are therefore required to resume your normal duties ***immediately / on date\**** as this matter is now closed.

[However, we [agreed at the meeting/consider] that you should nevertheless strive to improve your conduct in the workplace. In particular, [as we discussed], you now need to improve your conduct in the following ways: [insert details]. I will continue to monitor your conduct on an ongoing basis. I must also advise you that a repeat of similar misconduct, or any other instance of misconduct of any kind, may lead to formal disciplinary action being instituted against you.

I hope that our discussions will lead to a sufficient immediate improvement in your conduct so that such formal action will not be necessary.] If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

**Yours sincerely,**

**HEADTEACHER / CHAIR OF GOVERNORS**

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

### **13. FIRST WRITTEN: FIRST WRITTEN WARNING LETTER**

#### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

#### **FIRST WRITTEN WARNING LETTER**

I write to confirm the outcome of your disciplinary hearing held on *(DATE)*. I was accompanied by *(NAME OF REPRESENTATIVE)* \*\* and you were accompanied by *(NAME OF REPRESENTATIVE)* \*\*. The decision of the disciplinary panel was to issue you with a first written warning, under the school's disciplinary procedure. This warning will be placed on your file but will be disregarded for disciplinary purposes after a period of 12 months **provided your conduct improves/performance reaches a satisfactory level**\*\*.

The circumstances giving rise to the issue of this warning were [summary of the misconduct]. We discussed the matter fully at the hearing and, having taken your explanations into account, have concluded that your conduct justifies a first written warning. [This is in accordance with the School's disciplinary procedure.

The conduct or performance improvement expected is:

- 

The timescale in which the improvement is required is *(X MONTHS)* \*. Any further misconduct of this nature within the duration of the first written warning will result in further disciplinary action being taken against you.

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to *(NAME)*\* Clerk to Governors advising of the grounds for your appeal using D13(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / GOVERNING BODY**

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

## **14. FINAL WRITTEN: FINAL WRITTEN WARNING LETTER**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **FINAL WRITTEN WARNING LETTER**

I write to confirm the outcome of your disciplinary hearing held on **(DATE)**. I was accompanied by **(NAME OF REPRESENTATIVE)\*\*** and you were accompanied by **(NAME OF REPRESENTATIVE)\*\***. The decision of the disciplinary panel was to issue you with a final written warning, under the school's disciplinary procedure. This warning will be placed on your file but will be disregarded for disciplinary purposes after a period of 24 months **provided your conduct improves/performance reaches a satisfactory level\*\***.

The circumstances giving rise to the issue of this warning were [summary of the misconduct]. We discussed the matter fully at the hearing and, having taken your explanations into account, have concluded that your conduct justifies a final written warning. [This is in accordance with the School's disciplinary procedure.

***As you have failed to respond appropriately to previous warnings of a similar nature it was determined that a final written warning should be issued\*. Or***

***As the allegation represents an act of gross misconduct taking the following mitigating factors into consideration it was determined that a final written warning should be issued\*.***

The conduct or performance improvement expected is:

- 

The timescale in which the improvement is required is **(X MONTHS)\***. Any further misconduct of this nature within the duration of the final written warning will result in further disciplinary action being taken against you, with the potential outcome of dismissal.

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D13(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**HEADTEACHER / GOVERNING BODY**

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

## **15. DISMISSAL: DISMISSAL LETTER WITH NOTICE**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **DISMISSAL WITH NOTICE LETTER**

I write to confirm the outcome of your disciplinary hearing held on **(DATE)**. I was accompanied by **(NAME OF REPRESENTATIVE)** \*\* and you were accompanied by **(NAME OF REPRESENTATIVE)** \*\*/ **You were reminded of your right to have a representative but declined, and confirmed you were happy to proceed unaccompanied.**

The decision of the disciplinary panel was that you should be dismissed with notice / summarily dismissed without notice\*\*.

The purpose of the meeting was to consider the following allegation/s regarding your conduct:

- **Allegation 1**
- **Allegation 2**

The panel have listened carefully to all the information presented to us by **Investigating Manager** and yourself on the day and have considered the information released in the letter dated **date**. The Panel are satisfied that every opportunity was given at the meeting for all relevant information to be presented and are therefore in a position to make a decision.

Having listened to the evidence presented and considered all the facts the Panel believe the allegation/s is/are substantiated and took the decision to terminate your employment with the (SCHOOL). The panel came to this conclusion for the following reasons;

[You must include here an explanation of how this decision was reached and what factors were taken into consideration. You should include a history of any previously issued current/live disciplinary warnings taken into consideration e.g. Following a disciplinary meeting on **date** you were issued with a final written warning for.... You should include any other relevant points from the meeting.]

This decision has been taken as you have repeatedly failed to respond appropriately to previous warnings in respect of similar incidents of misconduct. Taking all the factors of the case into consideration **(ENTER DETAILS)**, the Panel felt there was no option but to dismiss you with notice. Therefore, on this basis your last working day at **(SCHOOL)** will be **(DATE)**.

A copy of the notes from the Disciplinary Hearing are enclosed for your information.

**For your information paid pension contributions are not affected by this decision.**

**Arrangements for personal belongings, keys etc etc**

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D13(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**CHAIR OF GOVERNOR DISCIPLINARY PANEL**

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

## **15 (a). DISMISSAL: DISMISSAL LETTER WITHOUT NOTICE**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **DISMISSAL WITHOUT NOTICE LETTER**

I write to confirm the outcome of your disciplinary hearing held on **(DATE)**. I was accompanied by **(NAME OF REPRESENTATIVE) \*\*** and you were accompanied by **(NAME OF REPRESENTATIVE) \*\*/ You were reminded of your right to have a representative but declined, and confirmed you were happy to proceed unaccompanied.**

The decision of the disciplinary panel was that you should be dismissed with notice / summarily dismissed without notice\*\*.

