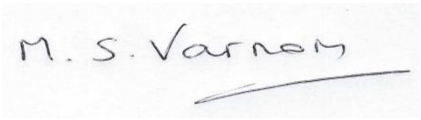
Wootton St Peter's CE Primary School

Staff discipline, Conduct and Grievance Policy

Date Adopted by Governing Body: January 2026

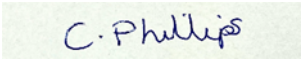
Date to be Reviewed: January 2027

Signed Chair of Governors



Mike Varnom

Signed Acting Headteacher



Carina Phillips

Model Disciplinary Procedure for Oxfordshire Schools

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Introduction

1. This Oxfordshire model disciplinary procedure has been drawn up in consultation with the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

2. Schools are required to have clear procedures for the regulation of the conduct and discipline of school staff. This procedure provides a fair and objective approach to handling cases of misconduct and has been developed in accordance with relevant employment law and the *ACAS Code of Practice on Disciplinary and Grievance Procedures*.

3. Advice on the application of this procedure is available from the school's HR Adviser.

4. This procedure applies to all employees working in the school. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).

5. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book and the National Agreement on Pay and Conditions of Service for support staff (the Green Book) also adopt this model procedure. Where an academy adopts this procedure the word ‘school’ should be taken to refer to the academy.

6. The term 'relevant body' has been used throughout this procedure. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purpose of this procedure.

7. The term 'head teacher' has been used throughout this procedure, however depending on the size and structure of the school the head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the relevant body or other nominated governor.

Scope and purpose

8. The school expects high standards of performance and conduct from all employees.

9. Effective performance management and support should reduce the need for formal disciplinary action. The school will manage issues of misconduct informally wherever possible, as part of the normal day to day management of staff. Any shortcomings will

be brought to the employee’s attention as soon as possible in an effort to achieve an improvement in an informal way.

10. The purpose of both formal and informal disciplinary procedures is to improve the performance and conduct of an employee with a view to helping them to fulfil their duties and responsibilities and maintain the standards expected by the school.

11. This formal procedure will normally be followed only where:

    - after informal measures, misconduct persists, and satisfactory improvement is not demonstrated
    - a deliberate disregard or breach of the school's policies and standards has taken place or
    - misconduct is sufficiently serious to warrant immediate formal action.

Definition and examples of misconduct

12. Misconduct is defined as unacceptable or improper behaviour that falls short of the school's expected standards.

13. The examples of misconduct listed here would normally, where it is a first offence, warrant formal disciplinary warnings or other action, rather than dismissal. However, in some cases, the actions may be regarded as of such an extreme nature that they would amount to gross misconduct.

    This list is not exhaustive:

    - Poor time keeping
    - Failure to follow a reasonable management instruction
    - Failure to comply with the school's policies and standards of behaviour
    - Failure to follow the school's safeguarding procedures
    - Unauthorised absence
    - Inappropriate behaviour toward pupils, parents, colleagues or members of the public
    - Misuse of social media
    - Actions and behaviours that could affect the reputation of the school and/or the employee in their role.

Definition and examples of gross misconduct

14. Gross misconduct is considered to be behaviour or conduct that falls so far below the standards required that it may be considered as a fundamental breach of contract and justifies summary dismissal (dismissal without notice).

15. While not an exhaustive list, examples of gross misconduct include:

    - Theft, fraud or serious falsification of records such as exam results, pay claims
    - Violent, offensive, abusive, neglectful or indecent behaviour
    - Bullying, harassment or victimisation
    - Gross negligence in performance of duties
    - Acts considered in serious contravention to the safeguarding of children such as sexual abuse, accessing child pornography, violence.
    - Actions or behaviours that fundamentally breach the relationship of trust and confidence between the school and the employee.

16. Where acts of gross misconduct are believed to have taken place, no decision will be taken to dismiss until the formal procedures set out in this document have been followed. This includes a full investigation of the facts and holding a disciplinary hearing, giving the employee the opportunity to respond. A period of suspension may be considered in these circumstances - see sections 113 - 127.

