

Management Handbook 2.5.1

Revised February 2025

**DISCIPLINARY
PROCEDURES FOR
TEACHERS AND
SUPPORT STAFF
IN SCHOOLS**

1. INTRODUCTION

- 1.1 This procedure has been agreed following consultation between the Local Authority (LA) and the recognised Professional Associations and Trade Unions representing Support staff.
- 1.2 The objectives of this procedure are:
 - (i) to promote fairness and order in the treatment of employees and in the conduct of employer/employee relationships;
 - (ii) to help to ensure that generally accepted standards of professional conduct (as detailed by the appropriate professional bodies) are maintained;
 - (iii) to encourage and offer support, where necessary, in achieving an improvement in the standards of conduct of employees.
- 1.3 In cases where there is an underlying medical, competence or capability problem the matter will be dealt with in accordance with the Capability Procedure (see Management Handbook Item 2.5.3) or the Managing Attendance For Teachers And Schools Based Support Staff Policy (Management Handbook Item 2.2.2).
- 1.4 The procedure shall apply to all employees, both teaching and support staff employed directly within the school. For teachers employed within a central service but working within the school the procedure outlined in Management Handbook 2.5.4 should be followed. For support staff employed directly by the local authority (e.g. Caretakers, Cleaners and Kitchen staff) the procedure outlined in Appendix B of the local conditions of service for Local Government Services staff should be used. In accordance with this procedure, in disciplinary cases against Head Teachers, the role of the Head Teacher in this procedure shall be undertaken by the Chair of Governors or such person as may be appointed by the Governing Board.
- 1.5 When dealing with disciplinary matters the Governing Board must exercise the utmost confidentiality. At the commencement of any meetings the importance of confidentiality must be explained and stressed. Governors should be made aware that their involvement in any stage of the disciplinary procedure will prejudice any involvement at a later stage. The content of any papers, which are circulated, must not be divulged to anyone. The way in which Governors vote and opinions expressed at Governors' meetings, which are in any way sensitive or critical, must

always be regarded as confidential. Governors e.g. parents and teachers are representatives of their appointing bodies rather than delegates and any unauthorised reporting back to persons outside the Governing Board removes the protection of privilege and action for defamation could result. The minutes of confidential meetings must be kept separate and not made available for inspection.

In cases where a member of staff is dismissed, including any appeal, the Governing Board at their next ordinary meeting, or a specially convened meeting should be informed of action which has been taken. No discussion should take place. The Governing Board should receive and note the report.

Head Teachers should give very brief details to the Chair of Governors of other formal disciplinary action taken against a member of staff.

- 1.6 It is expected that Head Teachers and Governing Boards should seek guidance from the Director of People & Inclusion (or his/her representative) at all stages in the procedure.
- 1.7 A copy of this procedure shall be made available to all teaching and support staff.

2. DISCIPLINARY RULES

2.1 Gross Misconduct

Gross misconduct is described as misconduct serious enough to destroy the employment contract between the member of staff and the school which would make a further working relationship and trust impossible. Examples of gross misconduct are included at appendix 4. In cases where the Governing Board decide that gross misconduct has occurred, the member of staff may be dismissed without notice after following the agreed procedure.

2.1.2 Misconduct

Misconduct is less serious than gross misconduct but could lead to dismissal if repeated. Examples of misconduct are included at appendix 4.

2.1.3 Criminal Offences Outside Employment

They should not be treated as automatic reasons for dismissal regardless of whether the offence has any relevance to the duties of the individual as an employee. The main considerations should be whether the offence is one that makes the individual unsuitable for his or her type of work. Employees should not be dismissed solely because a charge against them is pending or because they are absent through having been remanded in custody. If a member of staff is suspected of committing a criminal offence at or in connection with his/her work and is charged by the Police it is normal practice for him/her to be suspended. Misconduct outside work may be deemed gross misconduct and treated appropriately. If it appears that the misconduct would make the individual unsuitable for his/her type of work then he/she would normally be suspended. All these matters involve decisions to be made after an examination of the individual facts in each case. The Governors will make the decision but should consult the Local Authority for guidance.

