Belthorn Academy Primary School

Disciplinary and Procedure Policy for Teachers

November 2026
Review November 2027

LANCASHIRE COUNTY COUNCIL

A MODEL DISCIPLINARY AND DISMISSAL PROCEDURE FOR TEACHERS IN SCHOOLS WITH DELEGATED BUDGETS (REVISED AUGUST 2026)

1. PURPOSE

1.1 This document sets out the procedure to be followed in situations involving disciplinary action against teachers

1.2 This procedure is published as part of the staffing policies for the Governing Board Belthorn Academy Primary School

1.3 This procedure has been produced after consultation with the recognised Teacher Associations. It is designed to maintain the high standards of the school in a manner which is professional, fair and effective

2. APPLICATION

2.1 This procedure applies to the Headteacher and to all teachers employed in Belthorn Academy Primary School. The reference to 'teacher' in this procedure includes the Headteacher except where otherwise stated. The document sets out the formal procedure to deal with allegations of misconduct, minor issues may be resolved without recourse to the formal procedure and wherever appropriate consideration may be given to providing support and assistance.

3. GENERAL PRINCIPLES

3.1 Part 3 of the Education Act 2002 and its associated School Staffing (England) Regulations 2003 contains provisions relating to discipline and dismissal procedures. These are incorporated in these procedures.

3.2 The School processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under this procedure.

3.3 No disciplinary action will be taken against a teacher without the teacher first being given an opportunity to answer any allegation made. In certain exceptional circumstances, in the best interests of the school, pupils and the teacher concerned, a teacher may be suspended without an opportunity to answer allegations. Whilst having serious implications for all concerned, suspension does not constitute disciplinary action it is a precautionary measure which does not presume guilt. However, where suspension occurs the teacher will be informed of the reasons for the suspension. (See Section 4 and Annexes 2 and 3 for further information on suspension.)

3.4 There will be cases where an employee may have a disability that has a serious impact on their ability to respond to issues during the investigation meeting or disciplinary hearing. If this is the case, whatever reasonable adjustments are practicable will be made to ensure that such disadvantages are overcome.

Employees with other physical impairments will also be offered reasonable adjustments such as frequent breaks, a separate room and adjournments.

Anyone with a depressive illness, anxiety state or "stress-related" illness will be offered at least one postponement of the hearing where appropriate and where this can be accommodated within a reasonable timescale.

Other than in circumstances where the employee provides expert medical evidence that he or she is unable to understand what is being said and cannot give instructions to their representative, the hearing will take place. Headteachers/Governors may consider holding the hearing at a neutral venue if this is practicable to assist the employee, if medical advice recommends this. Other alternatives maybe for the employee to be offered the opportunity to send in written representations or send a representative in their place.

All requests for reasonable adjustments will be sympathetically considered on a case-by-case basis, in light of medical evidence. Occupational health advice may be sought.

3.5 A teacher has the right to attend and be represented, by, a fellow worker, a recognised trade union representative, or an official employed by a trade union **at any meeting convened under this procedure**. The Headteacher should remind the teacher of their right to representation and should ensure that the teacher is provided with a copy of the procedure. The teacher may also be accompanied by a scribe whose function is to take written notes to serve as a private record for the teacher. If the representative is unavailable, the hearing can be postponed for up to five working days[1], if a reasonable alternative time within the following five day period is provided.

3.6 The Headteacher, when presenting a report to any meeting of the Governing Board or to the Disciplinary and Dismissal or Appeals Committee (see Sections 7 and, 8) convened under this procedure, will have the right to be accompanied by a companion as outlined in Paragraph 3.6 solely to act as adviser to the Headteacher.

3.7 Where disciplinary action is being considered against a teacher who is also an accredited representative or officer of a recognised Trade Union no disciplinary action will be taken unless the Headteacher has consulted with a senior trade union representative or full-time officer of that Association (unless the individual concerned chooses to waive that right).

3.8 The Executive Director Education and Children's Services or nominee will be entitled to attend at any meeting convened to consider a matter under this procedure.

3.9 The power to adjourn meetings convened under this procedure rests with the Chair of the meeting. In the event of an adjournment, the membership of the Disciplinary and Dismissal Committee will remain unchanged unless there are exceptional circumstances.