Child Protection allegations

17. Where allegations involve child protection issues e.g. abuse, the head teacher must consult with the Local Authority Designated Officer (LADO) within 24 hours of receiving the allegation. Any further action under the school's Disciplinary Procedure will be suspended until agreement has been given by the LADO to proceed.

Capability procedures

18. Separate procedures will be followed where an employee is considered incapable of doing their job to the required standard due to a lack of professional capability (*see Professional Capability Procedure*) or as a result of ill health (*see Managing Sickness Absence*).

19. Where it is not clear whether the issues are of misconduct or incapability or both, the head teacher should seek advice from the school's HR Adviser.

Roles and Responsibilities

Relevant Body

20. Relevant Bodies are required to have clear procedures for the regulation of the conduct and discipline of school staff and to ensure staff are aware of these procedures.

21. The *School Staffing (England) Regulations 2009* require governing bodies of maintained schools to decide whether to delegate any part of the disciplinary procedure. Disciplinary decisions, including dismissals, can be delegated to:

    - the head teacher or
    - one or more governors or
    - one or more governors acting together with the head teacher.

22. Where disciplinary matters are delegated to one or more governors and the issue does not directly concern the head teacher, the head teacher may attend and offer advice in all proceedings and this advice must be considered.

23. The relevant body may decide to delegate part of this procedure, for example the authority to issue a first written warning to the head teacher, but can decide that any matter that might require more serious disciplinary action should be referred to a committee of governors.

> **It is recommended that decisions to dismiss should not be delegated to one person acting alone.**

24. Academy trusts have full discretion regarding delegation of staff dismissal decisions.

25. As and when required, an Appeal Committee must be formed to hear appeals from employees against disciplinary action issued to them such as formal warnings and dismissal. An appeal committee must be no smaller than the committee which made the original decision. Governors appointed to this committee must have had no previous involvement in the disciplinary matter. See section on appeals.

26. Relevant Bodies must record formal adoption of this procedure and the authority they have delegated in relation to disciplinary and dismissal decisions.

27. In the event of the head teacher being subject to disciplinary action, the Relevant Body will be responsible for administering this procedure.

Head teacher

28. Working with the Relevant Body the head teacher is responsible for the overall management of standards in the school and for ensuring this procedure is fairly and consistently applied in all cases.

Local authority

29. For Community, Voluntary Controlled, Community Special and Maintained Nursery Schools a representative of Oxfordshire County Council's Director for Children, Education, must be consulted at all formal stages of the disciplinary procedure where dismissal may result.

Line managers

30. Line managers are responsible for managing the performance of their staff, ensuring they make staff aware of the standards expected, their key priorities and to promptly manage underperformance or misconduct.

31. Where line managers believe formal disciplinary action is required, they must consult with their head teacher who will, following initial enquiry, decide whether the circumstances warrant the application of this formal procedure.

HR advice

32. The school's HR Adviser should be consulted for advice on the application of the formal stages of this procedure and should attend formal hearings to provide advice, especially when dismissal is being considered.

General Information

Key principles in handling disciplinary matters

33. Wherever possible, steps will be taken to try and resolve matters of misconduct informally, giving the employee an opportunity to meet the required standards within a reasonable timescale, unless the matter is sufficiently serious to warrant immediate formal action.

34. Where formal action is deemed appropriate, the school's leadership, managers and employees should not unreasonably delay meetings, decisions or confirmation of those decisions in order for matters to be dealt with promptly.

35. Disciplinary issues must be dealt with fairly and consistently and all parties are expected to treat the issues confidentially.

36. Investigations should be carried out to establish the facts of each case before disciplinary action is considered.

37. Employees must be informed of the allegation(s) and given the opportunity to explain their case.

38. No disciplinary warnings or decisions to dismiss can be taken without the disciplinary procedure being followed including a formal hearing.

39. Where practical, different people should carry out the investigation and disciplinary hearing.

40. Employees will be allowed to be accompanied to any formal disciplinary hearing by a trade union representative or work colleague.

Record keeping

41. A written record of any disciplinary matters will be kept on the employee's file. Records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998.

