



Disciplinary Procedures

Adopted by Governors: (Date of Meeting)

Committee Link: (Chair)

Review Timetable:

Renewal Date:

Millthorpe has adopted City of York Council's recommended Policy for Staff Disciplinary Procedures contained within the School HR Policy Manual (Personnel Notes of Guidance).

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1.0 Introduction

- 1.1 This chapter provides guidance for Headteachers and Governing Bodies on good practice in handling disciplinary matters in order to assist them in deciding which procedures and practices best suit their own circumstances. The following pages give more detailed advice on disciplinary matters, and contain a suggested model disciplinary procedure. These have been the subject of consultation with Trade Unions representing all of the various staff groups in schools and the LEA would strongly recommend that Governing Bodies adopt these procedures.

2.0 Disciplinary Procedures

- 2.1 It is the duty of the Governing Body to draw up a procedure for dealing with staff disciplinary matters.
- 2.2 It is the responsibility of the Governing Body to ensure that disciplinary practices and procedures are effective, fair, clearly understood and consistently applied.
- 2.3 Disciplinary procedures should not be seen in punitive terms. Well thought out and applied procedures can be a tool of good management and assist in staff development.
- 2.4 It is important, therefore, that Governing Bodies can demonstrate that their procedures and practices are always properly applied and incorporate all principles of natural justice. Governing Bodies must ensure that a person is deemed to be innocent until proven guilty.
- 2.5 The procedure relates to all staff for whom Governors have responsibility. However, it will not be invoked against an accredited trades union representative until the circumstances of the case have been discussed with a more senior trades union representative or full-time official.
- 2.6 Decisions regarding disciplinary action in respect of the Headteacher are taken by the Staffing Committee of the Governing Body.
- 2.7 Where the Headteacher is the subject disciplinary proceedings, the Chair of Governors will request the LEA to investigate on behalf of the Governing Body.
- 2.8 Disciplinary procedures are not appropriate in cases involving:-
- redundancy
 - ill health
 - termination of fixed term contracts
 - staff appraisal
 - capability because of poor performance

- 2.9 The disciplinary procedure must also be separate from the Grievance Procedure which will also be determined by the Governing Body. (See section 5 of this Manual).
- 6.7 Governing Bodies will wish to bear in mind that in establishing rules and procedures they are taking important steps in promoting concepts of fairness and justice in the treatment of staff, and in developing good employee relations.
- 2.11 In reaching decisions in each potential disciplinary case it may be helpful to consider the following questions:-
- i Has there been as much investigation as is reasonable in the circumstances?
 - ii Do I genuinely believe that the member of staff has committed the alleged offence?
 - iii Have I reasonable grounds on which to sustain that belief on the balance of probabilities?
 - iv Is the misconduct sufficiently serious to justify the disciplinary action I am contemplating?
 - v Is it within a band of reasonable responses of a reasonable employer in the circumstances?
- 2.12 In establishing disciplinary procedures, Governing Bodies should consult with representatives of all Trade Unions within the school.
- 2.13 Once procedures have been established, the Governing Body and the Headteacher should ensure that copies are readily available to all staff at the school and to the Regional representative of all recognised trade unions.
- 2.14 In common with all procedures, Governing Bodies may wish to review their procedures regularly and involve trade union representatives and the LEA when proposing any changes.
- 2.15 It is recommended that disciplinary procedures should:-
- Be in written form and be readily available to all staff
 - Specify to which staff they apply
 - Enable matters to be dealt with as quickly as possible
 - Indicate the disciplinary action which may be taken
 - Specify who has the authority to take various forms of disciplinary action
 - Provide for individuals to be informed of complaints against them and allow them to state their case **before** a decision is reached
 - Allow for time (at least 5 working days) between informing a member of staff of a hearing and the hearing taking place

- Recognise the right of individuals to be accompanied by a “friend” (usually a trade union representative or an employee) at all stages
- ensure that, except for gross misconduct, employees will not normally be dismissed for a first breach of discipline
- ensure thorough investigation prior to disciplinary action being recommended
- provide an explanation of the reason for any disciplinary action taken
- allow a right of appeal and provide an agreed procedure for this right of appeal.