The purpose of the meeting was to consider the following allegation/s regarding your conduct:

- **Allegation 1**
- **Allegation 2**

The panel have listened carefully to all the information presented to us by **Investigating Manager** and yourself on the day and have considered the information released in the letter dated **date**. The Panel are satisfied that every opportunity was given at the meeting for all relevant information to be presented and are therefore in a position to make a decision.

Having listened to the evidence presented and considered all the facts the Panel believe the allegation/s is/are substantiated and took the decision to terminate your employment with the (SCHOOL). The panel came to this conclusion for the following reasons;

[You must include here an explanation of how this decision was reached and what factors were taken into consideration. You should include a history of any previously issued disciplinary warnings taken into consideration e.g. Following a disciplinary meeting on **date** you were issued with a final written warning for.... You should include any other relevant points from the meeting.]

In finding the allegations substantiated I believe that gross misconduct has taken place. The trust placed in you as **Job Role** for (SCHOOL) has been broken which strikes at the heart of the employment relationship and as such the panel find this a fundamental breach of the employment contract. The panel therefore conclude that summary dismissal from the post of **Role** at **Work Location** is the only appropriate outcome.

As you have been summarily dismissed for gross misconduct you are not entitled to receive notice and your last day of service with (SCHOOL) will therefore be **date**. A copy of the notes from the Disciplinary Hearing are enclosed for your information.

**For your information paid pension contributions are not affected by this decision.**

## **Arrangements for personal belongings, keys etc etc**

You have the right of appeal against this decision to the Governing Body Appeal Panel within five working days of the receipt of this letter. In order to appeal you should write to **(NAME)\*** Clerk to Governors advising of the grounds for your appeal using D13(SCH) Appeal Form as detailed in the school's disciplinary procedure.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**CHAIR OF GOVERNOR DISCIPLINARY PANEL**

**Copy: Trade union representative**

\* Amend as appropriate

\*\* Delete as appropriate

**16. APPEAL FORM: APPEAL FORM**

# DISCIPLINARY PROCEDURE – APPEAL FORM

THIS FORM WILL BE PHOTOCOPIED SO PLEASE FILL IT IN CLEARLY, AND MAKE SURE THAT YOU SIGN IT.

**Important:** You *should* use this form:

- ✓ Only after you have received the letter from your Headteacher or nominated representative confirming that you have been issued with a first written warning; or final written warning, or that you are to be dismissed.

Within 5 working days of your receipt of that letter.

My name is: \_\_\_\_\_ Job Title: \_\_\_\_\_

School: \_\_\_\_\_

Work Location: \_\_\_\_\_ Tel. No. \_\_\_\_\_

Contact tel. no: \_\_\_\_\_

My representative is: \_\_\_\_\_

Their contact address and telephone number are: \_\_\_\_\_

I am appealing against:

- First written warning
- Final written warning
- Dismissal

**The allegation was** *(please summarise)*:

*(Please attach additional sheets as necessary)*

**I am appealing on the grounds that (please tick the box[es] that apply):**

- This procedure was not followed; and/or
- The finding of the disciplinary hearing was unreasonable; and/or
- The management decision was inappropriate; and/or
  
- New or additional information has come to light which was not available the time of the hearing

Please explain the grounds of your appeal below:

*(Please attach additional sheets as necessary)*

Signed:

Date:

.....

Next steps:

1. If you are appealing against any sanction, please send this form along with a copy of the letter confirming the disciplinary measure to the clerk to governors.
2. Send a copy of this form, and the letter confirming the disciplinary measure to your representative.

The clerk to governors will invite you to attend an appeal hearing. A minimum of five working days' notice (Monday to Friday) will be given of the hearing. The decision will be confirmed in writing to you within five working days of the meeting unless otherwise notified

## **17. APPEAL INVITE: INVITATION TO APPEAL HEARING**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **INVITATION TO APPEAL HEARING**

Further to your written notification that you wish to appeal against your dismissal / the disciplinary action taken against you, arrangements have been made for your appeal to be heard by the Governor Body Appeal Panel on **(DATE)** at **(TIME)**. The appeal hearing will take place at **(LOCATION)**. The Governors who will form the Governor Appeal Panel are:

- **NAME, TITLE**

You are entitled, if you so wish, to be accompanied by a work colleague or a trade union representative.

The decision of this appeal hearing is final and there is no further right of appeal.

I would be grateful if you could confirm your attendance at the hearing by **(DATE)**. If, however, you or your representative are unable to attend the hearing at this date and time I would be grateful if you could inform me as soon as possible so that an alternative date can be arranged.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

### **CLERK TO GOVERNORS**

Copy: Trade union representative

\* Amend as appropriate

\*\* Delete as appropriate

## **18. APPEAL OUTCOME: OUTCOME OF APPEAL HEARING LETTER – OVERTURN DECISION**

### **PRIVATE & CONFIDENTIAL**

Dear **NAME**

### **OUTCOME OF APPEAL HEARING**

Further to your appeal hearing in respect of (**ENTER DETAILS OF APPEAL**), I am writing to inform you of the decision taken by the Governing Body Appeal Panel, who were:

- **NAME, TITLE**

The Governing Body Appeal Panel determined that your appeal was upheld

Having considered your appeal very carefully and taken into account your representations, it has been decided to allow your appeal and remove all records of the disciplinary hearing [and warning] from your record. This decision has been taken because [give reasons why appeal has been allowed].

