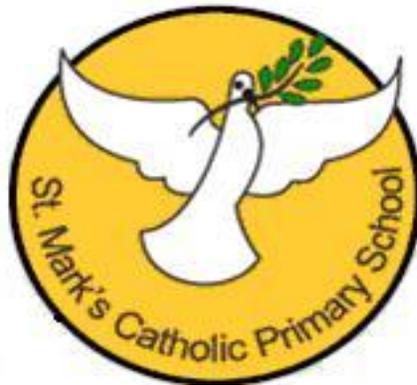


ST. MARK'S

Catholic Primary School
Halewood



Disciplinary Procedure
for School Based Staff

St. Mark's Catholic Primary School

In a caring Christian Community, together we love, learn, laugh and achieve.

DISCIPLINARY PROCEDURE FOR SCHOOL BASED STAFF

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1. POLICY STATEMENT

- 1.1. The Governing Body of St. Mark's Catholic Primary School is committed both to providing education of the highest quality for all its pupils and to exercising its responsibilities for managing employees in a positive and supportive way. These commitments require the Governing Body to ensure that appropriate mechanisms are in place to deal fairly and consistently with allegations of misconduct against members of staff.
- 1.2. Disciplinary procedures are necessary for promoting fairness and order in the treatment of employees and for ensuring that the school is effectively managed.
- 1.3. Clear and effective disciplinary procedures and guidelines will encourage all employees to achieve and maintain standards of conduct, attendance and performance within a culture of continued and sustained improvement.
- 1.4. No disciplinary action will be taken against any employee until the case has been thoroughly investigated, the employee has been made aware of the allegations against her/him and has had the opportunity to state her/his case.

2. APPLICATION OF THE PROCEDURE

- 2.1. This procedure will not be used in the following situations:
 - 2.1.1. Where an employee fails to reach satisfactory standards in her/his work as a result of lack of ability - this will be addressed through the school's Capability Procedure, where the governing body has adopted a separate procedure for use in such circumstances.
 - 2.1.2. Where an employee has a concern about her/his treatment - this will be addressed through the school's Grievance Procedure.
 - 2.1.3. Where there is concern over an employee's attendance that is related to sickness absence – this will be addressed through the school's Managing Sickness Absence Procedure, where the governing body has adopted a separate procedure for use in such circumstances.
 - 2.1.4. Where, in the case of newly qualified teaching staff, evidence of poor performance arises during their period of probation - this will be addressed through the procedure as identified under the Education [Induction Arrangements for School Teachers][England] Regulations 1999.

- 2.1.5. Where, in the case of support staff, evidence of poor performance arises during an employee's probationary period – this will be addressed through the school's Probationary Procedure for support staff, where the governing body has adopted a procedure for use in such circumstances.

3. INTRODUCTION

- 3.1. The procedure applies to all staff based within the school **with the exception of cleaning and catering staff employed by the Council's Contract Services Department. This does not remove the entitlement from the Headteacher to bring concerns of a disciplinary nature to the attention of the contractor. In such circumstances the relevant disciplinary procedure applicable to cleaning and catering staff will be used. Further advice and guidance on the application of that procedure can be obtained from the Personnel Division – Contract Services Department.**
- 3.2. In most cases the Headteacher will be responsible for invoking the formal stage of the disciplinary procedure; however s/he may nominate an appropriate senior member of staff to carry out the investigation if the circumstances are considered appropriate. Depending on the circumstances of the allegation, the Headteacher may seek the advice of the Director of Education and Lifelong Learning or her/his representative. Ordinarily, this will be the school's Link Personnel Officer. In all cases of allegations of gross misconduct, the Headteacher will carry out the investigation unless s/he is the subject of the allegation. Any reference to Headteacher in this procedure may also refer to a senior nominated officer in appropriate circumstances.
- 3.3. In the case of allegations against the Headteacher the Chair of the Governing Body should invoke the procedure, or, in her/his absence, the Vice Chair or other designated governor. Depending on the circumstances of the allegation, the Chair of Governors may seek the advice of the Director of Education and Lifelong Learning or her/his representative or, for those Church schools who choose to adopt this procedure, the Archdiocesan or Diocesan Authorities. In the case of an allegation against the Headteacher all references in this procedure identifying the Headteacher as the investigating officer will be replaced by 'Chair of the Governing Body or other designated governor'.
- 3.4. The Governing Body shall appoint a Committee, referred to as the First Committee, consisting of not less than three governors, with delegated powers to deal with disciplinary matters that reach stage 8.1. and an Appeals Committee to make decisions on subsequent appeals in accordance with stage 10 below. A representative of the Director of Education and Lifelong Learning will advise the First Committee. Ordinarily this will be a Personnel Officer. The Appeals Committee must contain the same number of governors as the First Committee and will be advised by a representative of the Director of Education and Lifelong Learning. Ordinarily this will be a Personnel