3.0 Initial Disciplinary/ Dismissal Decisions

- 3.1 In accordance with the Staffing Regulations 2003, there is an expectation that the Headteacher will be responsible for initial disciplinary decisions in their school, including dismissal. The role of the governors is focused upon hearing any appeal against such decisions made by the Headteacher. The governing body should normally, therefore, delegate these matters to the Headteacher. It would be expected that all Headteachers would have the necessary skills and experience to make decisions on disciplinary measures, including dismissals and would expect to perform these functions. Such staffing decisions are commensurate with other managerial responsibilities already held by Headteachers.
- 3.2 It is recognised, however, that certain circumstances at a school may dictate that such responsibilities cannot be carried out by the Headteacher, and in such situations, governors will need to take initial disciplinary/dismissal decisions. This may occur where the Headteacher feels they have already had too much input into the process, and, therefore, are tainted in their decision making.

4.0 Non LMS Staff

- 4.1 It should be noted that responsibility for the conduct of discipline of teaching staff not based in schools (non LMS staff), will rest with the appropriate Assistant Director from the Education Directorate. Any reference in these procedures to the duties and responsibilities of a governing body would, therefore apply to the appropriate Assistant Director from the division such staff work in, rather than the Governing Body. This includes:-

Music Teachers - Assistant Director, (Lifelong Learning & Leisure)
 Behavioural Support Teachers - Assistant Director
 Learning Support Teachers - (Access & Inclusion)

Appeals against disciplinary action up to and including Final Written Warning will be to another Chief Officer from the Education Directorate, who has had no previous involvement and taken no part in the decision to take disciplinary action. Appeals against dismissal will be heard by the Council’s Appeals Committee (Corporate & Environment). The Committee is comprised of three Councillors. A representative from Human Resources will also be in attendance

purely to advise on procedural matters. In addition, the proceedings will be minuted by a Democracy Officer.

5.0 How To Handle Disciplinary Matters

The Investigation

- 5.1 It is important to determine as early as possible who will carry out investigations, (ie. Who will be the investigatory officer). If it is decided that the headteacher will make any initial disciplinary (including potential dismissal) decision, in order for them to remain untainted, they should not be involved in the investigation. In a secondary or large primary school, it may be possible for such responsibility to be delegated to a member of the leadership group. However, small schools may need additional support and it may be necessary for the disciplinary investigation to be carried out either by a suitably skilled LEA officer (eg.HR Officer), or a governor, leaving the Headteacher free to make the initial disciplinary/dismissal decisions.
- 5.2 All disciplinary matters are confidential and there should be no discussion outside and prior to the formal hearing in relation to the matter under investigation, as this may prejudice the outcome.
- 5.3 Investigations should be carried out as quickly as possible to prevent confusion of memory. This may involve interviewing any witnesses as quickly as possible, where a statement should be sought and the witness asked to check and sign that what is in the statement is a true and correct record of what was said and that they are willing to have this evidence used in a formal hearing. (see Appendix 2). In carrying out investigations into alleged misconduct, it is important to ensure that only specific information is acted on. Hearsay should not ordinarily constitute sufficient evidence to take disciplinary action.
- 5.4 In cases of alleged gross misconduct, both the governing body and the Headteacher have the right to suspend a member of staff, on full pay, pending the completion of investigations. This applies where it is considered that the presence of the member of staff in school may prejudice the outcome of the investigation or it is otherwise in the best interests of the school. When suspended the employee should be updated on a fortnightly basis as to the likely length of the continued period of suspension. The school is advised to seek the advice of their HR Officer before suspending a member of staff. If the member of staff is called to a meeting where suspension is a possible outcome, they should be advised to seek advice and assistance from their trade union.
(N.B. Suspensions can only be lifted by the Chair of Governors)
- 5.5 It is important to remember that not all disciplinary investigations will lead to disciplinary hearings. Once an investigation has been completed, it may be concluded that the matter will not be appropriately dealt with through the formal disciplinary procedures.
- 5.6 In the first instance managers may deal with unsatisfactory standards of behaviour and minor acts of misconduct informally by counselling the employee or, if necessary, by administering an informal oral warning. Such warnings will take place in private and no written record of the action will be kept on the