3.10 Any reports presented to the Governing Board under this procedure will not be dealt with by the full Governing Board, but by the Disciplinary and Dismissal Committee set up for that purpose comprising no fewer than three governors.

[1] one of the 195 days of the published school year when a teacher is required to be available for work under the School Teachers' Pay and Conditions Document.

3.11 Any appeal against a decision of the Disciplinary and Dismissal Committee will be considered by an Appeals Committee of the Governing Board comprising no fewer members than the Disciplinary and Dismissal Committee. In the exceptional event that there are insufficient numbers of Governors available to participate in a Governors' Disciplinary or Appeal Committee, the Governing Board may appoint associate members to solely participate in the appropriate Committee.

3.12 **Position of the Headteacher**

Where required, specific references are made to the application of this procedure to the Headteacher

4. SUSPENSION

Note Guidelines on suspension are set out in Annex 2.

4.1 Suspension should not be undertaken without good reason. A teacher may be suspended from duty in the circumstances outlined in Annex 2.

4.2 Suspensions will be effected by the Headteacher. The teacher will have the right to attend any meeting convened for the purpose of suspension, to be represented as outlined in Paragraph 3.5, to be informed of the reasons for suspension at the time, and to be given an opportunity to respond. Reasons for suspension will be confirmed in writing within three working days. In certain, exceptional circumstances, it may be necessary to suspend a teacher immediately. (See Annex 2 4(b))

4.3 Suspension will be on full pay and will be the subject of a monthly review by the Headteacher.

4.4 Arrangements to support a teacher during a period of suspension are set out in Annex 3.

4.5 **Suspension of Headteacher**

The procedures outlined in 4.1 to 4.4 above, will apply to the suspension of the Headteacher. Suspension will be effected by the Governing Board. In accordance with the Education (School Government) (England) Regulations 1999, (Regulation 43), in cases of urgency, the Chair of Governors, or, the Vice-Chair, will have the power to suspend the Headteacher, subject to the subsequent confirmation by the Governing Board. Details of the allegation(s) leading to suspension must not be disclosed to the Governing Board at this stage.

5. INITIAL PROCEDURES

5.1 Where a teacher's conduct gives cause for concern, a meeting will be convened at which the teacher will be given the opportunity of explaining their conduct to the Headteacher. At least 10 working days' notice of the meeting will be given to the teacher, in writing, together with details of the misconduct to be discussed. The teacher will also be reminded of their right to representation at the meeting (see paragraph 3.5) and will be supplied with a copy of this procedure. The Headteacher may be accompanied, for example, by a senior member of the staff of the school or an officer of the Authority.

The Headteacher may, with the agreement of the teacher and/or their representative issue a disciplinary warning at the conclusion of an investigative meeting without convening a separate formal hearing.

5.2 At any meeting convened under this procedure, either party may request an adjournment which will not unreasonably be refused.

5.3 At the meeting, if the teacher gives an acceptable explanation of their conduct, then no further action will be taken. If no action is taken, no record of the meeting will appear on the teacher's file.

5.4 Should no acceptable explanation be given of a teacher's conduct, the Headteacher has to decide what further action is appropriate.

This may be to:

(i) issue a written instruction (having regard to the terms of the teacher's contract and the normal duties/expectations of all teachers in the school)

Note:

- The issuing of a written instruction, which the teacher should acknowledge, in writing, is not disciplinary action. Wherever possible, a time limit of no more than six months should be applied and records expunged at the end of the period. The teacher should be informed, in writing, at the time this takes place.

- An instruction should only be used in any disciplinary context if it is directly relevant to the matter under consideration.

(ii) issue a disciplinary sanction.

(iii) refer the matter to the Disciplinary and Dismissal Committee and inform the teacher accordingly (see Section 8).

5.5 **Position of Headteacher**

The initial procedures will be conducted in accordance with the above, except that the Chair of Governors will act in the capacity ascribed to the Headteacher. The Chair of Governors can issue a written instruction. However, only the Disciplinary and Dismissal Committee can issue a disciplinary warning.