2.1.4 In respect of issues with regard to the safeguarding of children, the Bury Integrated Safeguarding Partnership (BISP) procedures will take precedence in relation to the procedure to be followed. In such cases disciplinary action will only be taken once of the BISP procedures have been completed. NB Bury Council uses the Greater Manchester Safeguarding Partnerships Procedure.

3. APPLICATION OF DISCIPLINARY PROCEDURE

3.1 Disciplinary procedures must incorporate principles of natural justice. Employees must be given a fair hearing before any formal action is taken.

3.1.2 Employees:

- (i) shall be informed of the allegation made against them;
- (ii) shall be given reasonable time to consult with their union or other representative;
- (iii) shall be given the opportunity to state their case;
- (iv) have the right to representation by a Trade Union/Professional Association representative or a work colleague at all stages of the procedure including any investigatory stage. All staff so involved are encouraged to avail themselves of such support;
- (v) shall have the right to appeal against any disciplinary sanction imposed. The sanction imposed against any individual will not be increased at appeal should the appeal hearing find that the original decision was justified. See paragraph 7.

3.1.3 Under normal circumstances no member of staff will be dismissed for a first act of misconduct except in the case of gross misconduct or where the person has been barred from working with children.

3.1.4 Where a criminal offence is alleged, the disciplinary procedures may be followed, if appropriate, before the court hearing. Appropriate consultation must take place with the Police involved in the case and with the Local Authority Designated Officer (LADO), where appropriate, before any action is taken.

3.1.5 Trade Union/Professional Association representatives

Normal disciplinary standards will apply to the conduct of accredited representatives of recognised Trade Unions or Professional Associations, but no formal disciplinary action shall be taken until the circumstances have been discussed with a full-time official of the Trade Union or Professional Association involved. Suspension, as a neutral act, could take place prior to consultation with the full time official in appropriate circumstances.

4. SUSPENSION

- 4.1 Suspension shall not in itself be considered a disciplinary matter nor be construed as implying any guilt. It is a precautionary measure and does not prejudice any disciplinary action that may follow.
- 4.2 The Head Teacher or Chair of Governors on behalf of the Governing Board may suspend a member of staff with immediate effect to enable investigations to be made in cases where, for example, there are allegations of gross misconduct or where audit or police investigations are proceeding. When imposing a suspension, the Head Teacher or the Chair of the Governing Board must ensure that the full Governing Board, the Head Teacher and the Director of People and Inclusion (or his/her representative) are informed immediately.
- 4.3 The member(s) of staff suspended from duty shall receive full salary (with normal deductions) for the duration of the suspension. The member of staff must continue to comply with their conditions of service whilst suspended and make themselves available for any investigation. It should be noted that absence on sickness grounds and associated application of sick pay regulations, including where appropriate industrial injury payments in accordance with the "burgundy book", will override, where pertinent, full pay of the suspended person.
- 4.4 The Head Teacher and/or Chair of Governors should meet with the member(s) of staff and inform him/her as to why he/she is being suspended from duty. The member of staff will be given the right to be accompanied by a Trade Union/Professional Association representative or work colleague where circumstances allow. The reason(s) for suspension must be confirmed in writing within 3 working days by the Head Teacher, or where the member of staff suspended is the Head Teacher by the Chair of Governors
- 4.5 If on completion of the investigations, it is found that no grounds exist for taking disciplinary action the member of staff shall be immediately reinstated and the suspension lifted by the Governing Board. The Head Teacher and Director of People and Inclusion (or his/her representative) should be immediately informed of the ending of a suspension. The member of staff should be informed in writing of the decision of the Governing Board to lift the suspension.
- 4.6 If, however, following the completion of the investigations it is decided that disciplinary action should be taken, the appropriate part of the procedure should be followed.

- 4.7 Where a member of staff is suspended, the school should continue to forward bulletins and other such communications to them to keep them apprised of developments in school.

Guidelines on carrying out a suspension are included at appendix 3.

