



E07
ESTEEM MULTI-ACADEMY TRUST
DISCIPLINARY POLICY

Contents

1	About This procedure	2
2	Minor Conduct Issues and an Informal Approach.....	2
3	Investigations	3
3.1	Informal Investigation	3
3.2	Formal Investigation	3
3.3	Informal/Formal Investigation Outcomes	3
4	Suspension.....	4
5	The Hearing.....	4
6	Disciplinary action and dismissal	5
7	Appeals	6
8	Gross misconduct.....	7
9	Action against Trade Union Representatives	8
10	Criminal Offences.....	8
	APPENDIX 1 – PROFESSIONAL EXPECTATIONS FORM.....	10
	APPENDIX 2 – DISCIPLINARY HEARING AGENDA.....	11
	APPENDIX 3 – APPEAL HEARING AGENDA	12
	APPENDIX 4 – LETTER TEMPLATES.....	13
	SUSPENSION LETTER.....	13
	LIFTING SUSPENSION LETTER	14
	INVITE TO FORMAL INVESTIGATION MEETING LETTER	15
	NO FURTHER ACTION LETTER	16
	INVITE TO DISCIPLINARY HEARING LETTER	17
	OUTCOME LETTER – WRITTEN OR FINAL WRITTEN WARNING	18
	INVITE TO 12 MONTH REVIEW OF WRITTEN WARNING/FINAL WRITTEN WARNING.....	19
	OUTCOME LETTER – 12 MONTH REVIEW OF WRITTEN WARNING/FINAL WRITTEN WARNING.....	20
	OUTCOME LETTER – DISMISSAL (NOT SUMMARY DISMISSAL)	21
	OUTCOME LETTER – DISMISSAL (SUMMARY DISMISSAL).....	22
	APPEAL INVITE LETTER	23
	APPEAL OUTCOME LETTER.....	24

1 About This procedure

- 1.1 This procedure is intended to set out the standards of conduct and behaviour expected of our colleagues and to ensure that all disciplinary matters are dealt with fairly and consistently.
- 1.2 It is intended to help and encourage employees to achieve and maintain satisfactory standards of conduct and behaviour at work in line with Trust policies, rather than primarily as a way of imposing punishment.
- 1.3 This procedure aims to make sure employees are aware of the consequences of failure to meet the required standards of conduct both inside and outside of the workplace.
- 1.4 Minor conduct or performance issues can usually be resolved informally with your line manager. Please see Appendix 1: Professional Expectations Form. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.
- 1.5 This procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.
- 1.6 This policy and procedure does not deal with capability (performance) or sickness absence issues. These are dealt with via our E04 Capability Policy and/or E06 Staff Managing Attendance Policy.
- 1.7 The responsibility for managing the disciplinary process within the Trust will rest with the CEO, Executive Team, Local Governing Board or Trust Board who are the only employees empowered to issue warnings, deal with other associated action or take initial dismissal decisions in line with the DfE 'Staffing and employment advice for schools'. The CEO or the Trust Board may also take disciplinary action and in any case will always be responsible for disciplinary action involving a headteacher or member of the Executive Team.

2 Minor Conduct Issues and an Informal Approach

- 2.1. For minor conduct issues, the Trust will adopt an informal but confidential approach to help, guide or advise you in improving your conduct or behaviour. The Trust will only consider dealing with minor disciplinary breaches through the formal stages of the procedure if your misconduct continues or the misconduct is too serious to be dealt with informally.
- 2.2. Where there is a concern about your conduct or behaviour, the headteacher will organise an informal meeting to discuss the concern. The purpose of any informal meeting is to improve your conduct, to identify and examine any areas of concern and to provide a reasonable opportunity for you to respond, as well as to develop an action plan with an aim to improve in your conduct. A Professional Expectations Form should be completed as part of this meeting (Appendix 1). In some cases, it may be decided that additional training, coaching, and advice are required.
- 2.3. Where the behaviour causing concern may be related to an underlying relationship issue, it may be appropriate to consider an independent third party, such as a mediator, to help resolve the situation rather than disciplinary action.
- 2.4. In the event that the matter cannot be resolved informally, or the matter is too serious for the informal approach to be applied, then the formal disciplinary process will follow.
- 2.5. No formal disciplinary action will be taken unless or until the allegations have been fully investigated.

3 Investigations

3.1 Informal Investigation

3.1.1. In the first instance, an informal investigation should be undertaken to establish the grounds of the case and whether there is a case to answer. This should be done by someone who has not been involved in the matter at this stage and should normally be the Line Manager or a member of the Senior Leadership Team. The informal investigator will report their findings to the person reviewing the case. The aim of this is to avoid a lengthy disciplinary process being followed when there are no grounds for a disciplinary and the matter could be dealt with in an informal manner. There is no right to trade union representation at an informal stage. However, if you are a member of a Trade Union, it is advised that you contact them.