[As you were [summarily dismissed/dismissed with notice], you are reinstated with immediate effect [and will be compensated for any period during which you were not paid]. Your period of continuous service, which began on [date] will not be affected.]

You have now exercised your right of appeal under the school's disciplinary procedure for and this decision is final.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**CHAIR OF GOVERNOR BODY APPEAL PANEL**

**Copy: Trade union representative**

**18 (a). APPEAL OUTCOME: OUTCOME OF APPEAL HEARING LETTER – UPHOLD DECISION**

**PRIVATE & CONFIDENTIAL**

Dear **NAME**

**OUTCOME OF APPEAL HEARING**

Further to your appeal hearing in respect of (**ENTER DETAILS OF APPEAL**), I am writing to inform you of the decision taken by the Governing Body Appeal Panel, who were:

- **NAME, TITLE**

The Governing Body Appeal Panel determined that your appeal was overturned.

Having considered your appeal very carefully and taken into account your representations, it has been decided to uphold the decision of [name of manager] and [retain the [nature of warning] warning on your record/dismiss you]. This decision has been taken because [give reasons why appeal has been rejected].

You have now exercised your right of appeal under the school's disciplinary procedure for and this decision is final.

If you would like any clarification with regard to the contents of this letter, please do not hesitate to contact me on the above number.

Yours sincerely,

**CHAIR OF GOVERNOR BODY APPEAL PANEL**

**Copy: Trade union representative**

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# **SCHOOLS GRIEVANCE POLICY AND PROCEDURE**

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## **1. POLICY**

A grievance is a concern problem or complaint raised with the school by an employee.

The aim of this policy is to resolve grievances promptly, through effective communication and discussion. Informal discussions between employees and their line manager are key to this and the vast majority of employee grievances can and should be resolved in this way. This approach prevents undue delay, lessens distress to the parties involved and it encourages good working relationships.

Schools must formally adopt a procedure and ensure that this is formally recorded in the governing body minutes.

## **2. SCOPE**

This policy and procedure apply to schools where Herefordshire is the legal employer i.e., maintained, and voluntary controlled schools.

Voluntary Aided Church Schools, where Herefordshire Council is not the legal employer, may choose to adopt a different grievance procedure as determined by the relevant diocesan authority and are responsible for consulting with the relevant trade unions.

This policy does not apply to agency workers or self-employed contractors. The grievance procedure may not be used as an additional means of appeal against a decision or sanction under another policy.

## **3. INFORMAL PROCEDURE**

In the first instance an employee should discuss their concerns with their line manager with a view to resolving them as part of normal day to day working life. The employee should explain what redress they are seeking for their grievance. It may be necessary for the member of staff who raised the grievance to attend a meeting to discuss the concerns in more detail, however, this will be determined on a case-by-case basis. The employee can request to be accompanied at any informal meeting by a colleague or their Trade Union representative.

It is best practise to confirm the outcome of the informal grievance in an email where possible to ensure a record of the complaint and outcome has been retained.

Where the issue has not been resolved to the employee's satisfaction the matter the employee should raise it in writing via letter or using the APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE to instigate the formal procedure.

Where it is not appropriate to try and resolve a grievance informally due to the severity of the complaint, the grievance will automatically be heard under the Formal Procedure.

## **4. FORMAL PROCEDURE**

If it is not possible, or where it is not deemed appropriate, to resolve the matter informally, the employee should set out their grievance in writing using APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE, to their line manager, head teacher or chair of governors within ten working days of the cause of the grievance (unless extended by mutual written agreement). Where the grievance isn't clear, the employee may be asked to clarify their concerns in writing, or in an investigation meeting at which they may be accompanied by a colleague or trade union official.

The investigation should be undertaken in a timely fashion, and without delay by the investigating officer. Where a formal grievance is raised preceding a school holiday, and it is unviable for the matter to be

investigated and heard as a consequence, it will be dealt with without delay as soon as next school term resumes.

The grievance will always be investigated by an independent Investigating Officer. This could be a member of the Senior Leadership Team, the Headteacher or any other officer as deemed suitable depending on the nature of the allegations, including a member of HR Services.

The Investigating Officer will have responsibility for investigating the grievance, compiling a report with their findings, and presenting this at the Formal Grievance Hearing.

Where a complaint is made about a Headteacher or Governor, the Investigating Officer will always be a member of the governing body not previously involved in the case, HR Services, or another appropriate external party.

### **Formal Grievance Hearing**

Where possible, a Formal Grievance Hearing will be scheduled within 15 working days of the receipt of the formal grievance. Where the investigation is likely to take time, the timescales will be discussed and agreed with the employee.

Where the Investigating Officer requires further clarity on any grievance points in order to undertake their investigation, the employee may be asked to provide further information prior to the arrangement of the formal grievance hearing.

The employee will always be given at least 5 working days' notice of a hearing and notified of who will be hearing their case. The employee has the right to be accompanied by a colleague or trade union official. The employee will be given a copy of the investigation report and any supporting documentation to review before the hearing. Any additional documentation to be considered should be submitted by the employee to the Hearing Chair or panel within 3 working days of the hearing, where possible.