5. PROCEDURE TO BE FOLLOWED

5.1 Principles

- 5.1.1 Should a problem arise or a complaint be made involving a member of staff the Head Teacher/Chair of Governors will assess the situation and decide the appropriate mechanisms to deal with the problem or complaint.
- 5.1.2 No disciplinary action will be taken against a member of staff until the case has been fully investigated. Any investigation will be undertaken as soon as is reasonably possible.
- 5.1.3 All stages of the formal procedure shall normally apply successively. However, any stage of the procedure can be applied taking into account the seriousness of the alleged misconduct.

5.2 Informal Procedure

- 5.2.1 It is intended that minor problems should be dealt with as informally as possible. Where a member of staff commits a minor act of misconduct the Head Teacher or the Chair of the Governing Board can give advice for the purpose of improving the future conduct of the member of staff.
- 5.2.2 In these circumstances, the member of staff will be given any reasonable support and assistance to effect an improvement. However, the member of staff will be made aware that if the required improvement is not achieved, formal disciplinary action will be taken.

6. Formal Procedure

- 6.1 Where the informal procedure has failed to produce the required improvement, or where more serious misconduct is involved, the Head Teacher/Chair of Governors should determine that an investigation should take place and should inform the employee as soon as possible.
- 6.2 The Head Teacher/Chair of Governors should appoint two investigating officers to carry out the investigation. Under normal circumstances this

would be a senior manager from the school together with the Director of People and Inclusion (or his/her representative). Account should be taken of ethnic origin and gender where possible.

6.3 Investigation Process

An Investigation must be carried out prior to all Disciplinary Hearings.

The purpose of an investigation is to carry out a fair and thorough inquiry, which may or may not support an allegation.

A thorough investigation will:

- clarify the allegation;
- obtain an initial explanation;
- gather the facts;
- take statements and collect relevant documents; and
- establish whether or not the complaint is justified/offence took place.

6.3.1 The investigating officers will prepare a report of the findings of the investigation for the attention of the Head Teacher/Chair of the Governing Board. The report will also recommend whether or not further action may be required and may make additional management recommendations.

When the investigation is completed, the Head Teacher/Chair of the Governing Board will consider the report and conclude that either:

(i) **Misconduct has not occurred:**

If the Head Teacher/Chair of the Governing Board is satisfied that misconduct has not occurred, the matter will be at an end. The alleged offender will be informed (verbally initially) of the Head Teacher/Chair of the Governing Board's decision. This will be confirmed in writing by the Head Teacher/Chair of the Governing Board.

Or

(ii) **Misconduct may have occurred:**

If the Head Teacher/Chair of the Governing Board believes that misconduct may have occurred, they will need to decide whether the alleged misconduct is minor or of a more serious nature. Minor misconduct may be dealt with appropriately informally.

Or

(iii) **Misconduct of a Serious Nature**

Where, following a disciplinary investigation, a Head Teacher/Chair of the Governing Board concludes that the alleged misconduct is potentially serious, a disciplinary hearing will be held to consider the allegations in accordance with Appendix 1.

Where the Head Teacher/Chair of the Governing Board determines that the matter should progress to a disciplinary hearing they should inform the member of staff/Head Teacher in writing at least 10 working days before the hearing of:

- (i) the allegations made against him/her;
- (ii) his/her right to be accompanied by a Trade Union/Professional Association representative or a workplace colleague;
- (iii) the date, time and place of the hearing;
- (iv) his/her right to produce witnesses and written statements, to be circulated to the parties involved at least 5 working days prior to the hearing.

The process outlined in paragraph 6.3.1 must be followed at any stage of the procedure. Warnings cannot be issued without following this stage of the procedure.

6.4 **Stage 1**

If, at the conclusion of the hearing, the Head Teacher/Chair of Governors determines that minor misconduct has been found he/she shall issue a formal oral warning. The formal oral warning will be confirmed in writing, under normal circumstances, within 7 working days of the hearing and shall include:

- (i) a statement of the complaint against the member of staff;
- (ii) details of the improvement in conduct which is expected along with any advice to the member of staff as to how this may be achieved;
- (iii) the timescale within which the improvement is required;
- (iv) the likely consequence of further misconduct;
- (v) the right of appeal which should be made in writing to the Clerk to the Governing Board within 10 working days of receiving the written decision.