42. Records kept on the employee's personal file will include:

- the allegation(s) against the employee
- the employee’s response
- findings made, actions taken and the outcome
- the reason for actions taken
- whether an appeal was lodged
- the outcome of the appeal
- subsequent developments
- notes of any formal meetings.

43. Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the school may withhold some information.

44. A record of any disciplinary penalty issued to an employee will remain active on their record until it is spent and will then be retained on their personnel file.

Disciplinary action against trade union representatives

45. Normal standards of conduct apply to employees who are trade union representatives and these disciplinary procedures should be followed in cases of misconduct. However, before proceeding to disciplinary action, the head teacher should discuss the matter with a full-time trade union official, after obtaining consent from the employee.

Support for employees affected by disciplinary action

46. It is recognised that being subject to investigation and disciplinary action can be stressful for employees and for all parties involved. The school will make every effort to deal with and conclude matters promptly and encourages employees to contact their trade union representative.

47. The school's Employee Assistance Programme is also available to staff.

Dealing with misconduct informally

48. Where the school is concerned about an employee's conduct, their line manager or head teacher will deal with this promptly by speaking to the employee, being clear about the shortfalls and the standards expected.

49. In cases where misconduct persists or is of a more serious nature, the employee will be invited to meet with their manager or head teacher informally to discuss the matter.

50. At this meeting the head teacher/manager will:

    - Make clear to the employee the issues of concern and how the conduct falls short of what is expected.
    - Explore the reasons for the shortfall, giving the employee the opportunity to give an explanation for their conduct or behaviour.
    - Agree an improvement plan with time scales and monitoring arrangements, identifying any support or training that may be required.
    - Confirm that any repeat of the issue/s or failure to improve is likely to lead to formal disciplinary action being taken.

51. This discussion and the agreed actions will be confirmed in writing within three working days and will remain on the employee's file.

Formal disciplinary procedure

Identifying the need for formal procedures

52. The head teacher or the Chair of the Relevant Body (in the case of alleged misconduct of the head teacher) will decide whether the circumstances warrant moving to the formal stages of the disciplinary procedure.

53. Applying the formal procedure will largely depend on:

- the nature and seriousness of the alleged misconduct
- any previous action taken to address the issues, including any warnings regarding the employee's conduct.

Establishing the facts

54. The school will take all reasonable steps to establish the facts of the alleged misconduct before deciding whether to hold a formal disciplinary hearing.

55. Initial enquiries will be carried out promptly to determine:

- if it is a potential disciplinary matter
- how serious the issues may be and
- if further investigation may be necessary and the scope of that investigation.

Conducting investigations

56. It will be decided at the outset who should undertake any necessary investigations, ensuring that different people carry out the investigation and make the decision at any subsequent disciplinary hearing.

57. Investigations may be carried out by the head teacher or another member of the senior leadership team. A governor will normally carry out the investigation where the head teacher is the subject of this procedure.

58. Investigators should follow the guidance provided by ACAS Conducting Workplace Investigations to plan and conduct the investigation and interview witnesses. Investigators can also seek advice from the school's HR Adviser.

59. Any investigations must be carried out promptly and will be proportionate to the seriousness and complexity of the matters being investigated. This will include speaking to the employee, explaining the allegation(s) and getting their response.

60. Investigations may also involve:

    - reviewing documentation and records, documents and records may, where appropriate, be obtained from external sources, e.g. auditors or police
    - interviewing relevant witnesses and taking statements from them
    - interviewing the employee again to explore issues further.

61. Depending on the scale and complexity of the investigation the "*Investigating Officer*" may be required to produce an investigation report and present their findings at a Disciplinary Hearing.

62. Where allegations of misconduct are based on information disclosed on social media the school will take reasonable steps to verify the information, its source and authenticity.

63. While there is no legal right for an employee to be accompanied at an investigatory meeting, the school will allow trade union representatives or work colleagues to accompany employees where this does not unduly delay the investigation.

64. In some circumstances it may be deemed appropriate to suspend the employee while investigations are conducted - see page 18.