Officer. No governor who has served on the First Committee can serve on the Appeals Committee. The Headteacher should not be a member of either Committee. The Clerk to the Governors should be in attendance to minute any Hearings.

- 3.5. For the purposes of this procedure ‘mutually convenient date’ signifies acceptance by all parties of a particular date, within a reasonable period of time, giving due regard to minimum timescales where indicated. Where, in accordance with 8.3. below, the employee does not indicate attendance, then the appropriate Governors Committee may choose to hear the Hearing in the employee’s absence.
- 3.6. It is advisable for Governing Bodies to draw up a disciplinary code of conduct. This code would be intended to give examples of the types of misconduct that may lead to disciplinary action and the level of disciplinary action that could be expected. An outline of such a code is shown at APPENDIX A. This code is not intended to be either exclusive or exhaustive. A copy of this code should be given to all existing employees and to all new employees as part of their induction at the time of their appointment.

4. SUSPENSION OF DELEGATED POWERS

- 4.1. In the event that the LEA suspends a governing body’s delegated budget the staffing powers for LEA’s set out in Section 54 (Community Schools) and 55 (Voluntary Aided Schools) of the School Standards and Framework Act 1998 would apply.
- 4.2. Section 54 gives the LEA the right to suspend and dismiss staff in Community Schools. Section 55 states that the governing body of a Voluntary Aided School cannot suspend or dismiss staff without the agreement of the LEA and the LEA can require the governing body to dismiss any teacher at the school.
- 4.3. In such circumstances references to the Headteacher and the Chair of Governors in this procedure would apply to the Senior Assistant Director or representative. This representative may be the Headteacher if the Senior Assistant Director feels that this is appropriate. The Director of Education and Lifelong Learning would chair the hearing laid out in Section 8 and the Appeals Committee would be a sub committee of the Council’s Cabinet.

5. THE PROCEDURE

5.1 The Informal Stage

- 5.1.1. The informal stage of the procedure is only appropriate for dealing with minor misconduct. However, if minor misconduct is repeated, or continues, then the formal stage of the procedure should be invoked. Allegations of more serious misconduct should be dealt with under the formal stage of this procedure.

- 5.1.2. The informal stage may involve counselling or informal warning to the employee for improvement of conduct.
- 5.1.3. Although an employee's professional association/trade union will not automatically become involved at this stage, it may be beneficial to all parties that the relevant professional association/trade union representative is aware of the situation. Headteachers should advise the employee to consider informing her/his professional association/trade union representative of discussions that take place in the context of the informal procedure.