A note of the oral warning will be kept on the member of staff's personal

file for a period of 6 months, after which time it will be removed for the purpose of future disciplinary proceedings, provided that no further infringement of the procedures has taken place, whereupon related offences may be taken into account. The member of staff will be informed of this action by letter, a copy of which will be sent to his/her Trade Union/Professional Association and the Chair of Governors.

6.5 **Stage 2**

In the event of misconduct of a more serious nature, or if an active oral warning has failed to produce the required improvement or, a written warning will be issued to the member of staff by the Head Teacher/Chair of Governors. The written warning will be confirmed in writing, under normal circumstances, within 7 working days of the hearing and will include items (i) to (v) outlined in paragraph 6.4 above.

A copy of the written warning will be kept on the member of staff's personal file for a period of 12 months, after which time it will be removed for the purpose of future disciplinary proceedings, provided that no further infringement of the procedures has taken place, whereupon related offences may be taken into account. The member of staff will be informed of this action by letter, a copy of which will be sent to his/her Trade Union/Professional Association and the Chair of Governors.

6.6 **Stage 3**

If a written warning fails to produce the required improvement or in the event of misconduct of a more serious nature a final written warning will be issued to the member of staff by the Head Teacher/Chair of Governors. The final written warning will be confirmed in writing, under normal circumstances, within 7 working days of the hearing and will include items (i) to (v) outlined in paragraph 6.4 above with the addition that any further misconduct could result in action up to and including dismissal.

A copy of the final written warning will be kept on the member of staff's personal file for a period 18 months, after which time it will be removed for the purpose of future disciplinary proceedings, provided that no further infringement of the procedures has taken place, whereupon related offences may be taken into account. The member of staff will be informed of this action by letter, a copy of which will be sent to his/her Trade Union/Professional Association and the Chair of Governors.

6.7 Stage 4 - Dismissal

- (i) Where the possibility of dismissal arises, either for gross misconduct or after a final written warning the Head Teacher/Chair of Governors should inform the member of staff/Head Teacher in accordance with paragraph 6.3.1.
- (ii) The member of staff will be given at least 10 working days notice in writing of the date of the hearing.

The Governing Board should refer the matter to the Disciplinary Committee of the Governing Board, which shall be convened as soon as practicable to consider the case for dismissal.

- (iii) Any evidence should be circulated to the parties at least 5 working days prior to the hearing.
- (iv) The Disciplinary Committee shall consist of not less than 3 members of the Governing Board who have had no previous involvement in the matter. Account should be taken of ethnic origin and gender where possible.
- (v) The procedure to be followed at the hearing should be in accordance with Appendix 1.

The member of staff subject to disciplinary proceedings shall have the right to make representations to that Committee.

- (vi) Having considered the evidence the Disciplinary Committee may determine that the member of staff should be dismissed.
- (vii) In such a case the Disciplinary Committee should confirm their decision in writing to the employee, under normal circumstances, within 7 working days of the hearing informing him/her of his/her right of appeal.
- (viii) Any appeal should be considered by the Appeals Committee. The Appeals Committee shall consist of not less than 3 members of the Governing Board who have had no previous involvement in the case. Account should be taken of ethnic origin and gender where possible.
- (ix) The procedure to be followed at the appeal hearing should be in accordance with Appendix 2.

- (x) Where the Governing Board determines (following the procedures set out in 6.7 (iv), (v) and (vi) above) that a member of staff employed at the school should be dismissed, it shall notify the Director of People and Inclusion (or his/her representative), in writing, of their decision and the reasons for it.
- (xi) Where the member of staff is employed to work solely at the school and he/she has not already resigned, the Director of People and Inclusion (or his/her representative) shall, within 14 days of the date of notification from the Governing Board, either
 - (a) give the member of staff appropriate notice (or pay in lieu of notice) terminating his/her contract of employment, or
 - (b) dismiss without notice in appropriate circumstances e.g. where gross misconduct has occurred.
- (xii) The Head Teacher (except where he/she is the person subject to disciplinary proceedings) and the Director of People and Inclusion (or his/her representative) shall be entitled to attend for the purpose of giving advice, all proceedings of the Governing Board relating to dismissal. The Governing Board shall consider any advice given by such a person(s) before making a determination.