3.2 Formal Investigation

3.2.1. After an informal investigation has taken place and the matter cannot be resolved informally and there is potentially a case to answer then a formal investigation should take place.

3.2.2. Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

3.2.3. If allegations have been made against you, you will be notified of the nature of the allegations that are to be investigated prior to the formal investigation meeting. You will be given 5 working days' notice of any formal investigation meeting for you to prepare. You may be accompanied at the formal investigation meeting by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion. The companion does not, however, have the right to answer questions on your behalf or prevent the employer from asking questions as part of the investigation process.

3.2.4. The amount of investigation involved will vary depending on the allegations in question and the circumstances of the case.

3.2.5. Investigations will be dealt with as confidentially as is reasonably practicable and sensitively.

3.2.6. The formal investigating officer should be a person with no prior involvement in the matter under investigation (this includes informal investigation) and should normally be the Line Manager, a member of the Senior Leadership Team or Executive Team unless they have prior involvement in the case.

3.3 Informal/Formal Investigation Outcomes

3.3.1. At each stage of the investigation process the informal/formal investigating officer will consider one of the following outcomes:

3.3.1.1. Complete exoneration from the allegations made. See Appendix 4: NO FURTHER ACTION LETTER.

3.3.1.2. Where an informal improvement process has not already been applied and the nature of the allegation does not prohibit this, an informal/formal improvement process may be utilised.

- 3.3.1.3. A recommendation that there are sufficient grounds for a potential case for misconduct or gross misconduct to be made. If at the informal stage, this would progress to a formal investigation. If at the formal investigation stage, this would progress to a disciplinary hearing.

4 Suspension

- 4.1. Alternative working arrangements should be considered as an alternative to suspension.
- 4.2. Depending on the circumstances, you may be suspended from work on full pay during the investigation; However, if you are prevented from doing your job because a third party imposes criminal, legal or any other restrictions then this would be without pay.
- 4.3. It is the responsibility of the Headteacher or CEO to suspend employees and then lift the suspension. In both cases this would be confirmed in writing, stating the reasons why the employee has been suspended.
- 4.4. Whilst on suspension the Headteacher or CEO will review, as appropriate, the suspension to check the progress and decide if the suspension needs to continue. Suspension or alternative arrangements should be for as short a time as possible. If a formal suspension review meeting is required, the employee and their Trade Union representative will be invited to attend a review with 5 working days notice. Following the suspension review, the outcome will be confirmed to the employee in writing. The employee and or their representative can request a review of suspension meeting and/or provide written representation in advance to inform the next review, or in response to the review outcome.
- 4.5. In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both).
- 4.6. While suspended, you should not visit our premises or contact any of our colleagues, students or parents, unless authorised to do so. Authorisation must be gained from the named person on the suspension letter.
- 4.7. Suspension is not considered to be disciplinary action or a presumption of guilt and is intended as a neutral act.

5 The Hearing

- 5.1. You will be given 10 working days' written notice of the hearing, including sufficient information about the conduct which appears to justify disciplinary action and its possible consequences to enable you to prepare. You will be given copies of relevant documents and witness statements at least 5 working days prior to the date of the hearing along with the agenda (Appendix 2). The hearing will be conducted by the headteacher or if the headteacher has been involved in the investigation process, a panel of 3 Governors/Trustees/Executive Team members /Trust Senior Team and they will make the decision on the outcome. If dismissal is an outcome being considered e.g., serious or gross misconduct allegations, the case will be heard by a panel of 3 of those listed above, who have not previously been involved in the investigation process.
- 5.2. You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion. The companion is allowed to address the hearing, to put and sum up your case. They may also request

an adjournment and ask questions of anyone present. The companion does not, however, have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the employer from explaining their case.

- 5.3. Other than confirming that all parties have the same documentation it would not normally be necessary to read out the content of the documentation.
- 5.4. You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered. You must provide copies of any relevant evidence you intend to refer to, at least 5 working days before the hearing.
- 5.5. You should make every effort to attend hearings as arranged. You may offer a reasonable alternative time within 5 working days of the original date if you or your trade union representative or colleague cannot attend.
- 5.6. If you do not attend the hearing without good reason, it should be re-arranged (within 5 working days) but if you do not attend the rearranged meeting/hearing, a decision may be made in your absence. You may submit a written statement to be taken into consideration.
- 5.7. Where you are absent due to sickness whilst a disciplinary matter is pending, the E06 Staff Managing Attendance Policy will apply as normal. Being absent from work due to sickness will not automatically stop the disciplinary procedure progressing.
- 5.8. We will inform you in writing of our decision, usually within one week of the hearing.