5.2 The Formal Stage

- 5.2.1. When a Headteacher becomes aware of an allegation of misconduct that is serious enough to warrant it, or, in the case of minor misconduct, where informal warnings and advice have not been effective, the formal stage of the procedure should be invoked.
- 5.2.2. In cases where allegations involve potential sexual/physical abuse or inappropriate sexual activity involving employees and children, the appropriate school procedure relating to Child Protection should be invoked immediately. **Consideration of disciplinary action under such circumstances will not occur until such time as investigations under Child Protection Procedures have been concluded. Such allegations must be reported immediately to the Principal Manager (Social Inclusion) at the Education Department.**
- 5.2.3. Employees will have the right to be represented at any meeting called under the formal stage of this procedure that may potentially lead to disciplinary action being taken against them. The representative can be anyone chosen by the employee including an official of her/his professional association or trade union. This right does not, however, include the right to be accompanied /represented by a solicitor or other legally qualified representative; a former employee of the school/Council who has previously been dismissed for misconduct or gross misconduct nor a member of the School Governing Body or Elected Member of Knowsley MBC.
- 5.2.4. No formal action will be taken under this procedure against any employee who is a representative of a recognised professional association or trade union until the circumstances of the case have been discussed with a full time official of that professional association or trade union.
- 5.2.5. When the formal procedure is invoked the employee should be informed as soon as practical, without prejudicing the official conduct of the investigation.
- 5.2.6. Before undertaking a formal investigation the Headteacher should give consideration as to whether or not the employee should be suspended while the investigation is carried out. If an allegation initially appears to

constitute gross misconduct the employee should, in most cases, be suspended. Gross misconduct is misconduct that is so serious that it could lead to dismissal even on the first occasion. In certain circumstances the Headteacher may decide to suspend an employee, even if s/he does not suspect that an allegation constitutes gross misconduct, if, for example the presence of the employee in school may prejudice the investigation. APPENDIX B offers a model for the conduct of an interview to consider suspension.

- 5.2.7. An interview to consider suspension should be held as soon as possible. The Headteacher may wish to be accompanied by the school's Link Personnel Officer identified in 3.2. above at this interview.
- 5.2.8. Where the employee is a member of a recognised trade union or professional association every effort should be made to contact the Branch Secretary or full-time official of the relevant union or association to establish what arrangements, if any, can be made for the employee to be represented at the interview. Where it is not possible to contact the branch secretary or full-time official efforts should be made to contact a local representative.
- 5.2.9. If it is not possible to make arrangements for the employee to be represented at the interview to consider suspension the interview should still go ahead. In these circumstances the employee should be told that there is no obligation for them to make any response to the allegation(s) and that it may be wise not to do so until s/he has had the opportunity to consult a representative of her/his trade union or professional association.
- 5.2.10. Where the employee is also a governor of the school the question of attendance at Governors' meetings during the period of suspension should be discussed with the appropriate representative of the Director of Education and Lifelong Learning.
- 5.2.11. All suspensions under the Disciplinary Procedure will be on full pay with the exception of those employees who are imprisoned – section 12.5 of this procedure refers.
- 5.2.12. Any decision to suspend an individual must be confirmed in writing to her/him within two working days. Suspension is a neutral act and no decision will be made as to the validity of any allegation(s) until the investigation is complete.

6. INVESTIGATION

- 6.1. The allegation(s) must be investigated thoroughly. This will involve the Headteacher interviewing any individual(s) who may be in a position to provide information relating to the alleged misconduct. Individuals must be informed that they could be required to give evidence at a disciplinary hearing. The Headteacher should make provision for interviews to be minuted. The individual giving evidence should be informed of this. Individuals should also be informed that their statement may be used at any subsequent disciplinary hearing if they are willing to attend such a hearing in accordance with 6.3. below. Except in the case of child witnesses the witness should sign the typed minutes of the interview to confirm their accuracy.
- 6.2. Permission to interview child witnesses should be obtained from the child's parents/guardians prior to any interview. The parents/guardians should be informed that an investigation is taking place but should be given no further details. Children should be interviewed separately and not in groups. A second adult should be present during any interview. Typed minutes of the interview should be signed by both adults to confirm their accuracy. Protocols for the interviewing of children can be found in the Child Protection Procedures.
- 6.3. Witness statements will only be submitted in evidence to any disciplinary hearing where the witness is willing to attend and be questioned by all parties on her/his statement. Child witnesses will not be expected to attend hearings under any circumstances.
- 6.4. On conclusion of interviews under 6.1. and 6.2. the Headteacher should conduct an investigatory interview with the employee against whom the allegation(s) has been made. At this interview the allegation(s) should be put to her/him and the employee given the opportunity to respond fully to the allegations before the Headteacher makes a decision about the way forward. The employee should be given notice of this meeting in writing at least 5 working days before the date of the meeting. The letter should include an outline of the allegations against her/him and the right to be accompanied by a representative. On conclusion of this interview, dependant on the information given by the employee, the Headteacher may wish to undertake further interviews under 6.1. and 6.2. above.