Investigating child protection allegations

65. Where allegations involve child protection issues e.g. abuse, the head teacher must consult with the Local Authority Designated Officer within 24 hours of receiving the allegation. Any further action under the school's Disciplinary Procedure, will be suspended until agreement has been given by the Designated Officer for the Local Authority to proceed and in consultation with the HR Business Partner for Children, Education and Families.

66. For guidance on handling allegations of abuse made against teachers or other staff see DfE Statutory Guidance "Keeping Children Safe in Education" - Part Four

Allegations of criminal offences

67. If the school becomes aware that an employee is subject to criminal investigation, this may not in itself be a reason for disciplinary action. The school will establish the facts and having taken HR advice, consider whether the matter justifies applying the disciplinary procedure.

68. It may be possible for a disciplinary investigation to run in parallel to a criminal investigation, but the head teacher should seek advice from the Police and the school's HR Adviser. An investigation by the school may need to be suspended where the Police advise that it may prejudice a criminal investigation. The employee will be kept informed.

69. It is not always necessary to await the outcome of any court hearing before deciding on disciplinary action. The criminal justice system works on the basis of guilt being 'beyond reasonable doubt' whereas under employment law an employer can make a decision based on the 'balance of probability'. Schools should seek advice from their HR Adviser.

Right to be accompanied

70. Employees have the right to be accompanied at all formal disciplinary hearings. This can be a trade union representative/official or a work colleague. To exercise this right, employees must make their request in advance of the meeting, letting the school know the name of their representative and whether they are a trade union representative or work colleague.

71. At disciplinary hearings the representative can present and/or sum up the employee's case, say things to support the employee's case and confer with them during the hearing. The representative cannot answer questions on the employee's behalf.

72. Where an employee's representative cannot attend on the proposed date of the meeting, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

Disciplinary hearing

Convening a disciplinary hearing

73. Where, as a result of the investigation it is decided that there is a disciplinary case to answer, the employee will be notified in writing and invited to attend a disciplinary hearing. The employee will be given at least five working days' notice of the hearing.

74. Details of the alleged misconduct will be provided in writing to the employee along with the possible outcomes of the disciplinary hearing and the names of those who will be present including the name of the person or panel hearing the case.

75. Copies of any written evidence, which may include witness' statements, will normally be provided at the same time, along with the names of any witnesses that will be called by the head teacher or manager and details of the time and venue for the hearing.

76. The employee will be notified of their right to request be accompanied and will be provided with a copy of the school's Disciplinary Procedure.

77. Employees also have the right to invite witnesses to attend on their behalf and must notify the hearing panel of the names of any witnesses that will be attending as soon as possible and no later than three working days prior to the hearing.

78. The employee may submit a written response and any written evidence they would like to present at the hearing at least three working days in advance of the hearing.

Disciplinary hearing panel and advisers

79. Where practical, different people should carry out the investigation and disciplinary hearing.

80. A decision will be taken as to whether the case will be heard by the head teacher or the Disciplinary Committee. This will take account of the head teacher's previous involvement in the case and the delegated decision making responsibilities agreed by the Relevant Body based on the seriousness of the case and the potential outcomes.

81. A Disciplinary Committee should normally consist of three members, although in exceptional circumstances, the hearing can proceed with two on the panel.

82. Selection of governors for the Disciplinary Committee must ensure there is no potential conflict of interest. It is not appropriate for staff governors to be members of the school's disciplinary panel/committee.

83. The school's HR Adviser should be invited to attend and advise the panel on procedural matters where the hearing may result in dismissal.

84. For Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, where dismissal is a possible outcome a representative of the Director of Children, Education and Families must also be invited to attend and offer advice.

85. In voluntary controlled and voluntary aided schools, a representative of the diocese may have the right to attend and advise, where dismissal is being considered, depending on the any written agreement with the Relevant Body.

86. The school will arrange for the Clerk to the relevant body or another appropriate note taker to attend the disciplinary hearing to take notes.