6 Disciplinary action and dismissal

- 6.1. The usual penalties for misconduct or poor behaviours are:
 - 6.1.1. Written Warning: Where there are no other active written warnings on your disciplinary record, you will usually receive a written warning. It will usually remain active for twelve months at which time it will be reviewed and become spent or extended for a further six months.
 - 6.1.2. Final Written Warning: In cases of further misconduct or failure to improve where there is an active written warning on your record, you will usually receive a final written warning. This may also be used without a written warning for serious cases of misconduct or poor performance. The warning will usually remain active for twelve months at which it will be reviewed and become spent or extended for a further six months.
 - 6.1.3. Dismissal or other action: You may be dismissed for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct.
- 6.2. We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.
- 6.3. Where an employee is absent from work for 20 days or more, regardless of the reason for absence(s), whilst a Written Warning or Final Written Warning is in force, that warning will be suspended for the period of absence. Once the employee returns, the warning will recommence and continue for the remaining active period.

-
- 6.4. Details of spent warnings shall remain in personal files but shall be disregarded for the purpose of any future disciplinary proceedings, except in exceptional circumstances e.g., where they demonstrate patterns of behaviour which give rise for concern.
 - 6.5. Substantiated allegations of harm to the safety and wellbeing of children must be kept in a confidential personnel file and a copy provided to the individual. The record should be retained until the individual has reached normal retirement age or for a period 10 years from the date of the allegation, if that is longer. The record will comprise a comprehensive summary of the allegation, details of how the allegation was followed up and resolved, including a note of any action taken and decisions reached. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information about an allegation that did not result in criminal conviction and will help to prevent unnecessary re-investigation, if an allegation re-surfaces.

7 Appeals

- 7.1. You may appeal in writing within 10 working days.
- 7.2. Where disciplinary action has been taken, if you are dissatisfied with that decision, you can appeal. Your appeal must be in writing and set out the grounds of your appeal in line with the list in 7.3 and include all the information you wish to rely on at the appeal hearing. You must send your appeal to the Headteacher or named individual within 10 working days of being told of the decision. The action taken at the disciplinary hearing will remain in force pending the outcome of the appeal.
- 7.3. You must be appealing against one or more of the following:
 - a) the finding that you committed the alleged act (or acts) of misconduct where the evidence did not support this finding
 - b) the severity of the disciplinary sanction imposed taking into account the nature of the misconduct and the mitigating circumstances
 - c) the fact that you don't feel the correct procedure was followed
 - d) the fact the new evidence that was not considered in the disciplinary hearing has come to light that would change the outcome
 - e) the sanction is inconsistent with how others have been treated
 - f) there was unlawful discrimination in the handling of the disciplinary.
- 7.4. The appeal hearing will, where possible, be held by a panel of 3 not previously involved. You may bring a colleague or trade union representative with you to the appeal hearing.
- 7.5. The appeal hearing will be held within 15 working days of the receipt of the formal notice of appeal (or by mutual agreement as soon as practicable thereafter).
- 7.6. The appeal hearing process will follow the same procedure as the disciplinary hearing process as outlined above (section 5) with the focus on your reason for appeal. You will be sent an agenda of the appeal hearing (Appendix 3).
- 7.7. Potential appeal hearing outcomes are:
 - 7.7.1. Uphold the appeal and exonerate.
 - 7.7.2. Confirm the original decision but apply a lesser sanction.
 - 7.7.3. Confirm the original decision and apply the same sanction.
- 7.8. You will be informed in writing of the panel's final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

8 Gross misconduct

- 8.1. Gross misconduct is defined as conduct so serious that it justifies dismissal. This is because the significance of the act affects the contractual relationship between the Trust and the employee, meaning a further working relationship and trust impossible.
- 8.2. The categories are neither exclusive nor exhaustive, and dismissal on the grounds of gross misconduct could therefore occur for acts of a similar level of seriousness that are not referred to below, where the contractual relationship between the Trust and the employee has broken down.
- 8.3. Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).
- 8.4. The following are examples of matters that are normally regarded as gross misconduct:
 - 8.4.1. Theft or unauthorised removal of property from the school or its stakeholders
 - 8.4.2. Fraud or deliberate falsification of records attendance sheets, bonus sheets, subsistence and expense claims etc.
 - 8.4.3. Falsification of the Academy Trust record
 - 8.4.4. Falsification of qualifications or information which are a statutory or essential requirement of employment or which result in additional remuneration
 - 8.4.5. Actual or threatened violence, verbal abuse or bullying behaviour
 - 8.4.6. Deliberate or serious damage to the property or that of a colleague, other stakeholder, contractor or authorised visitor
 - 8.4.7. Serious negligence which does or could result in loss, damage or injury
 - 8.4.8. Deliberately accessing, copying or distributing pornographic, offensive, obscene or inappropriate material on the internet or paper media or held on Trust owned devices.
 - 8.4.9. Being under the influence of alcohol, drugs or other similar substances at work which may give reasonable grounds to suspect your ability to undertake your duties or being in possession of illegal or intoxicating drugs on site
 - 8.4.10. Refusal to obey reasonable instructions or any other act of serious insubordination
 - 8.4.11. Any action or behaviour which brings the Academy Trust into serious disrepute
 - 8.4.12. Serious breach of health and safety rules
 - 8.4.13. Unauthorised disclosure of confidential information
 - 8.4.14. Acceptance of bribes or other secret payments
 - 8.4.15. Disclosure of confidential matters to public sources, where not required for employee relations purposes
 - 8.4.16. Sexual misconduct at work
 - 8.4.17. Harassment or any act of discrimination towards anyone you come into contact with because of your work.
 - 8.4.18. Convictions relating to activities outside work, but which have a significant and direct bearing on your employment and duties with the Academy Trust and its reputation.
 - 8.4.19. Employees whose posts are subject to Disclosure & Barring Service: Failure to notify line management of any activity likely to result in subsequent criminal investigation, conviction or police caution being served.