6. FORMAL DISCIPLINARY SANCTIONS

6.1 Depending upon the seriousness of the conduct complained of, a formal disciplinary sanction (first written, second written, final written warnings or dismissal), may be issued following a hearing (see Sections 5 and 7). The person(s) authorised to issue these sanctions are set out below. Governing Boards should have regard to the statutory guidance which accompanies the 2003 School Staffing Regulations, should they wish to delegate the power to make dismissal decisions to the Headteacher. (see Annex 4)

First Written Warning - Headteacher or Disciplinary and Dismissal Committee
Second Written Warning - Headteacher or Disciplinary and Dismissal Committee
Final Written Warning – Disciplinary and Dismissal Committee or Headteacher (where the Governing Body has delegated to the Headteacher the power to issue such a warning)
Dismissal Decision with or without notice – Disciplinary and Dismissal Committee or the Headteacher (where the Governing Board has delegated this authority to the Headteacher)

These sanctions are not necessarily issued to a teacher in a sequential order; any sanction may be issued for a first disciplinary offence. The sanction issued is dependent upon the seriousness of the allegation/level of misconduct (See Annex 1).

6.2 The person(s) issuing a formal warning must clearly advise the teacher of the consequences of disregarding the warning and of the right of appeal against the warning and the procedure for making an appeal.

6.3 Where a teacher is given a formal warning, whether it is a first, second or final written warning, they will be advised that the warning constitutes a formal stage of the disciplinary procedure and its place in the procedure explained.

6.4 If the conduct continues to be unsatisfactory or further offences occur, consideration must be given to further disciplinary action under this procedure.

6.5 All formal warnings will be confirmed, in writing, within five working days.

6.6 A copy of the warning will be retained in the teacher's file. A first written warning will be retained for a period of 6 months, a second written warning will be retained for a period of 1 year and a final written warning will be retained for a period of 2 years.

A warning will not be disregarded if a subsequent warning is issued in relation to further misconduct whether of a similar nature or otherwise which occurs whilst a warning remains 'live' on file. The original warning will run concurrently with the most recent warning. It is the date of the further misconduct which determines whether an earlier warning remains “live” and not the date of the hearing in respect of further misconduct.

Records of warnings will be expunged at the end of the stated time and any note or reference thereto should be removed from the teacher's personal file.Statutory guidance contained within "Keeping Children Safe in Education" states that in respect of safeguarding concerns a clear and comprehensive summary of the allegation and decision reached should be kept until the employee reaches normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Where a warning has been expunged, neither the warning nor the material can be subsequently used in any disciplinary hearing.

6.7 **Position of Headteacher**

The procedures relating to warnings which may be issued to the Headteacher are the same as described in Paragraphs 5 and 6 except that references to the Headteacher will be replaced by the Disciplinary and Dismissal Committee. Any warning will only be issued by the Disciplinary and Dismissal Committee following a hearing.

7. THE DISCIPLINARY AND DISMISSAL COMMITTEE

7.1 Presentation of Reports to the Disciplinary and Dismissal Committee

Where a decision has been made under Section 5.4 (iii) to refer the matter of a teacher's conduct to the Disciplinary and Dismissal Committee, the following procedures will apply:-

(a) The Headteacher or other appropriate person will inform the teacher that a report is to be presented to a meeting of the Disciplinary and Dismissal Committee, for their consideration, and the reason(s) why this action is being taken. Thereafter, the Clerk to the Governors or other appropriate person will inform the employee , in writing, of the date, time and place of the meeting. The teacher will be advised that failure to attend the meeting without an acceptable reason could lead to the meeting proceeding in their absence.

(b) A copy of the report together with copies of any statements, will, be sent to the teacher so as to arrive no later than 10 working days before the date of the meeting.

(c) A teacher may, if they wish, submit to the Clerk of the Governors or other appropriate person any documents concerning the report for circulation no later than 5 working days before the meeting.

(d) A copy of all documentation(including any documents submitted by the teacher) will normally be forwarded to members of the Disciplinary and Dismissal Committee at least 5 working days prior to the meeting.

(e) The introduction of reasonable relevant additional documentary evidence at a meeting held under this procedure will be allowed by the committee.

(f) At any meeting held under this procedure, a witness may give evidence by reference to written statements.

(g) Should it prove necessary to adjourn the hearing to a later date, the Disciplinary and Dismissal Committee will reconvene as soon as possible, and normally in not more than a further 20 working days. .

7.2 Procedure at the Hearing of the Disciplinary and Dismissal Committee

NOTE: the Executive Director Education and Children's Services or nominee will be entitled to attend for the purpose of giving advice.