The Formal Grievance Hearing will be chaired by either the Headteacher, a Governor, or if deemed appropriate, a panel of three governors. The chair or panel may be supported by HR Services.

Where a complaint is made about a Headteacher or a Governor, the case will always be heard by a panel of up to three members, which can include governors or other appropriate external parties not previously involved in the case.

The purpose of this hearing is for the employee to be able to air their concerns freely and for there to be open dialogue with a view to exploring how the grievance could be resolved. The investigation findings will be presented by the Investigating Officer and the employee will have opportunity ask questions and raise any further points they would like considered.

Where grievances require further investigation due to new evidence the hearing will be adjourned. The investigation will be concluded and documented in an updated investigation report, if appropriate, the hearing will be reconvened before giving the outcome in writing. This should be concluded in a timely manner, with the employee kept informed regarding timescales.

The Hearing Chair or panel will then advise the employee whether their grievance is upheld and any action they propose to take, with timescales, and the reasons for their decision in writing, normally within 5 working days of the conclusion of the investigation. The grievance hearing does not need to be reconvened to deliver the outcome. The employee has the right of appeal.

### **Formal Appeal Hearing**

If the employee wishes to appeal the outcome, they must submit their points for appeal and desired outcome to the Clerk to Governors within 5 working days of receiving the written outcome using APPENDIX II: G2 – NOTIFICATION OF APPEAL.

Where possible, an appeal panel will convene within 15 working days from receipt of the appeal. The appeal panel will normally consist of up to three members of the governing body or other appropriate external parties not previously involved in the case.

The employee must provide copies of any documentation they wish to refer to, to the clerk to governors for the appeal panel, at least three working days prior to the meeting.

Where the appeal requires further investigation, the hearing will be adjourned. The investigation will be concluded. This should be concluded in a timely manner, with the employee kept informed regarding timescales.

The panel will then advise the employee whether their grievance is upheld and any action they propose to take, with timescales, and the reasons for their decision in writing, normally within 5 working days of the conclusion of the investigation. The appeal hearing does not need to be reconvened to deliver the outcome.

There is no further internal right of appeal.

## **5. COLLECTIVE GRIEVANCES**

Collective grievances follow the same principles and procedure as an individual grievance. The group should agree their collective points of grievance and their shared desired outcome.

They have the right to be represented by one person (one of the groups submitting the grievance or the trade union representative) or for up to three individuals to express their concerns themselves.

The outcome will apply to each employee involved in the grievance.

## **6. ARRANGING FORMAL HEARINGS**

The employee will be given a written invitation to attend a formal hearing and provided with the following information:

- the details of who will be attending the hearing
- at least 5 working days' notice of the hearing
- confirmation of whether there will be a note taker or seek consent to record the hearing
- a copy of the grievance procedure
- the option to bring a trade union representative or colleague as a representative

The employee may be accompanied at all stages of the grievance procedure, including appeals, by a trade union representative or work colleague. No companion from an external source, other than a trade union official, may accompany the employee, unless in exceptional circumstances as a reasonable adjustment related to a disability.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case

The employee should take all reasonable steps to attend the meeting. However, if the companion is unable to attend the meeting at the proposed time, then the meeting will be re-arranged for a time when the

companion is able to attend. The re-arranged time must be reasonable and within 5 working days of the original proposed meeting date (or a later date if mutually agreed).

## 7. GRIEVANCES AGAINST ANOTHER EMPLOYEE

Where an employee raises a grievance against another employee, the accused employee will be notified of the allegations against them as soon as possible. Once the grievance investigation, hearing and any appeal has been concluded; the accused employee will be formally notified whether any allegations relating to them have been upheld, and of any follow up action required.

Making intentional false allegations against another employee will be investigated and may be dealt with under the Disciplinary Policy.

## 8. MONITORING

The Director of Children & Families is responsible for ensuring implementation and review of this policy and procedure for local authority schools. The governing body is responsible for adopting and implementing this policy and procedure.

## 9. REVIEW

This document will be reviewed after three years unless circumstances demand a review before then.

## 10. CONSULTATION & VERSION CONTROL LOG

Version	Status	Date Issued	Description of change	Unions Consulted With	Date Agreed
1.0	Archived				
2.0	Draft		Removed duplication and confirmed procedural responsibilities where HR Services are used to investigate.	Unison ASCL NEU NAUWST Voice GMB NAHT	02.10.2020

## 11. APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE

This form is intended for use by any employee who wants to make a formal complaint about a workplace issue. Employees should seek informal resolution to their concerns, by raising their complaint to their Headteacher / nominated representative. If the grievance is such that it is not appropriate to be heard informally or where the employee is not satisfied with the outcome from the informal procedures, this form should be completed and sent to the headteacher or nominated representative in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

**Formal grievance**

<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department (if applicable):</b>	
<b>Date:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No
<b>Summary of complaint:</b>	
Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations, and the identities of those involved). You may attach additional sheets if required.	
<b>Individuals involved in the alleged incident/complaint:</b>	
Please provide the names and contact details of any people involved in your complaint, including witnesses.	
<b>Outcome requested:</b>	
Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.	

<b>Declaration:</b>	
I confirm that the above statements are true to the best of my knowledge, information, and belief. I understand that intentionally making any false, malicious, or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious, or untrue allegations can be treated as gross misconduct.)	
Form completed by:	
Signature:	
<b>For completion by the school:</b>	
Date form received by the school:	
Name of recipient and job role:	
Signature:	

**12. APPENDIX II: G2 – NOTIFICATION OF APPEAL**

This form is intended for use by an employee who wants to appeal a decision made by the school regarding a formal grievance raised by him/her.