- 6.5 The formal allegation(s) (if any) will not be determined until the investigation is completed, therefore, only an outline of allegation(s) will be given to the employee at this stage. Any written evidence against the employee will not be made available to her/him – this will only be provided when a decision is made to refer the case to a panel of governors and it is intended to use the written evidence as part of a prepared statement of case against the employee. Such statements may only be brought into evidence where the individual providing the statement is prepared to attend a hearing as per 6.3. above.

7. OUTCOME OF INVESTIGATION

- 7.1. Once the investigation has been completed the Headteacher must consider all the evidence available to her/him and reach a decision about the next step, as soon as possible but within 14 working days.
- 7.2. On the balance of probabilities it may be decided that there is no case to answer. If this is the case the employee must be informed of this in writing and, if applicable, any suspension should be lifted immediately. If there is no case to answer all records of the disciplinary investigation must be destroyed.
- 7.3. It may be decided that there is a case to answer but that disciplinary action is not the most appropriate action in the circumstances. It may be that an informal approach such as counselling or guidance in relation to further conduct is more appropriate. The type of action considered appropriate should be detailed in writing to the employee. Again, if no formal action is taken any suspension should be lifted. Investigatory records that bear no relevance to the action proposed should also be destroyed.
- 7.4. It may be decided that a formal verbal or written warning is the most appropriate sanction. If this is the Headteacher's opinion, having considered all the information available to her/him, then, s/he shall have the power not to refer the matter further to a disciplinary hearing but to issue a formal verbal or written warning. The Headteacher can only exercise this power if the employee concerned is in agreement with this course of action and the sanction to be issued.
- 7.5. If the Headteacher chooses to exercise the powers conferred on her/him by paragraph 7.4. above her/his decision should be conveyed to the employee in the presence of her/his representative. The employee should be given the opportunity to consider this sanction in private with her/his representative and subsequently make any representation to the Headteacher before confirmation of the level of sanction to be issued is given. If the decision is to issue either warning, a letter confirming this should be given to the employee within 7 working days.
- 7.6. Where a sanction proposed by the Headteacher is not accepted by the employee then the issue should be referred to a Governors Committee

under Section 8 below. This should also be the case where the Headteacher decides that there is a disciplinary case to answer that s/he feels should be referred to a Governors Committee in the first instance.

8. DISCIPLINARY HEARINGS

- 8.1. When it is decided to refer the matter to a Governors Committee the employee should be informed in writing giving at least 10 working days notice that s/he is required to attend a disciplinary hearing with a Committee of the Governing Body. However, where possible the letter should be sent well in advance of this timescale and should provide the employee with a choice of dates and times for the hearing. The letter to the employee should be issued by the Clerk to the Governors. The letter to the employee will confirm that s/he has the right to be represented at this hearing.
- 8.2. This letter should include details of the allegation(s) against the employee. Attached to this letter should be the statement of case against the employee (an outline of a statement of case is given at APPENDIX C), a copy of the School's Disciplinary Procedure, details of any witnesses the Headteacher intends to call to the hearing and any other documentation the Headteacher intends to present in evidence.
- 8.3. The letter should request that the employee responds to the Clerk to the Governors with their preferred date for the Hearing to take place, no later than 5 working days before the earliest date offered to the employee in 8.1. above. At this time the employee should submit any documentation and details of witnesses s/he intends to call to the Hearing. Submitted papers will be made available to the Headteacher and Governors Committee in advance of the date of the Hearing. Should the employee not respond in accordance with the timescale identified then the Hearing will take place on the earliest of those dates offered under 8.1. above.
- 8.4. No new written evidence may be presented outside of the above timescales unless agreed by both parties.