(a) The Headteacher or other appropriate person (the presenter of the report) should present the report to the Disciplinary and Dismissal Committee and will be entitled to call and recall witnesses as necessary. Exceptionally, the Governing Board may appoint an alternative person to present the report (eg. an Authority officer).

(b) The teacher and/or their representative will be entitled to question the presenter of the report and any witnesses called.

(c) Witnesses should only normally be present when they are required to give evidence directly to the hearing.

(d) The teacher and/or their representative will be entitled to make an opening statement and present any documents to the Disciplinary and Dismissal Committee and to call and recall witnesses as necessary.

(e) The presenter of the report will be entitled to question the teacher and any witnesses who have been called by them.

(f) The presenter of the report will be entitled to make a closing statement to the Disciplinary and Dismissal Committee and, thereafter, the teacher or their representative will have the same right.

(g) At any stage during the hearing, the members of the Disciplinary and Dismissal Committee will be entitled to question any person who has made a statement or given evidence at the hearing.

(h) The parties will then withdraw from the meeting and the Disciplinary and Dismissal Committee will reach a decision, in private. Advice given by the Executive Director Education and Children's Services or representative must be considered by the Disciplinary and Dismissal Committee. The decision may be conveyed, orally, to both parties and will be confirmed in writing within 5 working days.

(i) The options available to the Disciplinary and Dismissal Committee are as follows:

(i) to take no further action;

(ii) to issue a written instruction

(iii) to take disciplinary action. The full range of disciplinary sanctions are available to the Disciplinary and Dismissal Committee as outlined in paragraph 6.1

(j) In cases of gross misconduct, where the decision is to dismiss without notice, termination of employment will take effect from the date of the decision. In the event that any subsequent appeal or consideration by the Governing Board reverses the decision, the termination of employment will be rescinded and any arrears of salary will be reinstated accordingly. Any appeal against a decision to dismiss shall not be unduly delayed and in any event, shall be heard within 20 working days of the date of the dismissal decision.

8. APPEALS AGAINST DISCIPLINARY SANCTIONS

8.1 A teacher or the Headteacher who has been given a formal disciplinary warning/dismissed, may appeal to the Appeals Committee, in accordance with the following procedure.

8.2 Notice of appeal, stating the grounds thereof, will be given, in writing, to the Clerk to the Governors within 10 working days of receipt of the written confirmation of the warning/dismissal.

8.3 Any appeal against a decision made by the Headteacher or the Disciplinary and Dismissal Committee will be referred to the Appeals Committee. Appeals will be dealt with by way of re-hearing and the order of proceedings will be in accordance with Section 8.7 below. The appeal should take place no later than 20 working days from the date of the initial dismissal decision.

8.4 Written notification of the date, time and place of the hearing will be given to the teacher so as to arrive not later than 10 working days before the date of the meeting and the teacher will receive, by that time, a copy of the report(s) and any statements, together with the decision of the Disciplinary and Dismissal Committee, which are to be considered by the Appeals Committee

8.5 The teacher may submit any documents concerning the decision of the Disciplinary and Dismissal Committee or the Headteacher no later than 5 working days before the meeting.

8.6 A copy of all documentation (including documents submitted by the teacher) will be forwarded to members of the Appeals Committee prior to the hearing.

8.7 **Procedure at the Hearing of an Appeal Against a formal Disciplinary Sanction/dismissal**

(a) The Headteacher or other appropriate person (the presenter of the report) should present the report to the Appeals Committee and will be entitled to call and recall witnesses as necessary. Exceptionally, the Governing Board may appoint an alternative person to present the report (e.g. an Authority officer).

(b) The teacher and/or their representative will be entitled to question the presenter of the report and any witnesses called.

(c) Witnesses should only normally be present when they are required to give evidence directly to the hearing.

(d) The appellant and/or their representative will be entitled to make an opening statement in support of the appeal against the warning/dismissal and will be entitled to call witnesses to support their case.

(e) The person referred to in (a) will be entitled to question the appellant and any witnesses who have been called by them.

(f) The presenter of the report will be entitled to make a closing statement and thereafter the appellant and/or their representative will have a like right.

(g) At any stage during the appeal members of the Appeals Committee will be entitled to question both parties and their respective witnesses.