This form should be completed and delivered to the Clerk to the Governors in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. This should be done within 5 working days of receipt of the outcome letter from your formal grievance. A copy of the grievance outcome letter must be attached.

In accordance with the grievance policy, the Clerk to the Governors will aim to arrange a formal grievance appeal meeting with you within 15 working days of receipt of this form. If there are likely to be any delays in meeting your appeal, the organisation will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.

<b>Formal grievance appeal</b>	
<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department (if applicable):</b>	
<b>Date of your original grievance:</b>	
<b>Date you were given decision that you are appealing against:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No
<b>Summary of appeal:</b>	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpreted or lack of evidence and why you consider the outcome to have been incorrect in those circumstances). You may attach additional sheets if required.</p>	
<b>Individuals involved in the appeal:</b>	
<p>Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.</p>	
<b>Outcome requested from the appeal:</b>	

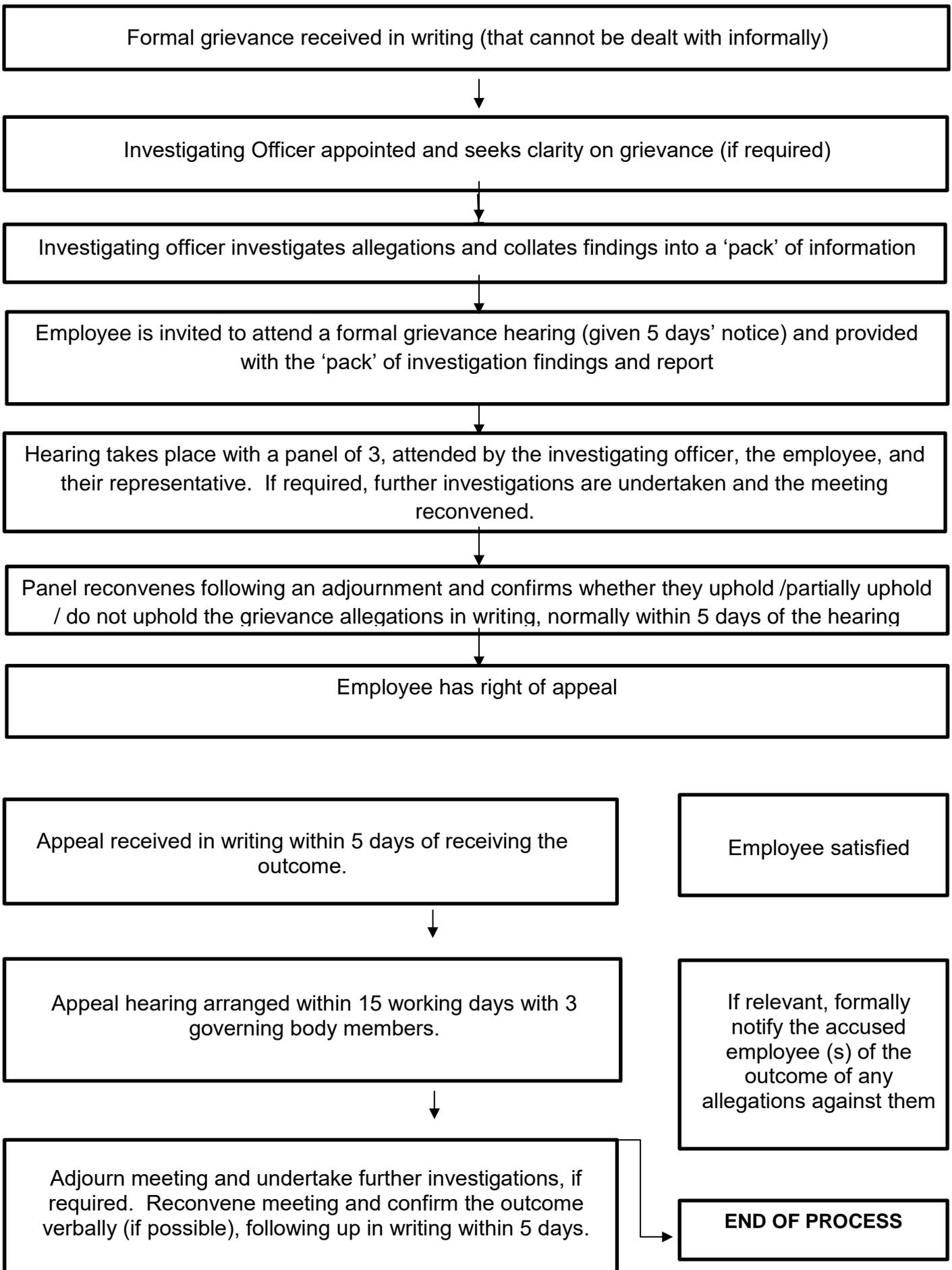
Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above is true to the best of my knowledge, information, and belief. I understand that intentionally making any false, malicious, or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious, or untrue allegations can be treated as gross misconduct.)