9. PROCEEDINGS AT DISCIPLINARY HEARINGS

- 9.1. The Governors First Committee will hear the hearing.
- 9.2. The procedure to be adopted for the Hearing is attached as APPENDIX D.
- 9.3. In reaching their decision the Governors Committee will consider the following issues:
- Whether the misconduct has been proven on the balance of probabilities.
 - The severity of the misconduct
 - Any mitigating circumstances
 - The sanction imposed in similar cases in the past, if applicable
 - The employee's employment history insofar as there are any current disciplinary warnings in effect
 - What sanction would be reasonable, taking all circumstances into account
- 9.4. The first committee will have the power to decide any of the following:
- dismissed That the case has not been proven and should be dismissed
 - That a verbal warning should be issued
 - That a written warning should be issued
 - That a final written warning should be issued
 - extended That a disciplinary warning previously issued should be extended
 - That incremental progression should be withheld
 - protection That the employee be demoted, with or without salary protection
 - due notice That the employee should be dismissed with or without due notice
- 9.5. A written record of any disciplinary sanction imposed must be placed on the employee's personal file for the time periods shown in 9.7. below.

9.6. A dismissal resulting from additional misconduct on top of a previous written warning or final written warning will be with notice. A dismissal for gross misconduct will be summary i.e. without notice.

9.7. The duration of formal disciplinary warnings will be as follows:

- Verbal warning: nine months from effective date
- Written warning: twelve months from effective date
- Final written warning: twenty four months from effective date

9.8. If the case is dismissed all records of the investigation and the hearing must be destroyed.

9.9. The Chair of the Committee will announce the Committee's decision to all parties at the end of the hearing. This will be confirmed in writing to the employee within seven working days. If the decision taken is to dismiss the employee, the dismissal date will be effective as at the date of the first hearing. The employee will be removed from Payroll as at this date. This does not affect the employee's right of appeal in accordance with 9.10 below. If the Appeals Committee overturns the decision to dismiss made by the First Committee, the employee will be reinstated on Payroll backdated to the date of the first hearing.

9.10. The employee will have the right to appeal against the decision of the Governors Committee. The appeal should be lodged, in writing to the Clerk to the Governors, within ten working days of receipt of the written confirmation of the Governors Committee decision. Appeals are not intended to allow for individuals to present the same information to a second panel and as such the grounds for appeal must be clearly stated. Notification of a disagreement with the first panel's decision is not sufficient enough reason on its own as grounds for appeal.

9.11. The procedure for convening an appeal hearing should follow the process identified in 8.1. through 8.4. above.

10. APPEALS

10.1. The appeal will be heard by the governors Appeals Committee.

10.2. The Appeal Hearing will proceed along the same lines as the original hearing in accordance with APPENDIX D except that:

- a) the member of staff and/or her/his representative will present the grounds for appeal first and this will be followed by;
- b) the case in support of the first decision which will be presented by the Chairperson of the First Committee.

- 10.3. The Appeals Committee may:
- Uphold the appeal
 - Reduce the sanction imposed by the First Committee to a lesser sanction from those listed under 9.4.. above.
 - Reject the appeal and confirm the sanction imposed by the First Committee. If the Appeals Committee confirms this sanction the date of dismissal will take effect as at the date of the first hearing as identified in 9.9. above.
- 10.4. The decision of the Appeals Committee will be confirmed in writing to the employee within seven working days.

11. CONFIDENTIALITY

- 11.1. The issue of confidentiality is particularly important in a disciplinary context. Staff within the school and Members of the Governing Body should only be kept informed on a '**need to know**' basis. This will remove the potential for any decision reached by either the First or Appeals Committee to be viewed as out of procedure and considered automatically unfair.
- 11.2. No Governor, or member of staff involved in the process, should keep a personal copy of any paperwork associated with a disciplinary case.