(h) On conclusion of the foregoing, both parties will withdraw from the meeting and the members of the Appeals Committee will reach a decision in private, which may be conveyed orally to both sides and will be confirmed in writing within 5 working days.

(i) Where a lesser sanction is substituted or a warning is rescinded as a result of an appeal, the record in the teacher's file will be expunged or amended as the case may be.

8.8 The Appeals Committee will only have the power to confirm, to substitute a lesser sanction or to set aside the decision of the Disciplinary and Dismissal Committee as the case may be. The decision of the Appeals Committee will be reported to the Governing Board. The record in the teacher's file will be amended or expunged as the case may be and the teacher informed, in writing.

8.9 In all cases, where no appeal is lodged, the decision of the Disciplinary and Dismissal Committee will be reported to the Governing Board.

8.10 There are no further rights of appeal allowed under this procedure.

8.11 The Governing Board will notify the Authority, in writing, of a determination to dismiss and the reasons for it. The Authority will, within a period of 14 days (excluding weekends and public holidays) of the receipt of notification, inform the teacher of the termination of their contract of employment either with or without notice.

9. RECORDS

9.1 Records of warnings will be expunged at the end of the stated time and any note or reference thereto should be removed from the teacher's personal file and the teacher concerned informed, in writing, at the time this takes place (See Section 6.6).

9.2 If a teacher is dismissed or resigns before a disciplinary process is completed, they will be informed about the employer's duty to report the case to the Disclosure and Barring Service (DBS) in accordance with "Keeping Children Safe in Education" statutory guidance or the Teaching Regulation Agency (TRA), who are responsible for the regulation of teachers in respect of serious misconduct.

10. INVOLVEMENT OF EXTERNAL AGENCIES

10.1 If the disciplinary allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Officer (LADO), Schools' HR Team and/or other agencies, such as Childrens Services. The statutory guidance contained within Part 4 of "Keeping Children Safe in Education" sets out the details of how such allegations must be handled.

10.2 Normally a teacher will not be the subject of any disciplinary proceedings in respect of a matter whilst it is the subject of police investigations/legal proceedings.

10.3 Where a teacher is convicted of a criminal offence which has a bearing upon their employment, they may, subsequently, be subject to disciplinary action in accordance with this procedure.

10.4 Where a teacher is not available for duty by reason of being detained in custody and is, subsequently, found not guilty, any salary withheld during that period of detention will be reimbursed to the teacher. The teacher must be informed if salary is to be withheld.

10.5 In addition to the matter being dealt with by the police/School/Children’s Services Authority (via the disciplinary procedure), in some cases of serious misconduct, the matter may also be referred to the DBS by the Headteacher/local authority, or the TRA may refer matters that they become aware of to the DBS/local authority. DBS and TRA have a statutory right to remove the right of any person to work as a teacher in the UK, and this may be a course of action in cases of serious misconduct.

ANNEX 1

DISCIPLINARY AND DISMISSAL PROCEDURE FOR TEACHERS IN SCHOOLS WITH DELEGATED BUDGETS

LEVELS OF DISCIPLINARY MISCONDUCT

The lists below are merely for general guidance and should not be taken as either definitive or comprehensive. Each situation will be dealt with according to the particular seriousness of the situation.

Examples of minor misconduct
Minor time wasting
Occasional lateness
Minor instances of insubordination

Examples of serious misconduct
Persistent or serious instances of insubordination
Persistent bad timekeeping
Continued repetition of previous offences

Examples of gross misconduct
Gross misconduct, which will result in the immediate referral of an adverse report to a Disciplinary Committee and may result in dismissal, is regarded as misconduct of such a nature that it fundamentally breaches the contractual relationship between the employee and the employer. **Examples of gross misconduct all of which may result in dismissal include**:-

Stealing from the employer, members of staff, pupils or parents, other offences of dishonesty;
Sexual misconduct at work;
Harassment of other employees, children or parents on the grounds of sex, ethnicity, sexual orientation, disability, religion, belief or age
Misuse of the internet, email, mobile telephone or other school facilities;
Fighting, physical assault;
Serious violation of the School's policies relating to conduct at work, eg anti-bullying policy, computer security policy etc:
Falsification of a qualification which is a stated requirement of employment or which results in financial gain;
Deliberate damage to or misuse of the school's/CSA's property;
Drunkenness or being under the influence of drugs at work, (note – the County Council's Misuse of Drugs and Alcohol Policy needs to be considered in these cases);
Falsification of records or claims for personal gain e.g. work records, travel expenses etc;
Wilful disregard of health and safety regulations;
Serious negligence which causes unacceptable loss damage or injury;
Serious violation of catering hygiene regulations;
Intimidation of whistleblowers or witnesses to Hearings;
Other similar acts of misconduct may come within the general definition of gross misconduct