-
- 8.4.20. For those employees subject to the provisions of the Disqualification under the Childcare Act regulations: Failure to report a change in status potentially affecting their ability to work with the relevant age groups of children.
 - 8.4.21. Misrepresenting at any time, including at your appointment with the Academy Trust, any previous positions you have held, your qualifications, date of birth, declaration of health, or a failure to disclose a criminal offence or pending criminal action subject to the provisions of the Rehabilitation of Offenders Act 1974.
 - 8.4.22. Failure to observe relevant Safeguarding policies and procedures plus the Financial Regulations.
 - 8.4.23. Failure to report inability to attend work due to illness for any other reason, promptly, and in accordance with the school's procedures if previous guidance on correct reporting procedures has not resulted in an improvement
 - 8.4.24. Unreasonably prolonging absence by neglecting to act on medical advice.
 - 8.4.25. Absenteeism and leaving the workplace without permission.
 - 8.4.26. Serious breach of the Staff Code of Conduct.

This list is intended as a guide and is not exhaustive.

9 Action against Trade Union Representatives

- 9.1. Disciplinary action against a Trade Union representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal disciplinary standards apply to a Trade Union representative's conduct as a colleague, a full-time official should be notified of any action (including suspension) that the Academy Trust takes or proposes to take.
- 9.2. All reasonable efforts must be taken to ensure that disciplinary action is not taken against a Trade Union representative until a full-time official has had an opportunity to be present at any stage of the formal procedure.

10 Criminal Offences

- 10.1. Certain criminal offences may affect your suitability to continue in your role with the Academy Trust or damage their reputation. If you are charged with a relevant criminal offence, you must inform your headteacher as soon as possible. We will not treat notification about criminal proceedings, or a conviction (including bind-over's and cautions), as an automatic reason for dismissal or for any other form of disciplinary action being taken. We will decide what action to take, if any, after we have reviewed the matter. The main consideration should be whether the conviction is one that makes you unsuitable for your job or affects the Academy Trusts' reputation.
- 10.2. If you are subject to a criminal investigation, the Academy Trust will determine to what extent it needs to conduct its own investigation before deciding whether to proceed to formal disciplinary action. The Academy Trust will not usually wait for the outcome of any prosecution before deciding what action to take (unless specifically advised otherwise by the police). No decision to impose a disciplinary sanction or dismiss will be taken prior to giving you the opportunity to make representations.
- 10.3. If we have reasonable grounds to suspect that the potential misconduct involves fraud, systems abuse, theft, or any financial irregularity, we will notify the internal auditors and/or the police as soon as possible.

10.4. Where there are allegations that appear to involve criminal responsibility or financial irregularities affecting Trust resources, the Chair of Trustees and CEO must be notified and will decide whether to refer the matter to the police or take other action in accordance with the Academies Financial Regulations procedure rules (as appropriate). The exception to this is in allegations involving Safeguarding Children and Safeguarding Adults, where separate procedures apply.

APPENDIX 1 – PROFESSIONAL EXPECTATIONS FORM

Member of Staff being Interviewed:			
Name			
Position			
Interviewing Officer:			
Name			
Position			
Purpose of confirming Professional Expectation:			
Reason for discussing professional expectation e.g. Performance/professional or event-orientated discussion. Include leaders' facts and observations prior to this meeting.			
Comments:			
Confidentiality Clause:			
The content of this meeting is to be kept confidential and not to be discussed with other colleagues. You are free to discuss this meeting content with recognised trade union representatives, for the purpose of support relating to the content of the professional expectations discussed and documented herein.			
Action to be taken:			
Interviewing Officer:			
Signature		Date	
Interviewee:			
Signature		Date	