employee's personal file. The manager will, however, make a note of the meeting and record the action agreed. This will be made available to the employee. Early informal action of this nature will often be sufficient to deal with the problem. The manager will draw to the employee's attention the unsatisfactory conduct, explain what conduct is required and allow a reasonable specified period for the employee's conduct to improve. Only where there is no improvement or in more serious cases should the manager take steps to initiate formal disciplinary action.

- 5.7 The investigation should include the allegations being put to the member of staff at an early stage in the proceedings and asking for his or her comments. The member of staff should be advised in advance that he or she should seek advice and is entitled to be accompanied by a friend or trade union representative at all stages of the investigation if this is dealt with by way of an interview and that anything said may be used at a subsequent disciplinary hearing. The results of the investigation in terms of witness statements and any other evidence will need to be communicated to the member of staff at any disciplinary hearing. It is therefore important that all such evidence and information has been shared with the employee prior to any disciplinary hearing. The investigator should have another member of staff present at this interview and a note should be made of what is said.
- 5.8 The CEO or his representative has the right under the Education Reform Act to attend any meeting for the purpose of giving advice where the dismissal of a member of staff may be considered.

6.0 The Disciplinary Hearing

- 6.1 Where, as a result of alleged misconduct and a full and thorough investigation, formal disciplinary proceedings are initiated against a member of staff then that member of staff will be given the opportunity to answer the allegations at a disciplinary hearing.
- 6.2 The member of staff should be informed in writing at least 5 working days before the hearing of the complaint, that he or she is to attend a disciplinary hearing and who will hear the case. The member of staff must be informed of his or her right to be accompanied by a friend or trade union representative at the hearing. A model letter is attached as Appendix 3 to this Section.
- 6.3 The member of staff should be given copies of all documentary evidence to be produced or relied upon including written witness statements. Similarly, all documentary evidence to be relied upon by the employee must be shared with the school prior to the hearing. Written documentation to be presented by both sides must, therefore, be exchanged before the date of the hearing. Management should receive written documentation a minimum of two working days before the hearing and the employee should also receive written documentation a minimum of two working days before the hearing. However, should either side wish to submit a vital piece of evidence at the hearing which has not previously been exchanged, the Chairperson will decide on its admissibility. If the submission is allowed there will either be an adjournment or postponement of the hearing to allow the other side sufficient time for consideration of the new evidence.

- 6.4 The investigating officer may ask witnesses to attend, or may provide written, signed statements from witnesses. Where possible, witnesses should attend unless the member of staff accepts the contents of their statement as true and does not wish to cross-examine them. Witnesses should only be present in the hearing whilst giving their own evidence. If possible, it is advisable not to require pupils to attend a formal hearing and as an alternative, any evidence from them could be in written form. If, however, it is felt that a pupil's presence would be preferable, prior consent to this taking place should be sought from the pupil's parents
- 6.5 The member of staff has the right to present his or her side of the case and also to produce witnesses and/or written statements. Both sides may cross-examine each others witnesses. A suggested order of proceedings is attached as Appendix 5 to this section.
- 6.6 It is possible to adjourn disciplinary hearings, for example when the member of staff becomes too distressed or angry to continue, or where new evidence comes to light which may have a material effect and requires further investigation.
- 6.7 It is an expectation and strongly recommended that both parties should leave the room to allow the Headteacher/panel time to consider the evidence and reach a decision.
- 6.8 The member of staff should be advised orally but in any event will be informed in writing by recorded delivery of the outcome of the disciplinary hearing. The letter will state the disciplinary action decided upon, and where the action involved is not dismissal, contain a warning that similar misconduct within a certain period may occasion further and more severe disciplinary action. After the appropriate period, no further incident has occurred the warning will normally be disregarded in future disciplinary proceedings. In exceptional circumstances, these will be kept under review with a view to disregarding them after a sufficient period of conduct.