6.8 Referrals to the Disclosure and Barring Service (DBS) and the Teacher Regulation Agency

- 6.8.1 Where a teacher is dismissed for misconduct, the case will be referred to the DBS and or Teacher Regulation Agency as appropriate.
- 6.8.2 In circumstances where a teacher resigns or leaves the school in the course of Disciplinary proceedings, and the allegations are such that it could have led to dismissal, the case will be referred to the DBS and/or to the Teacher Regulation Agency as appropriate.

7. APPEALS

- 7.1 An employee shall have a right of appeal against the issuing of a warning or against a dismissal.
- 7.3 The employee's intention to appeal must be submitted, in writing to the Clerk to the Governing Board within 10 working days of receiving the written decision of the Head Teacher/Chair of Governors. The appeal must state the grounds of the appeal.

- 7.4 The Clerk to the Governing Board is required to convene the Appeals Committee, where possible, within 15 working days of the receipt of an appeal. The appeal hearing must be held no sooner than 7 working days after the invitation to the hearing has been sent.
- 7.5 The appeal shall be heard by the Appeals Committee composed of at least 3 governors who have had no previous involvement in the matter. Account should be taken of ethnic origin and gender where possible.
- 7.6 At the appeal hearing the employee may be accompanied by a Trade Union/Professional Association representative or a workplace colleague.
- 7.7 The Governors shall make available to the employee any necessary papers relating to the case, at least 5 working days before the hearing. The employee shall have the opportunity to provide any documents to the Clerk to the Governing Body for circulation at least 5 working days before the hearing.
- 7.8 The procedure for the Appeal Hearing shall be in accordance with Appendix 2.
- 7.9 The decision of the Appeals Committee shall be final.

APPENDIX 1

PROCEDURE TO BE FOLLOWED AT HEARINGS CARRIED OUT BY:

- a) HEAD TEACHER OR CHAIR OF GOVERNORS**
- b) DISCIPLINARY COMMITTEE**

Introduction

- (i) The Chair shall introduce the parties where these are not known to each other and explain the purpose of the hearing and how it will be conducted.
- (ii) The meeting shall take place in private session and all parties shall be reminded that the proceedings are confidential. Where a Sub-Committee of Governors conducts the hearing, the minutes of the meeting should not identify the employee concerned in any way where the outcome is less than dismissal. The minutes of any such meetings shall remain confidential and shall not be public documents.

A clerk must be appointed by the Governors, who may not be an employee of the school.

- (iii) The Head Teacher (except where he/she is the member of staff subject to disciplinary proceedings) and the Director of People and Inclusion (or his/her representative) are entitled to attend all proceedings for the purpose of giving advice. The Disciplinary Committee shall consider any advice given by such a person before making a determination.

Hearing Procedure

1. The Case Against the Employee

- (i) The school's representative shall present their case and may call witnesses.
- (ii) The employee or his/her companion shall have the opportunity to ask questions of the school's representative and his/her witnesses.
- (iii) The person(s) hearing the case shall have the opportunity to ask questions of the a) school's representative and witnesses.

2. The Case for the Employee

- (i) The employee or his/her companion may present the case and may call witnesses.
- (ii) The school's representative shall have the opportunity to ask questions of the employee and the employee's companion and witnesses.
- (iii) The person(s) hearing the case shall have the opportunity to ask questions of the employee and the employee's companion and witnesses.

3. Final Statements

The school's representative and then the employee or his/her companion, may make a final statement. The final statements shall not include any new information.

4. Witnesses

Witnesses shall only be present while giving evidence.