Form completed by:	
Signature:	
Date:	

### 13. APPENDIX III: FORMAL PROCESS FLOW CHART



## HR004(SCH) GRIEVANCE POLICY & PROCEDURE: MODEL LETTERS AND FORMS

1	INFORM OUT	Confirmation of outcome of Informal Grievance
2	NOTIFY FORMAL	Notification of Formal Grievance
3	NOTIFY APPEAL	Notification of Appeal against Outcome of Formal Grievance
4	FORMAL ACK	Acknowledge Receipt of Formal Grievance
5	INVEST INVITE (W)	Invite Witness to Investigation Meeting
6	FORMAL INVITE	Invite Employee to Formal Grievance Meeting
7	FORMAL RESCH	Reschedule Formal Grievance Meeting
8	FORMAL OUTCOME	Outcome of Formal Grievance
9	APPEALS INVITE	Invite to Appeal Meeting
10	APPEAL OUTCOME	Outcome of Appeal Meeting

4. School to insert logo on templates
5. Protective marking should be added as appropriate to the school's policy

## TEMPLATE 1 – OUTCOME OF INFORMAL GRIEVANCE

Dear []

Following our discussion on [date], it was agreed that your grievance would be best dealt with [through informal conversations with your (manager/colleagues) OR by taking immediate steps to (state how issues will be resolved informally)].

We agreed that, while you were justified in raising the matter, nothing would be gained from escalating the issue to the level of a formal grievance and that informal resolution of your grievance would be the appropriate avenue to pursue.

If you remain unhappy with the situation, you can still raise a formal grievance in accordance with the school's grievance policy. If you take this option, we will investigate the matter and arrange a formal grievance meeting with you after the investigation has been carried out.

Should you wish to discuss this matter in more detail, please let me know and I will be happy to discuss it with you.

Yours sincerely

Headteacher / Nominated Representative

## TEMPLATE 2 - NOTIFICATION OF FORMAL GRIEVANCE

### Employee grievance

This form is intended for use by any employee who wants to make a formal complaint about the behaviour of a colleague, his/her line manager, or any other workplace issue.

Employees should bear in mind before using this form that they should request that a matter be dealt with in an informal manner by a headteacher or nominated representative. Where the employee requests that the complaint be dealt with informally, the appropriate person will discuss the matter with the employee, with a view to resolving the matter without recourse to a formal procedure.

Where the employee requests that the complaint be dealt with formally, this form should be completed, and the grievance procedure will be invoked.

In certain circumstances, employees can request that their complaint be kept anonymous. Where possible, we will respect an employee's request for anonymity, but cannot guarantee that we will be able to do so.

In all circumstances, this form should be completed and delivered to the headteacher or nominated representative in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

**Formal grievance**

**Employee's name:**

**Employee's job title:**

**Employee's department (if applicable):**

**Date:**

**Does your grievance relate to your line manager?**

Yes/No

**Summary of complaint:**

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations, and the identities of those involved). You may attach additional sheets if required.

**Individuals involved in the alleged incident/complaint:**

Please provide the names and contact details of any people involved in your complaint, including witnesses.

**Outcome requested:**

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information, and belief. I understand that making any false, malicious, or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious, or untrue allegations can be treated as gross misconduct.)

Form completed by:	
Signature:	

**For completion by the school:**

Date form received by the school:	
Name of recipient and job role:	
Signature:	

**Next steps:**

1. Send this form to your Headteacher/Clerk to Governors as appropriate (keep a copy for your own records).
2. Send a copy of this form to your union representative.

3. Your Headteacher/Clerk to Governors will invite you to attend a meeting within 10 working days of their receipt of this form (20 for appeal against governing body). They will make a decision and write to you within five working days of that meeting.

In order to monitor the effectiveness and equity of this policy HR Services may contact you for equal opportunity information (e.g., ethnicity, disability etc.), if this is not already held. Any information that you provide to HR Services will remain confidential and used for monitoring purposes only.

## TEMPLATE 3 – NOTIFICATION OF APPEAL

### Employee grievance appeal

This form is intended for use by an employee who wants to appeal a decision made by the school regarding a formal grievance raised by him/her.

This form should be completed and delivered to the Clerk to the Governors in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. This should be done within 5 working days of receipt of the outcome letter from your formal grievance.

A copy of the grievance outcome letter must be attached.

In accordance with the grievance policy, the Clerk to the Governors will aim to arrange a formal grievance appeal meeting with you within 15 working days of receipt of this form. If there are likely to be any delays in meeting your appeal, the organisation will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.

### Formal grievance appeal

**Employee's name:**

**Employee's job title:**

**Employee's department (if applicable):**

**Date of your original grievance:**

**Date you were given decision that you are appealing against:**

**Does your grievance relate to your line manager?**

Yes/No

### Summary of appeal:

Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpreted or lack of evidence and why

you consider the outcome to have been incorrect in those circumstances). You may attach additional sheets if required.

**Individuals involved in the appeal:**

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

**Outcome requested from the appeal:**

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above is true to the best of my knowledge, information, and belief. I understand that making any false, malicious, or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious, or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

Date:	
<b>For completion by the organisation:</b>	
Date form received by the organisation:	
Name of recipient and job role:	
Signature:	

**Next steps:**

- 1 Send this form to the Clerk to Governors as appropriate (keep a copy for your own records).
- 2 Send a copy of this form to your union representative.
- 3 Your Headteacher/Clerk to Governors will invite you to attend a meeting within 15 working days of their receipt of this form. They will make a decision and write to you within five working days of that meeting.

In order to monitor the effectiveness and equity of this policy HR Services may contact you for equal opportunity information (e.g., ethnicity, disability etc.), if this is not already held. Any information that you provide to HR Services will remain confidential and used for monitoring purposes only.