APPENDIX 2 – DISCIPLINARY HEARING AGENDA

1. The Investigation Officer, to put the case in the presence of the employee and to call witnesses.
2. The employee or their representative, to have the opportunity to ask questions of the Investigation Officer, on the case presented and any witness whom they may call.
3. The Panel to have the opportunity to ask questions of the Investigation Officer and witnesses.
4. The employee or their representative, to put their case in the presence of the Investigation Officer and to call such witnesses as they wish.
5. The Investigation Officer to have the opportunity to ask questions of the employee and their witnesses.
6. The Panel to have the opportunity to ask questions of the employee and their witnesses.
7. All witnesses will withdraw at this point.
8. The Investigation Officer and then the employee to have the opportunity to sum up their case if they so wish.
9. The Investigation Officer and the employee to withdraw.
10. The Panel to deliberate, only recalling the Investigation Officer and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point giving rise to doubt.
11. The Panel will announce its decision to the employee personally and to their representative (where possible). This will be confirmed in writing within five working days along with meeting minutes.
12. Employee has the right to appeal the outcome and this should be done in writing to the Headteacher or named person, within 10 working days of receipt of the outcome letter.

APPENDIX 3 – APPEAL HEARING AGENDA

1. The employee, to present their appeal under one of more of the following reasons:
 - a) the finding that you committed the alleged act (or acts) of misconduct where the evidence did not support this finding
 - b) the severity of the disciplinary sanction imposed taking into account the nature of the misconduct and the mitigating circumstances
 - c) the fact that you don't feel the correct procedure was followed
 - d) the fact the new evidence that was not considered in the disciplinary hearing has come to light that would change the outcome
 - e) the sanction is inconsistent with how others have been treated
 - f) there was unlawful discrimination in the handling of the disciplinary.
2. The Investigation Officer, to have the opportunity to ask questions of the employee and their witnesses.
3. The Appeal Panel to have the opportunity to ask questions of the employee and their witnesses.
4. The Appeal Panel to have the opportunity to ask questions of the Investigation Officer and witnesses.
5. The Investigating Officer will present their case in your presence and call witnesses.
6. The employee will have the opportunity to ask questions of the Investigating Officer and witnesses.
7. The Appeal Panel will have the opportunity to ask questions of the Investigating Officer and witnesses.
8. All the witnesses will withdraw at this point.
9. The Investigation Officer and then the employee to have the opportunity to sum up their case if they so wish.
10. The Investigation Officer and the employee to withdraw.
11. The Panel to deliberate, only recalling the Investigation Officer and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point giving rise to doubt. Where further investigation is required, the appeal panel may adjourn till they are able to review this information and reconvene as a panel at a later date to agree an outcome.
12. The Panel's decision will be confirmed in writing within five working days along with meeting minutes.
13. There is no further right of appeal.

APPENDIX 4 – LETTER TEMPLATES

All letters are to be actioned on appropriately branded letter headed paper.

SUSPENSION LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Allegation of Misconduct/Gross Misconduct - Suspension

I write to confirm the oral notification of suspension from duty on normal pay pending the investigation of an allegation of misconduct/gross misconduct made against you on the:

- date(s), time(s) and place(s) of alleged offence(s).
- related reason for suspension detailed in policy
- detail(s) of alleged offence(s)

Alternative working arrangements have been considered as an alternative to suspension and have been considered as inappropriate because [insert reasons].

Your suspension will take effect immediately from [day], [date], [time] and will continue for a period of time not exceeding [No.] week(s) without review. There will be an initial review of this suspension within 5 working days and you are invited to attend on **[DATE]** at [venue] and you are entitled to be accompanied by your trade union or other representative. (*Alternatively* you will be contacted as soon as possible to make arrangements).

During this period of suspension, it will be necessary to make yourself available should it be necessary to contact you at any time in order to facilitate further investigation. You should also note that you should not return to your place of work without obtaining prior approval from the Headteacher. You should inform the school if you experience sickness absence and, in such circumstances, you would receive the appropriate sickness pay.

You will be notified in writing of the details of a Formal Investigation, and any subsequent meetings which you will be required to attend.

Suspension on full pay is not a disciplinary action and is intended as a neutral act carrying no implication of guilt; therefore you have no right of appeal against this decision.

I thank you in anticipation of your co-operation in this matter.

If there is anything you are unsure of or anything you wish to clarify in connection with the above, please contact [NAME and ROLE] or your Trade Union/Professional Association Representative.