12. CRIMINAL OFFENCES

- 12.1. No employee will be automatically dismissed or otherwise disciplined solely because s/he is charged with a criminal offence. Careful consideration will be given to whether the offence is of relevance to the individual's employment.
- 12.2. Where a criminal offence is believed to have been committed and may have relevance to the individual's employment an investigation will be conducted according to the procedure laid out above.
- 12.3. Where the alleged offence warrants urgent action, disciplinary action may be taken against an employee without awaiting the outcome of a prosecution. However, there may be times when it is appropriate to wait for this outcome. In situations where the school decides to wait for the outcome of the police investigation the employee may be suspended on full pay during the intervening period.

- 12.4. The police will not be present during any investigatory interview(s) with the employee, however should the issue be referred to a Governors Committee under Section 8 above, the police may be asked to provide evidence to be used by the Headteacher, and to attend the hearing if this evidence forms part of the Headteacher's Statement of Case.
- 12.5. In the case of a conviction that results in an employee being imprisoned a thorough investigation must be undertaken. Employees who are imprisoned will not be entitled to salary/wage payments as they are not available for work. In such circumstances it is possible for a disciplinary hearing to proceed in the employee's absence. The employee, will, of course, be entitled to be represented at any hearing conducted under this procedure.
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APPENDIX A

MODEL DISCIPLINARY CODE OF CONDUCT

All employees are expected to comply with the School's disciplinary code of conduct in the performance of their duties.

This code is not intended to cover all possible circumstances and the omission of a particular kind of conduct from the code does not mean that disciplinary action will not be taken in relation to it. The code is intended to give examples only and any breach of normal good conduct is likely to be subject to disciplinary action.

- e.g. Standards of Timekeeping (clocking/signing in)**
Annual Leave Arrangements
Procedure for Reporting Sickness Absence
Health and Safety Rules
Use of School Facilities
Smoking Policy
Anti Harassment Policy
Equal Opportunities
Etc

Certain acts of misconduct are so serious that the first occurrence is likely to lead to dismissal. Misconduct of this type is termed gross misconduct. Such misconduct would include:

- Serious dishonesty, such as theft of property, falsification of expenses claims, fraudulent overtime claims etc.
- Being unfit to perform duties associated with the post as a result of taking alcohol or other illegal drugs or banned substances, unless this accords with medical advice.

- Physical acts of violence or verbal abuse of colleagues, children, parents or visitors to the school.
- Wilful abuse or destruction of the school's property.
- Sexual misconduct.
- Wilful ignorance of responsibilities or instructions.
- Any actions that intentionally places others in danger.
- Sexual or racial or other forms of harassment.

Conduct of a nature for which the normal procedure of warnings and other measures would be followed but which could ultimately lead to dismissal includes:

- Unsatisfactory time-keeping.
- Conduct which may bring the school into disrepute.
- Failure to follow a reasonable directive of the Headteacher or her/his representative.

APPENDIX B

MODEL FOR THE CONDUCT OF A SUSPENSION INTERVIEW

If the reason for suspension is not suspected gross misconduct, but the Headteacher is exercising her/his powers under Paragraph 5.2.6 of this Procedure, the following format should be amended appropriately.

The meeting will be conducted by the Headteacher, who may wish to be accompanied by a representative of the Director of Education and Lifelong Learning.

The employee should be allowed to spend a few minutes discussing the situation with their representative prior to the meeting if s/he is to be represented.

The Headteacher should inform the employee that the meeting is not a formal disciplinary hearing but has been called to put to her/him a serious disciplinary matter, which could potentially lead to a charge of gross misconduct and dismissal. The employee should be informed that, after the allegation has been put to her/him, s/he will be allowed a break to discuss the issue with their representative (if represented) or to consider whether s/he wishes to make a response (if not represented).

The Headteacher should inform the employee that any response s/he wishes to make will be considered, but her/his immediate suspension on full pay is a possible outcome of the meeting. The employee should also be warned that any response s/he makes will be recorded and may be used in evidence if disciplinary action becomes necessary.