#### **TEMPLATE 4 – ACKNOWLEDGEMENT OF FORMAL GRIEVANCE**

Dear []

I write to confirm that on [date] I received from you a completed 'Notification of Formal Grievance' dated [date] raising a formal grievance about [state issues].

In accordance with the grievance policy, we will arrange a formal grievance meeting with you within 10 working days.

I will be undertaking the investigation into your grievance, and you should contact me directly if you have any queries. My contact number is [NUMBER].

OR

In the meantime, [name of individual/the line manager] has been appointed to investigate your grievance. Should you have any queries before you are invited to the formal grievance meeting, please contact him/her by [telephone/email].

As part of this investigation [I OR name of investigator] may be required to interview potential witnesses and review documents. Please be assured that this matter will be kept confidential as far as possible, and every witness will be instructed not to discuss this matter. However, as part of the investigation process, it will be necessary to inform witnesses that a grievance has been raised.

Finally, I would like to reassure you that no decision will be taken regarding your grievance until the investigation has been completed and you have had an opportunity to discuss your complaints formally at a grievance meeting.

Please note that you will be expected to attend work as normal while the investigation takes place.

Yours sincerely

Headteacher

Dear []

I would be grateful if you could attend an investigatory meeting on [date] at [time] at [place]. This meeting has been arranged because we are investigating a grievance raised by a member of staff. The broad nature of the grievance is [give an outline of the grievance]. I understand that you may have [list the appropriate points and expand on them as necessary]:

- [witnessed events or overheard conversations that may be relevant to the grievance;
- knowledge of the working relationship between [name] and [name];
- useful information concerning the issues that are the subject of the grievance that could assist us in conducting our investigation.]

Please note that this investigatory meeting is strictly a fact-finding exercise. Under the school's grievance procedure, we are obliged to carry out such investigations. Please be assured that your conduct is not the issue under investigation. However, we need your assistance to establish as best we can all the facts surrounding the grievance. Any information that you give us will be treated as confidential, insofar as this is possible, and may be used to help the organisation to determine the appropriate way forward to resolve the grievance.

The investigatory meeting will be led by [name] and [name] will also be present to take notes of the relevant points of the discussion. If you wish, you may be accompanied at this meeting by a workplace colleague or a trade union representative of your choice. Please could you bring with you any information or documentation (including emails) that you think might be of assistance to the investigation.

Following the meeting, I may prepare a witness statement setting out the information that you give me. In this case, you will have the opportunity to ensure that the statement accurately reflects your version of events. Once you are happy with the statement, you will be requested to sign and date it.

If you have any questions or concerns about the grievance investigation, please do not hesitate to contact me on [insert contact details]. Alternatively, any concerns that you may have about the process can be raised at the meeting.

I would be grateful if you could let me know by [date] whether or not you can attend on the date and time suggested and whether or not you will be accompanied (and if so by whom).

As this matter is currently under investigation, it is very important that you keep it confidential and do not discuss this letter or any aspect of the matter with your colleagues or anyone else.

Thank you for your assistance, and I look forward to hearing from you.

Yours sincerely

Headteacher / Investigating Officer



## TEMPLATE 6 – INVITE TO FORMAL GRIEVANCE MEETING

Dear []

I am writing to confirm receipt of your formal grievance dated [date]. In accordance with our grievance procedure which is enclosed, I now invite you to attend a meeting to discuss the issues that you have raised. The meeting has been arranged for [date] and will begin at [time]. The meeting will be held at [location].

The meeting will be attended by [list management attendees]. You are entitled to be accompanied at the meeting by a work colleague or trade union official of your choice, if you wish. Please inform me as soon as possible of your chosen companion so that I can make the necessary arrangements to allow him/her to attend.

The purpose of the meeting is to allow you to explain your grievance and discuss with us how it can be resolved. If you wish to rely on any written material or documents, you may simply bring them to the meeting. However, it would be helpful if you could send copies to me in advance.

If you are unable to attend the meeting, under the terms of the procedure you must inform us of this fact as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

Should you have any queries about this process or questions about what the grievance meeting will involve, please let me know and I will be happy to discuss the arrangements in detail with you.

Yours sincerely

Headteacher / Nominated Representative

Dear []

I refer to our letter dated [date] inviting you to attend a grievance meeting at [date, time, and location].

On [date] you requested to reschedule this meeting due to [reason]. In the circumstances I have agreed to your request.

[OR

Due to unforeseen circumstances, it is necessary for us to reschedule the meeting to [date/time]. We apologise for this and assure you that it will not in any way affect the conduct of the meeting or its outcome.]

You are therefore now invited to attend the grievance meeting at [location] on [date] at [time]. The purpose of the meeting remains the same. It is to allow you to explain your grievance and discuss with us how it can be resolved. You retain the right to be accompanied at the meeting by a work colleague or trade union official of your choice.

Should you have any queries about this process or questions about what the grievance meeting will involve, please let me know and I will be happy to discuss the arrangements in detail with you.