7.0 Penalties

- 7.1 It is important to ensure that the procedures allow for a graduated set of sanctions which allow the seriousness of the offence to be taken into account.
- 7.2 After considering the evidence the Headteacher/panel must consider what further action, if any, is appropriate. Not all cases will call for formal disciplinary action. It may be appropriate to counsel the member of staff, provide support or other assistance or to give an informal oral warning. Whatever the decision, this should be recorded as a disciplinary hearing record.
- 7.3 The employee's personal file should be referred to once a decision has been made that an allegation/allegations has been found proven in order to take account of any "live" records. It is also permissible for reference to be made to any management instruction that is laid on the personal file.

7.4 The types of formal disciplinary action which may be taken are:-

- i Formal Oral warning - this is the usual sanction for a first offence of misconduct. This will be confirmed in writing and held on the employee's file.
- ii Written warning - this is an alternative sanction for a first offence of more serious misconduct.
- iii Final written warning - if any further offence or if a more serious first offence not justifying dismissal is committed, a final warning will normally be issued. It must be made clear to the employee that further misconduct will lead to dismissal.
- iv Dismissal - if an employee commits a further disciplinary offence during the period when a final written warning is on file, he/she will normally be dismissed with contractual notice. Summary dismissal (i.e. without notice) will normally be the outcome when an act of gross misconduct is found proven.

Prior to any of the above being decided upon, the member of staff is entitled to representation at a hearing and an appeal. If possible, it is good practice to let the member of staff know what the likely outcome in terms of sanctions is prior to any hearing in order that they are not totally surprised by it.

7.5 Generally, the lower sanctions should be applied first with the more severe sanctions only coming in to effect if there is a further breach. It is possible, however, to proceed to any stage/sanction immediately, (e.g. for gross misconduct) depending upon the seriousness of the offence and the other circumstances of the case.

7.6 As an alternative to dismissal and with substantial mitigating circumstances, the panel may in exceptional cases wish to consider taking other action e.g. the ability to leave a warning on file for a longer period of up to five years. Where warnings are kept under review they should be disregarded after a sufficient period of good conduct.

7.7 The period of time which formal warnings will be expunged from an employee's file will be:-

- Formal oral warning - six months from the date of the letter confirming the warning.
- Written warning - one year from the date of the letter confirming the warning
- Final written warning - Two years from the date of the letter confirming the warning, or longer

8.0 Appeals

- 8.1 Any member of staff who has received a formal disciplinary sanction, including dismissal, should have the right of appeal. In accordance with the Staffing Regulations 2003, it is for the governors to hear any appeal. Appeals Committees must be set up consisting of no less than three members of the Governing Body and of governors who have had no prior involvement with the case.
- 8.2 The appeal will be by way of a complete rehearing. The grounds of appeal must fall within one of the following categories:
- in the light of the facts of the case, the employee believes that the decision was wrong
 - in the light of the facts of the case, the disciplinary sanction was too severe
 - new evidence has come to light which may have a direct bearing on the decision that has been made (i.e. may exonerate the appellant)
- 8.3 The appellant should be advised orally but in any event will be informed in writing of the decision of the Appeals Committee which will be either to uphold or overturn the decision of the Headteacher or the Staffing Committee to which the appeal relates or may be to substitute a lesser form of disciplinary sanction as specified in paragraph 14 above.
- 8.4 A member of staff wishing to lodge an Appeal must write to the Headteacher at the school asking to exercise the right of appeal within 10 working days from receipt of the notice of the decision. Receipt will be deemed on the first working day after posting. Other than in the most exceptional circumstances, if no appeal is lodged within that time the right to appeal is lost.
- 8.5 The Headteacher will arrange an Appeals Committee meeting within 15 working days of the date of receipt of the request for appeal, unless mutually agreed otherwise.
- 8.6 The decision of the Appeals Committee is final.
- 8.7 In accordance with the Staffing Regulations, if necessary, it is possible to hold the appeal hearing within the notice period. If the employee is then successful at appeal, having already been given notice of termination, they will be reinstated.