It should also be noted that disciplinary action may be considered in relation to acts of misconduct which take place outside of school hours, for example, in instances of criminal prosecution and/or conviction/caution for such actions. In addition, disciplinary action may also be considered as a result of a Teacher's personal use/misuse of electronic communications and social media, including social networking sites. The considerations should be the relevance of the offence to the teacher's duties, the effect on the contractual relationship with the employer and/or on colleagues/pupils/parents or whether the actions of the Teacher brings the reputation of the School into disrepute. Disciplinary measures will not automatically be appropriate in these instances.

ANNEX 2

DISCIPLINARY AND DISMISSAL PROCEDURE FOR TEACHERS IN SCHOOLS WITH DELEGATED BUDGETS

SUSPENSION

1. INTRODUCTION

In all cases where a member of staff is to be suspended under the School's Disciplinary Procedure, the following process will be followed:

2. REASONS FOR SUSPENSION

Suspension should not be entered into lightly and it is not a disciplinary sanction. Automatic suspension following any allegation could be unnecessary and damaging to staff and the school. The Head **should take advice from the** Authority through the Schools' HR Team and if necessary seek legal advice and then consider the weight and balance of the circumstances and evidence available. Circumstances in which suspension properly occurs include:

(a) Where the allegation is so serious that dismissal for gross misconduct is possible.

(b) Where an allegation of misconduct has been made against a member of staff and a suspension is necessary to allow the investigation to proceed unimpeded.

(c) Where a member of staff is the subject of an allegation of misconduct, the nature of which could involve potential risks to children, or other employees or the member of staff.

(d) On completion of formal capability procedures which may result in a recommendation for the dismissal of the member of staff.

(e) Where other exceptional circumstances arise.

In circumstances where suspension is considered, the decision should be clearly documented.

3. PRIOR TO SUSPENSION

(a) Any decision to suspend can only be made by the Head or Chair of Governors in cases involving the Head.

(b) In all cases where suspension is being considered, the teacher should be advised to seek assistance from their recognised Association/Trade Union.

(c) In circumstances where immediate advice cannot be obtained (eg at the weekend) a reasonable course of action, as an interim measure, would be to send the member of staff home or to ask them to remain at home. Although, legally, this may be regarded as suspension, at this stage the proper process of suspension will not have been undertaken and the action is easily reversed, should the Head, subsequently, decide to take alternative action. If the decision is subsequently to suspend, then the normal process should be carried out immediately.

4. MEETING TO CONSIDER SUSPENSION

(a) Where suspension is under consideration, a meeting should be arranged with the member of staff. For teachers this would normally be outside pupil contact time. The process must be handled sensitively. The member of staff has the right to be represented at the meeting by a fellow worker or recognised trade union representative.

(b) In exceptional circumstances, where it may be necessary to suspend immediately, every effort should be made for representation but it may not be possible to have an opportunity to be represented. In such circumstances the member of staff must be advised by the Head to consult a recognised trade union representative as soon as possible following the meeting.

(c) Before the meeting, the member of staff should be offered the opportunity of a brief consultation with their representative.

(d) At the outset of the meeting the member of staff should be informed that a serious complaint or allegation has been made and that, at the conclusion of the meeting, suspension might occur. It should be made clear, however, that the meeting is not a formal disciplinary hearing but is for the purpose of putting forward a serious matter which may lead to suspension and further investigation.

(e) The member of staff should be informed of the reasons for any proposed suspension, as is appropriate in the circumstances.

(f) In the case of an allegation involving an external agency (eg Safeguarding, Police, Audit) information shared should not interfere with their investigation. The member of staff should be informed that the agencies will undertake their own investigation and interview procedures.

(g) The member of staff should be given an opportunity to make representations concerning the suspension. However, in view of the need for a subsequent investigation there will be no discussion of the detail of the case to avoid prejudicing the outcome of the investigation or the position of the member of staff.