Yours sincerely

Copy to: *Personal File*

Trade Union Representative (upon request)

LIFTING SUSPENSION LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Allegation of Misconduct/Gross Misconduct – Lifting of Suspension/Return to Duty

I write to confirm to you that an investigation of all the circumstances surrounding the allegation of misconduct/gross misconduct made against you on (date) is ongoing. However, the Investigation Officer *is satisfied that the evidence collected so far would not be considered potential acts of gross misconduct/finds that there is insufficient consistent evidence to support the allegations made and thus the matter is satisfactorily concluded and no further action will be taken.* (DELETE AS APPROPRIATE)

Further to my letter of [DATE] in which you were formally notified of the terms of your suspension [or alternative to suspension] from duty on normal pay, I am writing to confirm that the outcome of your suspension review was to lift your suspension with *immediate effect/with effect from [DATE]*. (DELETE AS APPROPRIATE)

[INSERT HERE ANY DETAILS ABOUT RETURN TO WORK ARRANGEMENTS]

Yours sincerely

Copy to: Personal File

Trade Union Representative (upon request)

INVITE TO FORMAL INVESTIGATION MEETING LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Allegation of Misconduct/Gross Misconduct*

I wish to inform you that I have received an allegation against you which may constitute an act of misconduct/gross misconduct. It is alleged that you:

- date(s), time(s) and place(s) of alleged offences(s)
- details of alleged offence(s)

This allegation is to be investigated and you are required to attend an Investigatory meeting in line with [SCHOOL NAME] disciplinary procedure at [VENUE] on [DAY, DATE] at [TIME] when [NAMES OF THOSE TO BE PRESENT] will be present to discuss this issue with you.

We reserve the right to change or add to this/these allegation(s) as appropriate in light of the investigation. We will keep you fully informed should this be the case.

You have the right to be accompanied by your Trade Union Representative or a colleague of your choosing, should you so wish.

I must inform you that you may be invited to a Disciplinary Hearing should there be sufficient reasonable grounds to support the allegation(s).

Failure to attend an Investigatory meeting without good reason may be considered a disciplinary offence.

Please do not discuss this matter with any colleagues who may be called upon as witnesses.

I shall be grateful if you will please contact [NAME] to confirm your intention to attend the meeting.

I thank you in anticipation of your co-operation in this matter. If there is anything you wish to clarify or query, please do not hesitate to contact me.

Yours sincerely

Copy to: Personal File

Trade Union Representative (upon request)

NO FURTHER ACTION LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Allegation of Misconduct/Gross Misconduct*

I am writing to confirm to you that an investigation of all of the circumstances surrounding the allegation of misconduct/gross misconduct* made against you on [DATE], has been completed.

Either

The Investigating Officer finds there is no foundation to the allegation and thus the matter is satisfactorily concluded and no further action will be taken.

Or

The investigating officer finds that that there is some foundation to the allegation and the matter has been referred to be considered through Formal Management Intervention and Guidance. You will shortly receive an invitation to a meeting under this procedure.

I hope you consider that this issue has been fair and reasonable throughout and I wish you every success for the future. Thank you for your co-operation with the investigation process.

Yours sincerely

****Please delete to indicate whether the case is one of misconduct or gross misconduct***

Copy to: *Personal File*

Trade Union Representative (upon request)

INVITE TO DISCIPLINARY HEARING LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Allegation of Misconduct/Gross Misconduct*

I write to inform you that having completed the Formal Investigation, the Investigating Officer considers that there are sufficient reasonable grounds for the allegation of misconduct/gross misconduct against you to be pursued in line with the E07 Esteem Disciplinary Policy (copy attached).

You are required to attend a disciplinary hearing at [VENUE] on [DAY, DATE] at [TIME] when the Headteacher/Disciplinary panel will hear the case.

It is alleged that you:

- date(s), time(s) and place(s) of alleged offence(s).
- detail(s) of alleged offence(s).

Which constitutes an act of misconduct/gross misconduct*

- should such action be proven, this may lead to your subsequent dismissal from the school's employment.

You have the right to be accompanied by your Trade Union Representative or a colleague of your choosing, should you so wish. You may call witnesses and ask questions of the Investigating Officer and Witness(s) called by them.

Please confirm your intention to attend this Disciplinary Hearing via email to [NAME AND EMAIL] no later than [DAY, DATE] at [TIME]. I must inform you that failure to attend a disciplinary interview without just cause will be considered as an offence for which further disciplinary action may be taken and may result in the disciplinary hearing being held in your absence.

If there is anything you wish to clarify or query, please do not hesitate to contact me.

Yours *sincerely*

Copy to: *Personal File*

Trade Union Representative (upon request)

*** If gross misconduct has been ruled out, delete as appropriate.**

OUTCOME LETTER – WRITTEN OR FINAL WRITTEN WARNING

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Disciplinary Action - Written Warning/Final Written Warning

I refer to the disciplinary hearing you attended on [DATE] at [VENUE] in the presence of the [HEADTEACHER OR PANEL]. After careful consideration of the case against you presented by the Formal Investigating Officer, the statements by your Trade Union representative, [REP'S NAME - UNION] and yourself, I have decided that the allegation made against you has been found proven, in that you:

- date(s), time(s) and place(s) of alleged offence(s).
- detail(s) of alleged offence(s).