87. Audio or video recording of disciplinary hearings is not permitted.

Purpose and format of disciplinary hearings

88. The purpose of a hearing is for the head teacher or panel hearing the case to consider the facts and circumstances of the matters to enable them to decide what action to take, if any. This will include:

- hearing from the manager and/or investigating officer the nature of the allegations and the evidence that has been gathered including, where applicable, calling any relevant witnesses
- allowing the employee to respond to the allegations
- giving the employee and their representative reasonable opportunity to ask questions, present evidence and call relevant witnesses and to raise points about any information provided by the witnesses.

89. Appendix 1 provides more information about how the hearing will be conducted.

90. The decision of the head teacher or panel will be given to the employee and their representative at the end of the hearing and/or will be confirmed in writing to the employee within three working days. The employee will be notified of their right to appeal.

Deciding what action and disciplinary penalty to take

91. The hearing panel may decide, on the basis of the available information, either:

- that no action is necessary
- to issue a disciplinary warning
- to demote the employee
- to dismiss the employee.

92. When deciding what disciplinary penalty is appropriate and what form it should take, consideration will be given to circumstances and facts of the case including:

- the employee's work and disciplinary record including any current warnings, their position and length of service
- any special or mitigating circumstances which might make it appropriate to adjust the severity of the penalty
- whether the proposed penalty is reasonable and proportionate in view of all the circumstances
- whether any training, additional support or adjustments to the work are necessary.

Disciplinary Sanctions

93. Disciplinary sanctions will normally be issued in the sequence set out below. However, serious matters of misconduct may result in an immediate final written warning or the decision to dismiss, where the hearing panel considers it to be a reasonable response based on the circumstances and facts of the case.

First written warning

94. A first warning is normally issued as a first stage for misconduct. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that further disciplinary action may be considered if there is no sustained and satisfactory improvement or change.

95. A record of the warning will remain active on the employee's record for a specified period, usually six - twelve months, at which time it will be spent and will then be retained on their personnel file.

Final written warning

96. If the offence is sufficiently serious, or if there is further misconduct or a failure to improve during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to further disciplinary action resulting in dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will remain active on the employee's record for a specified period, usually of twelve months at which time it will be spent with a record retained on their personnel file, subject to achieving and sustaining satisfactory conduct or performance.

Dismissal with notice

97. The decision to dismiss an employee may result if after examining the case at a hearing the panel find:

    - despite previous formal warning/s, further misconduct has occurred or there has been a failure to improve
    - the misconduct is of such a serious nature that the panel believes dismissal is a reasonable response.

98. As an alternative to dismissal, depending on the circumstances, it may be decided to demote the employee.

99. The employee will be provided in writing the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Summary Dismissal - Gross misconduct

100. If an employee has been found to have committed an offence that would be regarded as gross misconduct such as listed in section 15, the normal consequence will be dismissal without notice.

101. The employee will be provided in writing the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Dismissal of staff in Community, Voluntary Controlled, Community Special and Maintained Nursery Schools

102. Where the governing body decides to dismiss an employee it must notify the local authority in writing of its decision and the reasons for it. If the person concerned is employed solely at the school (and does not resign) the local authority must, before the end of the period of fourteen days from the date of the school's notification either:

- terminate the person’s contract with the authority, giving such notice as is required under that contract; or
- terminate such contract without notice if the circumstances are such that it is entitled to do so by reason of the person’s conduct.

Appeals

103. Employees have the right to appeal against disciplinary action to an Appeal Committee and must do so in writing to the Clerk to the relevant body, within 10 working days of receiving the written outcome of the disciplinary hearing.

104. Employees must make clear the grounds of their appeal providing full details. Examples of reasons to appeal may be the level of sanction issued was unreasonable; a serious flaw or fault in the findings or procedures followed.

105. The purpose of an appeal is not necessarily to rehear the full case but to examine the grounds of the appeal, the procedures followed and the reasonableness of the outcome.

106. Appeals should be arranged promptly. The employee will be invited to attend the appeal meeting in writing and will be given five working days' notice. The employee has the right to be accompanied by a work colleague or trade union official.

107. At the appeal the employee will be given the opportunity to state their case and provide any supporting evidence. The head teacher or the chair of the disciplinary panel will present the response.