9.0 Gross Misconduct

- 9.1 In cases of gross misconduct it may be determined that a member of staff shall be dismissed notwithstanding that all of the other stages of disciplinary sanctions may not have been exhausted save that the LEA must be consulted before such determination. The Headteacher and the relevant appeals committee of the governing body may determine that the nature and/or seriousness of the offence justified summary dismissal.
- 9.2 The following list indicates the type of conduct which constitutes gross misconduct and may therefore warrant summary dismissal.

- a. Theft or dishonesty at work
- b. Wilful damage to Council property
- c. Any act or omission calculated to defraud the employer e.g. falsification of bonus sheets, time sheets or expense claims etc.
- d. Fighting or physical assault at work
- e. Intimidation of another employee or member of the public, including sexual or racial harassment
- f. Any criminal activities during work hours
- g. Serious criminal activities outside work hours
- h. Sexual misconduct at work
- i. Incapacity on duty due to the effects of alcohol or non prescribed drugs
- j. Unauthorised use of a Council vehicle
- k. Driving a Council vehicle whilst under the influence of drink or whilst otherwise unfit to do so
- l. Driving a Council vehicle without an appropriate driving licence
- m. Releasing information detrimental to the interests of the Authority in relation to competitive tendering of services
- n. Improper disclosure of confidential information
- o. Any wilful act or omission endangering life or limb
- p. Serious act of insubordination
- q. Unfair discrimination against an employee, pupil, or member of the public on grounds of sex, marital status, age, race, nationality, disability, sexuality or religious belief

10.0 Suspension

In certain circumstances where there are allegations of gross misconduct the Headteacher, following consultation with the Chair of Governors and the LEA may suspend a member of staff on full pay pending an investigation of the facts. Only the Governing Body (or appropriate committee) may end a suspension. Where the Headteacher is the subject of these investigations the suspension will be carried out by the Chair of Governors in consultation with the LEA. Alternative measures other than suspension may be considered. It is recommended that advice regarding this is sought from the LEA, for example, paid leave of absence.

11.0 Criminal Offences

- 11.1 Criminal offences occurring outside of work do not automatically bring the employment contract into question. The main consideration will be whether the employees conduct warrants action because of its employment implications. Each case must be treated on its own merits and in context.
- 11.2 Often the nature of the offence may call into question an employee's integrity rather than their immediate ability to do the job. In these circumstances it may be fair to invoke disciplinary proceedings. For example, if a member of staff was accused of an offence of a sexual or violent nature that brings the employer into disrepute.

- 11.3 Disciplinary action will not be unduly delayed or postponed because other proceedings are contemplated or pending. Employees who are unable to work due to court appearances will be deemed to be on unpaid leave. Where the employee is able to attend work, or is available to the employer an internal investigation will commence to consider the available facts and employment related issues. Alternative work may be an option pending the outcome of the investigation. In his/her absence during an investigation an employee may be represented by their trade union representative or one other person.
- 11.4 Where an employee receives a custodial sentence, the school should seek advice from HR Services. It may be that the Headteacher and/or the Governing Body decide that dismissal is appropriate on grounds that the employee is unable to attend work. Such a decision will only be taken following representation made by the employee's representative.

CONFIDENTIALITY

All proceedings shall be confidential.

Where the Governing Body decide to suspend or dismiss a member of staff only the operative decision may be published or made public in any way.

CHECKLIST FOR HANDLING A DISCIPLINARY MATTER

- 1.0** Establish that the complaint is not frivolous.
- 2.0** Establish who will conduct the investigation.
- 3.0** Gather relevant facts - quickly before memories fade
 - Consider whether suspension from duty with pay is necessary
 - Obtain statements from witnesses
 - Gather employee history
 - Normally, advise the individual concerned at an early stage of the investigation the case against them, and put allegations to them for their comments and response.
- 4.0** Consider whether information is clear (If not, then ensure that further investigation is conducted until this is the case). Determine whether action now required is:
 - No further action
 - Advice and counselling
training/retraining
 - Formal disciplinary action
- 5.0** Formal disciplinary action
 - Arrange hearing, including the presence of a second senior member of staff or governor

Advise member of staff in writing of

 - Nature of complaint
 - That this is a disciplinary hearing
 - Time and location of hearing (at least 5 working days ahead)
 - Right to be accompanied
 - Include copies of written witness statements and other documentation to be referred to.