Yours sincerely

Headteacher or nominated Representative

## TEMPLATE 8 – MEETING OUTCOME LETTER

Date

Dear,

### **Outcome of Grievance Meeting**

Thank you for attending the grievance meeting at [LOCATION] on [DATE]. [NAME], HR Adviser was present, and you were accompanied by [NAME]. You were reminded of your right to have a representative but declined, and confirmed you were happy to proceed unaccompanied. The meeting was to hear your formal grievance outlined initially in your letter to [NAME] on [DATE]. You set out the grounds of your grievance, which are set out in brief below:

- 1 BRIEF DETAILS OF GRIEVANCE/ISSUES/KEY POINTS
- 2 BRIEF DETAILS OF GRIEVANCE/ISSUES/KEY POINTS
- 3 BRIEF DETAILS OF GRIEVANCE/ISSUES/KEY POINTS
- 4 BRIEF DETAILS OF GRIEVANCE/ISSUES/KEY POINTS

I have carefully considered your comments and your letter of [DATE]. Since the meeting of [DATE OF MEETING] I have completed my investigation after speaking with [WITNESS], [WITNESS], and [WITNESS]. I have also analysed the [DETAILS OF ANY OTHER EVIDENCE CONSIDERED]. I am satisfied that every

opportunity was given during the investigation for the relevant information to be presented to me and for me to reach a decision on the issues.

Tailor to specific case: Briefly mention right of redress/acknowledge how employee feeling/ thank them for attending/ recognise that employee unhappy

From my considerations of the evidence available I have concluded that your grievance has been SUBSTANTIATED IN PART/FULL OR CANNOT BE SUBSTANTIATED IN PART, OR IN FULL

The following issues were of significance in coming to this decision and I set these out under the main parts of your grievance:

### **HEADING OF PART OF GRIEVANCE BEING DISCUSSED**

*You must include here an explanation of how the decision was reached, what evidence was considered, and any relative strengths/weakness of the evidence. Also include any other relevant points from the meeting e.g., expectations/ terms and conditions/policies and procedures/ previous discussions/arrangements/ mitigating circumstances.*

### **HEADING 2 [IF REQUIRED]**

*As above. Repeat process until all main points of grievance are considered and a finding given on them*

**OUTCOMES/ACTION:** If relevant state that the issues considered will be taken forward through internal procedures. If there are issues, then confirm that these will be taken forward/ policy/procedures reviewed in light of the grievance

I hope that you are assured that every effort has been made to investigate the points at our meeting, and I would like to thank you for your co-operation in helping me to fully investigate these matters.

You have the right to appeal against my decision. If you wish to lodge an appeal, you should do so in writing within five working days from receipt of this letter, which is expected to be [DATE], setting out the grounds for the appeal along with any further written material you wish to make available. The appeal should be sent to [NAME], Clerk to Governors, c/o [SCHOOL ADDRESS]. The grievance will be considered to be concluded at the end of the five working day period if an appeal is not lodged.

Yours sincerely

Headteacher/Investigating Officer

## TEMPLATE 9 – INVITE TO APPEAL MEETING

Dear []

I am writing to confirm receipt of your notification of appeal dated [DATE] in relation to the grievance meeting held with you on [DATE], the outcome of which was sent to you on [DATE].

In accordance with the grievance procedure, I now invite you to attend a meeting to discuss your appeal. The meeting has been arranged for [DATE] and will begin at [TIME]. The meeting will be held at [LOCATION].

The meeting will be attended by [list management attendees]. You are entitled to be accompanied at the meeting by a work colleague or trade union official of your choice if you choose. Please inform me as soon as possible of your chosen companion so that I can make the necessary arrangements to allow him/her to attend.

The purpose of the meeting is to allow you to explain the grounds on which you believe the findings of the original grievance meeting were wrong and should be changed.

If you are unable to attend the meeting, under the terms of the procedure you must inform us of this fact as soon as possible.

If your chosen companion is not available, you may specify another date for the meeting up to five working days later. Should you have any queries about this process or questions about what the grievance appeal meeting will involve, please let me know and I will be happy to discuss the arrangements with you in detail.

Yours sincerely

Clerk to Governors

## **TEMPLATE 10 – APPEAL OUTCOME LETTER**

Dear []

### **Outcome of the Grievance Appeal Meeting held on [DATE]**

Thank you for attending the appeal meeting at [LOCATION] on [DATE]. [NAME], HR Adviser was present, and you were accompanied by [NAME]. The meeting was to hear your formal appeal regarding the outcome of the grievance meeting held on [DATE]. This was an opportunity for you to explain to me in greater detail the grounds for your appeal. You set out the grounds of your appeal, and these are set out below in brief:

#### **1 BRIEF DETAILS OF APPEAL/ISSUES/KEY POINTS**

The Panel has carefully considered your comments and your letter of appeal dated [DATE]. We have also analysed the investigation report and records of all the meetings that were held. [INSERT ANY OTHER ADDITIONAL INVESTIGATION UNDERTAKEN] I am satisfied that every opportunity was given during the investigation for the relevant information to be presented to the Panel and for the Panel to reach a decision on the issues.

From our considerations of the evidence available we have concluded that your appeal CAN / CANNOT BE UPHELD.

The following issues were of significance in coming to this decision and these are set out below under the main parts of your appeal:

**14.**

15. [HEADING OF PART OF APPEAL BEING DISCUSSED]

You must include here an explanation of how the decision was reached, what evidence was considered, and any relative strengths/weakness of the evidence. Also include any other relevant points from the meeting e.g., expectations/ terms and conditions/policies and procedures/ previous discussions/arrangements/ mitigating circumstances.

16. HEADING 2 [IF REQUIRED]

**16.1. As above. Repeat process until all main points of grievance are considered and a finding given on them**

I hope that you are assured that every effort has been made to investigate the points at our meetings, and the Panel would like to thank you for your co-operation in helping us to fully investigate these matters.

Finally, I must conclude by informing you that this appeal is the final stage of the School's appeal procedure, and that the Panel's decision is final. There is no further right of appeal.

Yours sincerely

Chair of the Appeal Panel