I therefore confirm the decision to issue to you a Written Warning/Final Written Warning.

I must warn you that in the event of any further incident of misconduct, whether of a similar or of a completely different nature, further disciplinary action against you, including dismissal may be considered.

This warning will remain on your record for the next twelve months at which time it will be reviewed and be considered spent, subject to satisfactory conduct and performance, or extended for a further six months.

SAFEGUARDING ALLEGATIONS ONLY - A record of the allegation and outcome will be retained in your personnel file as the allegation concerned harm to the safety and welfare of a child/children. The record will be kept until retirement age or for 10 years whichever is the longer. Its relevance will be considered if it is necessary to provide a reference for you.

You are entitled to appeal against the decision and to do this you must write to me within 10 working days of the date of this letter setting out the grounds of appeal.

If there is anything you are unsure of or wish to clarify any point in connection with the above please contact [NAME] or your Trade Union Representative.

Yours sincerely

Copy to: *Personal File*

Trade Union Representative (upon request)

INVITE TO 12 MONTH REVIEW OF WRITTEN WARNING/FINAL WRITTEN WARNING

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: 12 Month review of Written Warning/Final Written Warning

You are invited to attend a 12-month review of the Written/Final Written Warning issued on [DATE].

You have the right to be accompanied by your Trade Union Representative or a colleague of your choosing, should you so wish.

At this meeting we will review your conduct since the above sanction was issued.

An outcome of this meeting could be:

- Consider the sanction as spent.
- Extend the sanction by a further six months.

I shall be grateful if you will please contact [NAME] to confirm your intention to attend the meeting.

I thank you in anticipation of your co-operation in this matter. If there is anything you wish to clarify or query, please do not hesitate to contact me.

Yours sincerely

Copy to: Personal File

Trade Union Representative (upon request)

OUTCOME LETTER – 12 MONTH REVIEW OF WRITTEN WARNING/FINAL WRITTEN WARNING

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: 12 Month review of Written Warning/Final Written Warning

I refer to the sanction review meeting held on [DATE] at [VENUE] in the presence of the [HEADTEACHER OR PANEL]. After careful consideration of the decision taken was:

REMOVE NOT APPLICABLE

- Consider the sanction spent. This will remain on your personnel file but shall be disregarded for the purpose of any future disciplinary proceedings, except in exceptional circumstances e.g. where they demonstrate patterns of behaviour which give rise for concern detail(s) of alleged offence(s).
- Extend the sanction by a further six month due to [REASONS]. Therefore, your sanction will remain live until [DATE] when it will automatically be considered spent. From this date, the sanction will remain on your personnel file but shall be disregarded for the purpose of any future disciplinary proceedings, except in exceptional circumstances e.g. where they demonstrate patterns of behaviour which give rise for concern detail(s) of alleged offence(s).

SAFEGUARDING SANCTIONS ONLY – Because your sanction related to an allegation concerning harm to the safety and welfare of a child/children. The record will be kept until retirement age or for 10 years whichever is the longer. Its relevance will be considered if it is necessary to provide a reference for you.

If there is anything you are unsure of or wish to clarify any point in connection with the above, please contact [NAME] or your Trade Union Representative.

Yours sincerely

Copy to: *Personal File*

Trade Union Representative (upon request)

OUTCOME LETTER – DISMISSAL (NOT SUMMARY DISMISSAL)

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Disciplinary Action - Dismissal

I refer to the disciplinary hearing you attended on [DATE] at [VENUE] in the presence of the [HEADTEACHER OR PANEL]. After careful consideration of the case against you presented by the Formal Investigating Officer, the statements by your Trade Union representative, [REP'S NAME - UNION] and yourself, I have decided that the allegation made against you has been found proven, in that you:

- on date(s), time(s) and place(s) of offence(s)
- details of offence(s)

In my previous letter to you dated [DATE]. I informed you that should there be a repetition of any form of misconduct further disciplinary action might be taken against you which could result in dismissal.

I must therefore inform you that I have decided to dismiss you from your employment with effect from [DATE]. You are hereby given [No.] weeks' pay in lieu of notice (one week for each complete year of service up to a maximum of twelve weeks' notice commencing on [TERMINATION DATE]). Your final pay and PILON will be paid into [MONTH AND YEAR] payroll.

You are entitled to appeal against the decision and to do this you must write to me within 10 working days of the date of this letter setting out the grounds of appeal.

SAFEGUARDING ALLEGATIONS ONLY - A record of the allegation and outcome will be retained in your personnel file as the allegation concerned harm to the safety and welfare of a child/children. The record will be kept until retirement age or for 10 years whichever is the longer. The Trust is also required to report this dismissal to the Disclosure & Barring Service. TEACHER ONLY – As you are also a teacher, the Trust is also required to report this dismissal to the DfE and/or the National College for Teaching & Leadership. These reports will only be undertaken once the decision to dismiss has been implemented and if any appeal has not been successful in securing re-instatement.