6.0 At the Hearing:

- Introduce those present
- Explain the purpose of the hearing and the procedures to be followed
- Describe the nature of the complaint
- Give supporting evidence, including calling witnesses

7.0 Allow member of staff to state his or her case. Consider and question. Allow the cross-examination of any witnesses.

8.0 If new evidence available, decide whether this needs further investigation. If so, adjourn hearing.

9.0 Always adjourn before reaching a decision - balancing of facts and clarification of views may be necessary.

Tell member of staff how he/she will hear decision (i.e. by reconvening hearing). Decide whether or not the complaint(s) is/are established.

10.0 To enable sanction decision to be reached:-

- Consider the gravity of the offence
- Sanctions applied in similar cases
- The member of staff's employment record and history
- Mitigating circumstances
- Consider the question in paragraph 2.3 of the guidance on disciplinary procedures

11.0 When satisfied that sanction is reasonable:-

- Reconvene disciplinary hearing to inform member of staff of decision and any sanction
- Explain right of appeal and time limits
- Explain what improvement is expected, length of warning and consequences where there is failure to improve

12.0 Record the action taken and confirm in writing to member of staff. Make a simple record and retain all documentation.

13.0 Monitor member of staff's performance:-

- Establish who is responsible for monitoring and providing the support necessary
- Disciplinary procedures should have the aim of encouraging improvement
- Discuss progress regularly with member of staff

APPENDIX 2

WITNESS STATEMENT:

Any witness statement obtained as part of the investigation should have the following attached to the statement which needs to be signed by the witness it relates to.

I certify that the text below is a true and accurate account of what I witnessed/related to the investigating officer.

*Delete as appropriate

I *agree/disagree that this statement be used at any formal disciplinary hearing.

Signed

Print Name

Status

Date

MODEL LETTER: INVITATION TO A DISCIPLINARY HEARING

Please note that this letter must be received by the member of staff at least 5 working days before the date of the Hearing. If the employee cannot attend the meeting because of difficulties of representation, deferral of the meeting should occur.

(Date)

Dear Mr/Mrs/Miss/Ms

DISCIPLINARY HEARING

I am writing to you about a complaint I have received concerning your conduct at work following the recent interview at which we discussed that matter.

I am concerned about (ITEM, FAILURE, PROBLEM, ETC.) (e.g. your conduct on (DATE); your standard of work relating to (SUBJECT); your inability to (NATURE OF PROBLEM.) Or: It has been alleged that (give details of allegation).

You are, therefore, invited to attend a disciplinary hearing - in accordance with the agreed Disciplinary Procedure of the Governing Body on (DATE) at (TIME) for the purpose of discussing these matters. The hearing will be held by (name) with (name) in attendance and (name(s)) will also be called as witnesses.

As this is a matter which may result in disciplinary action being taken against you, you may be accompanied at the hearing by a Trade Union representative or a friend. If you wish to be so represented, I should be grateful if you would let me have the name and status of your representative as soon as possible.

It is also open to you to bring witnesses to this hearing. Please provide details of any witnesses likely to attend.

Please acknowledge receipt of this letter by signing the attached copy and returning it to me in the stamped, addressed envelope provided.

Yours sincerely

I acknowledge receipt of the above letter.

Signed:

Dated:

I will*/will not* attend the hearing.

*Delete as applicable

My friend*/representative will be

*Delete as applicable

Name

Status

(Name)
(Address)

APPENDIX 4

MODEL LETTER: ISSUING A FORMAL WARNING

(Date)

Dear Mr/Mrs/Miss/Ms

DISCIPLINARY HEARING

I refer to the hearing held at (PLACE) at (TIME) on (DATE), attended by yourself. You will recall that the hearing was of a disciplinary nature and was held in accordance with the Disciplinary Procedure of the Governing Body. (You will also recall that you declined the opportunity to be represented at the hearing by a Trade Union representative or by a friend). (You will also recall that you were represented at the hearing by (NAME), a friend/Trade Union Representative).