The Headteacher should briefly outline the allegation(s) against the employee and then allow an adjournment for her/him to consider whether s/he wishes to respond.

The Headteacher should consider any response, which may be made. A record of any response must be taken since this will form part of the investigation. The Headteacher may wish to take a short break to consider the employee's response.

The meeting will have three possible outcomes:

- The Headteacher may feel that, having heard the employee's explanation there is no case to answer and no further investigation will be necessary. In this case all records of the meeting should be destroyed;
- The Headteacher may consider that there is a case to answer and further investigation is necessary but that it no longer appears to be a case of gross misconduct. In this case the investigation will proceed but the employee will usually not be suspended;
- The Headteacher may decide that there is a case to answer which potentially constitutes gross misconduct and that it is therefore necessary to suspend the employee, on full pay, pending further investigation into the matter.

The employee should be informed of the Headteacher's decision at the end of the meeting. If the Headteacher decides to suspend the employee s/he should make it clear that suspension is a neutral act and that no decision will be made as to the validity of the allegations until the investigation is complete.

The employee should be informed that s/he will have to attend an Investigatory Interview, when s/he will be given the opportunity to respond fully to the allegations against her/him.

The employee should be asked to return any school property, such as keys, and to remove any personal belongings from the premises. S/he should be given a named person in the School whom s/he may contact during the period of suspension. This named employee should be a member of the School Senior Management Team. The employee should be informed that the purpose for having a named contact in School is to allow for information sharing on School issues – **it is not to discuss any aspect of the suspension and/or disciplinary investigation.** S/he should be instructed not to discuss the investigation with any other member of the school staff; any governor of the school and any parent/guardian of any children who attend the school and not to re-enter the school premises without the prior permission of the Headteacher.

The employee should be informed that a conclusion as to the need for further formal action would be reached as soon as possible and that if, at the end of the investigation, it is found that there is no case to answer all records of the investigation will be destroyed.

APPENDIX C

OUTLINE STATEMENT OF CASE FOR FORMAL DISCIPLINARY HEARING

1.0 Background

Brief background of circumstances leading up to hearing including timeline of events thus far.

2.0 Attached Documentation

e.g.

The School's Disciplinary Procedure

Witness Statements

Minutes from the investigatory interview held with the employee

Any other supporting documentary evidence relating to the allegations.

3.0 The Case Against the Employee

The list of allegations

Brief summary of main points of case

4.0 Conclusion

The conclusions drawn from the case.

The recommendation to the Governors Panel

PROCEDURE FOR FORMAL HEARINGS

1. All business connected with the meeting should be discussed in the presence of all concerned, except when governors consider their decision in accordance with Paragraph 10 below.
2. Introduction by the Chairperson and reminder to members and all present of the Procedure under which the hearing has been called, the manner in which the hearing will be conducted as set out below in paragraphs 3-12 and the degree of confidentiality required.
3. Presentation of case against the member of staff by the appropriate person, including the calling of witnesses. Witnesses should attend only for that part of the hearing to give witness. Questions should be asked of witnesses before they leave.

4. Questions by the member of staff and representative, and by the panel, to the person presenting the case.
5. Statements by the member of staff and her/his representative, including the calling of witnesses. Witnesses should attend only for that part of the hearing to give witness.
6. Questions by the person presenting the case and by the panel to the member of staff and/or representative.
7. Opportunity for the person presenting the case to make a final statement.
8. Opportunity for the member of staff and/or representative to make a final statement.
9. Withdrawal by the member of staff and representative, and presenting officer while the panel consider the matter.
10. Consideration of the matter by the panel, in the presence of the Clerk of the hearing [if applicable] and any personnel advisor [acting in that capacity only]. If further information is required of any of the persons who have left the hearing then all such persons should return to the hearing when such information is being obtained. An opportunity should be given to each party to question or comment upon this additional information.
11. Recall of parties concerned to hear the decision of the panel orally.
12. Subsequent confirmation of decision of the panel in writing to the parties concerned and information about any right of appeal where applicable.