The relevance of this dismissal will also be considered if it is necessary to provide a reference for you.

If there is anything you are unsure of or wish to clarify any point in connection with the above please contact [NAME] or your Trade Union Representative.

Yours sincerely

Copy to: Personal File

Trade Union Representative (upon request)

OUTCOME LETTER – DISMISSAL (SUMMARY DISMISSAL)

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Disciplinary Action – Dismissal (Summary)

I refer to the disciplinary hearing you attended on [DATE] at [VENUE] in the presence of the [HEADTEACHER OR PANEL]. After careful consideration of the case against you presented by the Formal Investigating Officer, the statements by your Trade Union representative, [REP'S NAME - UNION] and yourself, I have decided that the allegation made against you has been found proven, in that you:

- date(s), time(s) and place(s) of offence(s)
- details of offence(s)

I am therefore writing to you to confirm the decision that you be dismissed with effect from [DATE] without notice.

If you are entitled to any payments (e.g. holiday pay and superannuation) these will be paid to you up to the date of dismissal. You will not be entitled to any pay awards agreed after your dismissal date.

A record of the allegation and outcome will be retained in the personnel file.

The relevance of this dismissal will also be considered if it is necessary to provide a reference for you.

SAFEGUARDING ALLEGATIONS ONLY - As the allegation concerned harm to the safety and welfare of a child/children, the record will be kept until retirement age or for 10 years whichever is the longer. The Trust is also required to report this dismissal to the Disclosure & Barring Service. TEACHER ONLY – As you are also a teacher, the Trust is also required to report this dismissal to the DfE and/or the National College for Teaching & Leadership. These reports will only be undertaken once the decision to dismiss has been implemented and if any appeal has not been successful in securing re-instatement.

You are entitled to appeal against the decision and to do this you must write to me within 10 working days of the date of this letter setting out the grounds of appeal.

If there is anything you are unsure of or wish to clarify any point in connection with the above please contact [NAME] or your Trade Union Representative.

Yours sincerely

(* Ensure date is consistent with the date of decision)

Copy to: Personal File

Trade Union Representative (upon request)

APPEAL INVITE LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Appeal against Disciplinary Action

I refer to your letter dated [DATE] appealing against:

*the decision to [DISCIPLINARY ACTION TAKEN],

And/or

*the facts of the case as presented at the initial hearing

An appeal hearing has been arranged for [TIME] on [DAY, DATE] at [VENUE]. You have the right, if you so wish, to be accompanied and represented by a Trade Union Representative or colleague and shall be entitled to call witnesses and to present documents relevant to your appeal.

Enclosed is a copy of E07 Esteem Disciplinary Policy for your information.

Please refer to Appendix 3 - Appeal Hearing Agenda for details of how the appeal will be heard.

If there is anything you are unsure of or anything you wish to clarify in connection with the above, please contact [NAME and ROLE] or your Trade Union/Professional Association Representative.

Yours sincerely

Copy to: Personal File

Trade Union Representative (upon request)

APPEAL OUTCOME LETTER

PRIVATE & CONFIDENTIAL

[NAME]

[ADDRESS]

(Via Email: [EMAIL ADDRESS])

[DATE]

Dear [NAME],

RE: Appeal against Disciplinary Action Outcome

I refer to the disciplinary appeal hearing you attended on [DATE] at [VENUE] where your appeal against:

*the decision to [DISCIPLINARY ACTION TAKEN]

And/or

*the facts of the case as presented at the initial hearing

I am now writing to inform you of the decision taken by the appeal panel who conducted the appeal hearing, namely that the decision to [DISCIPLINARY ACTION TAKEN] stands/ the decision to [DISCIPLINARY ACTION TAKEN] be revoked and [specify if no disciplinary action is being taken or what the new disciplinary action is].

SAFEGUARDING ALLEGATIONS ONLY – DISMISSAL STANDS - As the allegation concerned harm to the safety and welfare of a child/children, the record will be kept until retirement age or for 10 years whichever is the longer. The Trust is also required to report this dismissal to the Disclosure & Barring Service. **TEACHER ONLY** – As you are also a teacher, the Trust is also required to report this dismissal to the DfE and/or the National College for Teaching & Leadership. Now the appeal process has been complete these reports will be undertaken.

SAFEGUARDING ALLEGATIONS ONLY – DISMISSAL REVOKED/OTHER ACTION - As the allegation concerned harm to the safety and welfare of a child/children, the record will be kept until retirement age or for 10 years whichever is the longer.

You have now exercised your right of appeal under the E07 Esteem Disciplinary Policy and this decision is final.

Yours sincerely

Copy to: *Personal File*

Trade Union Representative (upon request)