5. Adjournment

Either party or the person(s) hearing the case may request an adjournment of the hearing at any stage.

6. Consideration of the Case

- (i) At the conclusion of the hearing the school's representative and the employee and his/her companion shall withdraw. The Director of People and Inclusion (or his/her representative) may remain in attendance at all times.
- (ii) The person(s) hearing the case shall deliberate in private. If it is necessary to recall either party or any witness in order to resolve points of uncertainty on the evidence given both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

7. Decision

Under normal circumstances the person(s) hearing the case shall recall the parties to announce the decision, which will be confirmed in writing within 7 working days with a copy to the Trade Union/Professional Association or work colleague, with the employee's consent. Where a sanction is imposed the member of staff should be informed of their right of appeal.

8. Record keeping

It should be noted that where allegations of abuse have been made against staff that in accordance with statutory guidance Keeping Children Safe in Education a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file and a copy provided to the person. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The purpose of the record is to enable accurate information to be given to any response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the Police about an allegation which did not result in a criminal conviction. It will also help to prevent any further re-investigation, as sometimes happens, if an allegation re-surfaces after a period of time.

APPENDIX 2

PROCEDURE TO BE FOLLOWED AT HEARINGS CARRIED OUT BY APPEALS COMMITTEE

Introduction

- (i) This procedure covers appeals made against decisions made under the school's Disciplinary Procedure.
- (ii) The Appeals Committee will be made up of at least 3 governors who have had no previous involvement. The Chair, who should not be the Head Teacher or his/her representative, shall introduce the parties where these are not known to each other and explain the purpose of the hearing and how it will be conducted.
- (iii) The meeting shall take place in private session and all parties shall be reminded that the proceedings are confidential. The minutes of any such meetings shall remain confidential and shall not be public documents.

A clerk must be appointed by the Governors, who may not be an employee of the school.

- (iv) The Head Teacher (except where he/she is the person appealing) and the Director of People and Inclusion (or his/her representative) are entitled to attend all proceedings. The Governing Board shall consider any advice given by such a person before making a determination.
- (v) The employee (and their companion) shall be given the opportunity to comment on any new evidence arising during the appeal before any decision is made.

Hearing Procedure

1. Employee's Appeal

- (i) The employee or the employee's companion shall present their appeal. He/she shall be permitted to call witnesses.

- (ii) The Chair of the Appeals Panel shall be given the opportunity to ask questions:
 - a) of the employee on the evidence given by him/her, and
 - b) of any of the witnesses the employee has called on their evidence.
- (iii) The members of the Appeals Committee shall have the opportunity to ask questions of the employee and the employee's companion and witnesses.

2. Management Response to Appeal

- (i) The school's representative (the Chair of the previous panel) shall present his/her case, He/she shall be permitted to call witnesses.
- (ii) The employee will be given the opportunity to ask questions:
 - a) the school's representative on the evidence given by him/her, and
 - b) of any of the witnesses the school's representative has called, on their evidence.
- (iii) The members of the Appeals Committee shall have the opportunity to ask questions of the school's representative and witnesses.

3. Final Statements

The employee or his/her companion and then the school's representative may summarise the main points of their case if they so wish. No new evidence or information may be included.

4. Witnesses

Witnesses shall only be present while giving evidence or being questioned.

5. Adjournment

Either party or the person(s) hearing the case may request an adjournment of the hearing at any stage.

6. Consideration of the Appeal

- (i) At the conclusion of the hearing the school's representative and the employee and his/her representative shall withdraw. The Director of People and Inclusion (or his/her representative) can be in attendance at all times.
- (ii) The person(s) hearing the case shall deliberate in private. If it is necessary to recall either party or any witness in order to resolve points of uncertainty on the evidence given both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

7. Decision

- (i) Under normal circumstances the Chair shall recall the parties to announce the decision, which will be confirmed in writing within 7 working days with a copy to the Trade Union/Professional Association or work colleague with the consent of the employee.
- (ii) In the case of a dismissal the Appeals Panel may confirm the dismissal or reinstate the employee with a lesser sanction. In any other appeal, the Appeals Committee may confirm or reduce the sanction, providing that advice from the Director of People and Inclusion (or his/her representative) has been duly considered.
- (iii) The decision of the Appeals Panel shall be final.