108. Both parties will be given the opportunity to ask questions and to invite any relevant witnesses.

109. The decision of the appeal panel will be put in writing to the employee within three working days of the appeal hearing. The decision of the appeal panel is final.

110. See Annex 2 for full details of conducting an appeal hearing.

Appeal Committee

111. The Appeal Committee must be made up of Governors with no previous involvement with the case. In maintained schools the committee must consist of at least three Governors.

Suspension from work

Reasons for suspending and decision making

112. Where all other options have been considered, there may be instances where suspension with pay is necessary while investigations are carried out. For example where relationships have severely broken down; in case of potential gross misconduct or where there are reasonable grounds to believe there is a risk to the individual; other staff, pupils or the school's property.

113. In exceptional circumstances, suspension may be considered where the school has reasonable grounds to be concerned that evidence may be tampered with, destroyed or witnesses pressurised.

114. Suspension does not imply any assumption of guilt and is a neutral act. Where the decision is made to suspend an employee, the period of suspension will be as brief as possible and kept under regular review.

115. The head teacher or Relevant Body may suspend an employee, with advice from the school's HR Adviser.

116. In some cases it may be appropriate to agree with the employee for them remain at home for a very short period, such as prior to an investigatory interview being held.

117. Wherever possible, the employee will be notified of the decision to suspend them by the head teacher or a governor in person and the reasons will be explained. This will be confirmed in writing.

118. For Community, Voluntary Controlled, Community Special and Maintained Nursery Schools the relevant body or head teacher must immediately notify the local authority when an employee has been suspended.

During a period of suspension

119. Every effort will be made to keep periods of suspension as short as possible and the decision to suspend will be kept under regular review.

120. The school will nominate a contact person for the employee while they are suspended. This person must have no connection with the matters being investigated. This person will keep in regular contact with the employee e.g. weekly and will keep them informed of progress of the investigation in general terms.

121. While suspended the employee may be instructed to keep matters confidential and not to contact colleagues, to avoid any potential misunderstandings or influence on investigations.

122. Employees will be given contact information for the school's Employee Assistance Programme and encouraged to access this support.

123. Employees will be suspended on full pay unless they become ill and are certified by a GP as unfit to work. In these circumstances normal sick pay entitlement will apply.

Ending a period of suspension and returning to work

124. Only the Relevant Body can end a period of suspension and for for Community, Voluntary Controlled, Community Special and Maintained Nursery Schools must notify the local authority immediately.

125. Before a suspended employee returns to work, careful planning and consideration will be given to supporting their return.

Suspension of head teachers

126. Where a head teacher is suspended the Chair of the Relevant Body will deal with this with advice from the school's HR Adviser and in consultation with the Director of Children, Education and Families for Community, Voluntary Controlled, Community Special and Maintained Nursery Schools.

Avoiding delays

127. Prolonged, unresolved disciplinary matters can be stressful for employees and other parties and can cause a great deal of disruption to the school and pupils.

128. It is in everyone’s interests for matters to be resolved as quickly as possible.

129. The head teacher and school managers will make every effort to deal with matters promptly and without unreasonable delay.

130. If the employee's representative cannot attend on a proposed date, the employee must provide alternative times and dates of their availability, so long as these are reasonable and not more than five working days after the original date. Alternatively employees can nominate another representative.

131. Employees and their representatives must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested, promptly and in advance of any meetings.

132. If an employee is unable to attend a meeting because of circumstances beyond their control, they should inform the school as soon as possible.

133. Employees will be expected to participate and attend all meetings, unless a GP or Occupational Health Physician advises that that they are not fit to do so. In these circumstances other arrangements may be agreed with the employee to ensure matters can still proceed such as for them to provide a written statement and/or for a representative to act on their behalf. The employee's absence will be managed in accordance with the school's Managing Sickness Absence Procedure.