The allegation made against you by (NAME) was that you (DETAILS OF ALLEGATION).

(GIVE DETAILS OF RESPONSE). (In the case of some complaints not being upheld, details of these should be entered, together with reasons why they were not upheld).

Having considered your response the Headteacher/Governing Body considers that the complaint is accurate and you did commit such action.

I write to confirm the decision of the Headteacher/Staffing Committee on (DATE), as intimated to you, that you should receive a formal oral warning/written warning/final warning. This letter is to be taken as that warning in accordance with the Governing Body's Disciplinary Procedures.

I must advise you that in future you are required to comply with all of the proper procedures in respect of (SUBJECT OF COMPLAINT). Should there be any further incidents of this nature, or other serious misconduct or failure to undertake the duties and responsibilities of your job, further disciplinary steps will be taken.

(Include here details of agreed future action to be taken by other parties such as Governors or Headteacher to achieve improvements).

APPENDIX 4 continued

I have to advise you that you have the right of appeal against this decision and that if you wish to exercise this right you should do so by writing to me within ten working days of receipt of this letter either personally or through your nominated representative. Receipt of this letter shall be deemed to be the first working day after posting. Any appeal would be heard by the Appeals Committee of the governing Body where you may appear with or without a representative.

I should be grateful if you would return the attached duplicate copy to me, signed, to indicate that you have received this letter and fully understand that you have been given a formal oral warning/written warning/final warning in accordance with the Governing Body's Disciplinary Procedures.

- i A copy of this letter will be placed on your personal file. In accordance with the Governing Body's Disciplinary Procedures, this warning will be disregarded in any further disciplinary proceedings once a period of (number of months/years) has elapsed from the date of this letter.

OR

- ii A copy of this letter will be placed on your personal file. In view of the serious nature of the complaints proven against you, this warning will not be disregarded after the usual (number of months/years) period, though the possibility of disregarding it will be kept under annual review.

Yours sincerely

I acknowledge receipt of this letter and I understand that I have been given a in accordance with the Disciplinary Procedures of the Governing Body.

Signed:

Dated:

APPENDIX 5

MODEL ORDER OF PROCEEDINGS FOR A DISCIPLINARY HEARING

- 1.0** Chair of meeting asks those present to introduce themselves and confirms everyone is aware of how the hearing will be conducted.
- 2.0** Management state their case, including calling any witnesses they wish (who are excluded until called). Any management witness may be questioned by the employee/representative and then the panel following which they should withdraw.
- 3.0** The employee or his/her representative may ask questions of management's representative.
- 4.0** The Headteacher/panel may ask questions of management's representative.
- 5.0** The employee or his/her representative state their case, including calling any witness they wish (who are excluded until called). Any staff side witness may be questioned by the management representative and then the panel following which they should withdraw.
- 6.0** The management representative may ask questions of the employee or higher representative.
- 7.0** The Headteacher/panel may ask questions of the employee or his/her representative.
- 8.0** The management representative is asked to briefly sum up the case, introducing no new evidence.
- 9.0** The employee or representative is asked to briefly sum up the case, introducing no new evidence.
- 10.0** Both parties withdraw whilst the headteacher/panel deliberates. A representative of the LEA or the Headteacher may remain for the purpose of giving advice, as long as that individual was not presenting management's case during the hearing and did not conduct the disciplinary investigation.
- 11.0** Both parties may be called back together should the Headteacher/panel wish to clarify any matter. The employee will be informed in writing of the Headteacher's/panel's decision but should also, if possible, be called back into the hearing, along with the management's representative, to hear the decision.

Note: Either party may request a brief adjournment at any time during the hearing; it should be the decision of the Chair of the panel as to whether or not such an adjournment is granted.