(h) The member of staff should be informed that they will be given a subsequent opportunity to put forward their side of the case at a separate meeting should the matter proceed into the School's Disciplinary and Dismissal Procedure.

(i) If, as a result of the meeting, the Head considers that suspension is necessary along with a full investigation of the allegations, the member of staff should be advised that they are suspended from duty on full pay. The member of staff should be assured that they remain an employee of the Authority/School.

(j) If the Head considers that suspension is unnecessary or decides to take an alternative course of action (eg leave of absence), no action will be taken to suspend, but other action may subsequently follow.

NOTE: There may be circumstances where it is not possible or considered inappropriate to convene a meeting.

5. AT THE CONCLUSION OF THE MEETING

(a) The member of staff should be advised of the following:-

(i) the need to seek advice from a recognised trade union if not accompanied.

(ii) arrangements for support and contact from within the School (Contact Officer) who can offer help and guidance during the disciplinary process. (See Annex 4 - Support for staff during a period of suspension).

Note: where there is a need to suspend on a Friday or immediately before a holiday period, special consideration should be given to the support arrangements.

(iii) The member of staff will be required to be available for contact by management during their working hours in the period of suspension.

(iv) In order not to prejudice the objectivity of the investigation, they are they are not permitted to attend the workplace or make professional contact to discuss the case with colleagues or other staff without permission.

If there is a need to contact other members of staff to gather evidence on behalf of the member of staff this should be done by their representative where applicable.

(v) What their colleagues will be told concerning the reason for their absence, if possible this may be agreed with the employee, and about the nature of any contact. This is particularly important in cases of a sensitive nature and will allay continued suspicions or doubts if they return to work on the conclusion of any investigation/disciplinary action.

(b) The member of staff should be informed that their suspension will be confirmed in writing, that the period of suspension will be kept under review on a monthly basis and that they will be informed by the Contact Officer of progress relating to the investigation. Wherever possible the member of staff should be given an outline of the steps to be taken to investigate the matter and the anticipated timescales involved.

(c) The member of staff should be asked to return any school/pupil books or keys, as appropriate, and, under supervision, collect any personal belongings which they might need during the period of suspension. Access to the school IT network may also be suspended.

6. REVIEW OF SUSPENSION

All suspensions must be kept under review on a monthly basis by the Head. The aim should be to ensure that suspensions are kept as short as possible. It is unfair on a member of staff to delay the process of investigation and resolution of any disciplinary issues. Any internal investigation following an external investigation should normally commence no later than 20 working days following the conclusion of the external case.

7. ACTION AFTER A DECISION TO SUSPEND

(a) The Head should consider carefully, and keep under review, decisions as to who is informed of the suspension and the investigation and to what extent

confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. The Head and other staff should not speak to the media about the suspension or the allegations, without first seeking advice from the Schools' HR Team and the Press Office on this matter as necessary.

(b) Paragraphs 7(c) and 7(d), are applicable in safeguarding cases and guidance should be sought from the Schools' HR Team.

(c) The School should consider the extent to which it is necessary to make a statement to parents of children, having considered the need to avoid unwelcome publicity.

(d) In certain circumstances, it may be necessary for the Head to provide immediate reassurance to parents and children and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues.

8. OUTCOME OF INVESTIGATION

8.1 Where it is decided not to proceed with any form of disciplinary action, a suspension should be lifted immediately. The Head should meet the member of staff, accompanied by their representative or fellow worker, to discuss their return to work.

In the case of the Head, this will be undertaken by the Chair of Governors and a member of the Schools HR Team.

8.2 The opportunity should be provided for informal counselling. This could be used to give appropriate, support and reassurance and where necessary to help rebuild the confidence of the member of staff. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the Schools' HR Team.

8.3 On the conclusion of any investigation and any related disciplinary proceedings, in the case of Safeguarding cases, the parents of the child/children who made the allegations and the child/children themselves should be informed of whether any action has been taken. This should be prior to the return of the member of staff to duty if he or she has been suspended.

8.4 In some circumstances, consideration should be given to the broader disclosure of details of the outcome. This consideration should give reasons, for example where the issues:

- are of general importance;
- have become common knowledge;
- have been the subject of general gossip;
- there is a need to provide accurate details for public information

The Authority's Press Office will be able to offer appropriate advice.