134. A decision to proceed in the employee's absence can be made if:

- the meeting has already been rearranged once and the employee fails to attend for a second time
- the employee fails to attend without explanation, or there is evidence that the employee has not made sufficient attempts to attend
- the employee is on long-term sick leave and medical opinion is that s/he will be unable to attend meetings in the near future. In these circumstances alternative arrangements will be discussed with the employee e.g. the employee can supply written information instead or ask a representative to attend on their behalf.

Referrals to the Disclosure and Barring Service

135. Schools are required to refer to the DBS anyone who has harmed or poses a risk of harm to a child and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. See DBS Barring Referral Guidance to understand when a referral may be appropriate and for a copy of the referral form.

Regulation of teacher misconduct

136. In cases of serious teacher misconduct the school will make a referral to the National College for Teaching and Leadership (NCTL), which is an executive agency of the Department for Education.

137. The employee will be notified that such a referral will be made.

138. NCTL is responsible for regulating the teaching profession in England and will investigate cases of serious teacher misconduct and decide whether to refer a case to a professional conduct panel. The panel then investigates whether a prohibition order should be issued.

    https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401887/Teacher-misconduct-Disciplinary-Procedures-for-the-teaching-profession.pdf

Grievances raised during the disciplinary process

139. Where an employee who is subject to formal disciplinary proceedings, wishes to raise a grievance about any related matters, this will not lead to the disciplinary process being postponed as they will have the opportunity to raise their concerns at the formal hearing.

140. If an employee wishes to raise a grievance or whistleblowing matter that is unrelated to the disciplinary proceedings, it will be dealt with separately and concurrently in according with the school's grievance or whistleblowing procedure.

Accessibility

141. If any aspect of this procedure causes difficulty on account of a disability or if English is not the employee's first language, or if you need particular assistance or adjustments to attend meetings, contact the school at the earliest opportunity.

Review of policy

We check our policies regularly to make sure they are up to date, the latest version can be accessed from the schools intranet.

If you have any questions about this policy contact your Schools HR Adviser.

Published: July 2019

Relevant Policies

- Probation for support staff
- Newly Qualified Teachers
- Education Act 2002
- School Staffing (England) Regulations 2009
- Safeguarding and Child Protection Policy

- DfE Statutory Guidance "Keeping Children Safe in Education
- Department of Education - Staffing and Employment Advice for Schools

Annex 1

Conduct of a Disciplinary Hearing

1. The Chair introduces those present.

2. The Chair invites the person presenting the case against the employee to identify the areas of alleged default and to bring forward any witnesses or witness statements.

3. The Chair invites the employee and her/his representative to ask questions.

4. The Chair and any other members of the hearing panel, ask questions of the person presenting the case.

5. The Chair invites the employee and/or representative to respond in full to the case presented against them and to bring forward any witnesses or witness statements.

6. The Chair invites the person presenting the case against the employee to ask any questions.

7. The Chair invites the members of the panel, if appropriate, to ask questions of either party and asks any questions her/himself. Either party is invited to address to the chair any comment arising from the question or the reply.

8. The Chair invites the person presenting the case to summarise it. No new evidence can be presented at this stage.

9. The Chair invites the employee or her/his representative to summarise their case. No new evidence can be presented at this stage.

10. The Chair asks both parties to withdraw while s/he or the sub-committee gives consideration to the case and come to a conclusion. If the sub-committee needs to clarify any point with one or both of the parties, both parties should be recalled.

11. The Chair will call back both parties either to announce the decision or to advise that a decision will be communicated in writing within three working days.

Annex 2

Conduct of an Appeal Hearing

1. The Chair invites the employee to present their case for appeal.
2. The Chair invites the head teacher/school respondent to ask questions.
3. The Chair invites members of the appeal panel to ask questions of the employee.
4. The Chair invites the head teacher/school respondent to respond to the case presented.
5. The Chair invites the employee to ask questions.
6. The Chair invites members of the appeal panel to ask questions of the employer.
7. The Chair invites the employee to summarise the case.
8. The Chair invites the head teacher/school respondent to summarise the case.
9. Both parties withdraw leaving the panel to reach a decision.
10. All parties reconvene for decision to be communicated, or if necessary, informed that the decision will be communicated in writing within three working days.