ANNEX 3

DISCIPLINARY AND DISMISSAL PROCEDURE - FOR TEACHERS IN SCHOOLS WITH DELEGATED BUDGETS

SUPPORT FOR STAFF DURING A PERIOD OF SUSPENSION

1. INTRODUCTION

The support described in this Annex is applicable to staff during a period of suspension or during a period of leave of absence/medical absence when these are alternatives to suspension.

It is recognised that there is a need for management, both at the School and Authority level, to provide some means of support to staff who are the subject of allegations of misconduct at work, or who have been suspended for alleged misconduct under the School's Disciplinary Procedure. In such circumstances, the member of staff involved may experience feelings of worry and depression; they may also feel isolated from their workplace and colleagues.

It is important that staff are made aware of what is happening in relation to the disciplinary investigation, as lack of information may also lead to further stress and ill health. In addition, it must be understood that the allegations may have placed the member of staff in a difficult situation in relation to their family.

2. CONTACT OFFICER

(a) The main role of the Contact Officer is to provide information to the member of staff as to the progress of the investigation. It may be appropriate for an officer of the local authority, eg member of Schools HR team or School Adviser to act as an Authority Contact Officer in circumstances where the headteacher is suspended from duty.

(b) Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, the Contact Officer will make arrangements for the member of staff, or their recognised Association/Trade Union representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude the member of staff, or their representative contacting those conducting the investigation at any time.

(c) The Contact Officer will also make arrangements for the School to maintain contact and communication with the suspended member of staff (See Section 3).

(d) it may be appropriate to ask the member of staff whether the support of the local authority's Occupational Health Unit would be helpful, or to respond to a request for such further support. The Contact Officer will supply the relevant telephone numbers and arrange for access to such services at the request of the member of staff or their recognised Trade Union representative.

3. MAINTAINING LINKS WITH THE SCHOOL

With the agreement of the member of staff, the Contact Officer will act as a link providing them with information about developments at the School in general, if they so wish.

4. ROLE OF TRADE UNION REPRESENTATIVE

The recognised Trade Union representative may act as a liaison between the Contact Officer and the member of staff and, as necessary, between the School and the member of staff.

Trade Unions usually have access to their own or other independent welfare counselling services, and the representative can arrange for access to such services at the request of the member of staff.

ANNEX 4

ADDENDUM TO DISCIPLINARY PROCEDURE

School Staffing (England) Regulations 2003 – Delegation to Headteacher of authority to make initial dismissal decisions.

These Regulations allow for Governing Bodies to delegate authority to make dismissal decisions to Headteachers. Therefore, the Headteacher becomes responsible for all disciplinary action up to and including dismissal. The provisions for this are set out in Section 1 of the Statutory Guidance accompanying the Regulations.

Governing Bodies will need to take a decision as to whether they wish to delegate this responsibility. They need to bear in mind that the statutory guidance accompanying the Regulations specifies a series of circumstances where such an arrangement may not be appropriate. These are as follows

- A Headteacher who is unwilling to accept this function and who has hitherto not been required to do so. The position could be reviewed on the appointment of a successor Head.
- Where the Headteacher has been directly involved in the disciplinary process leading up to the consideration of dismissal – for example, through investigating the alleged misconduct. Experience shows that this is invariably the case and therefore, referral for consideration by the Discipline and Dismissal Committee preserves the integrity of the disciplinary process. However, in large Schools, it may be possible to delegate the responsibility for investigation to another member of the management team, thereby leaving the Headteacher available to consider, what disciplinary action, up and including dismissal, should be taken. Appeals against disciplinary action should still be considered by the Appeals Committee.
- Where the Governing Board of a school with a religious character (i.e. Voluntary Aided, Foundation and Voluntary Controlled Schools) has agreed that Governor involvement will serve to preserve this character. Therefore, advice should be sought from the relevant Diocesan Authority.
- Where the Headteacher is themselves subject to disciplinary or capability procedures.
- Where the Authority may have made representations to the Chair of Governors on grounds of serious concerns about the performance of the Headteacher.

Where a Governing Board does decide to delegate the authority to make dismissal decisions (and issue a final written warning), they are strongly advised to consult with staff and their professional associations before finally confirming their decision.