8. Record Keeping

See this section in Appendix 1

APPENDIX 3

SUSPENSION GUIDELINES

A member of staff may be suspended after consultation with the Director of People and Inclusion where either:

- there is serious doubt about whether it is appropriate for the member of staff to continue at work if the allegation is found to be true; or
- there is doubt about whether it is appropriate for the member of staff to continue at work pending criminal investigations; or
- the member of staff's presence in the workplace could hinder the investigation; or
- the member of staff's presence in the workplace could not be tolerated because of the nature of the allegation.

Suspension should normally only be used as a last resort and only after satisfying one or more of the conditions outlined above.

Suspension should be for the shortest period possible.

1. PROCESS

- 1.1 Arrange to meet the member of staff as soon as possible. Make sure wherever possible that the meeting place is private and free from any disturbances and preferably away from the member of staff's workplace, (although this is not always appropriate or convenient and each situation should be assessed on its own merit).

The member of staff will be given the right to be accompanied at the meeting, either by a Trade Union/Professional Association representative or workplace colleague where circumstances allow.

In extreme cases, suspension will take place without the employee being accompanied by a Trade Union/Professional Association representative or work colleague. In this situation the suspending officer should inform the appropriate Trade Union/Professional Association representative following the suspension. Should the employee refuse or be unable to attend the meeting suspension will need to be undertaken in writing.

1.2 **At the meeting, inform the member of staff:**

- of the broad allegations that have been made against them and the reasons for suspension. Inform them that an investigation will take

place and give them the names of the Investigating Officers (if known at this point)

- if the allegations could potentially constitute gross misconduct
- that they will still receive normal contractual pay whilst suspended
- that suspension is a neutral act, which presumes neither innocence nor guilt, and is not a disciplinary act
- that as part of the investigation, it may be necessary to interview the employee further and that he/she is required to be available for such interviews, during his/her normal working times, at which he/she may be accompanied by a Trade Union/Professional Association representative or work colleague
- that during the period of suspension, he/she should not contact any work colleagues during working hours, nor should he/she return to the place of employment, unless authorised to do so by their named contact (below)
- that the investigation and/or suspension should not be discussed with any other work colleague at any time
- of the name of a contact person, usually the Director of People and Inclusion (or his or her representative). (This person should be somebody who is not involved in the investigation). Advise them that the named contact should be the only person that they make contact with during the period of suspension. (Should they need to contact somebody else within the workplace, they should do so through the named contact point). The named contact will deal with any queries that the employee may have and keep them informed periodically of the progress of the investigation. Advise them that contact for the purpose of preparation for a disciplinary hearing may be made through the contact point and/or with the knowledge of the contact person through a Trade Union/Professional Association representative or work colleague
- that whilst suspended, he/she is still required to adhere to the agreed personnel procedures. He/she must comply with the sickness reporting procedure if he/she falls ill
- that he/she must not engage in other employment during the hours that he/she is normally employed
- that any breach of the conditions of suspension may result in disciplinary action being taken
- that suspension will be confirmed in writing to the member of staff normally within 3 working days

2. NOTES

- 2.1 Suspension does not constitute disciplinary action in itself but is a mechanism to enable a thorough investigation to be carried out.

- 2.2 Except where suspension is a statutory requirement alternative forms of action can be considered, such as temporary redeployment to another job or place of work. The person carrying out the suspension must be impartial and would not normally be asked to investigate the complaint/allegation.
- 2.3 Suspension from duty can be an emotional time for the employee. It is good practice for the suspending officer to acknowledge this and offer counselling via the Occupational Health Unit where appropriate.
- 2.4 If during the course of an investigation, the Investigating Officers believe that a serious breach of discipline may have occurred, they should refer the matter to the Head Teacher/Chair of the Governing Board who will then decide if suspension is warranted at that point following consultation with the Director of People and Inclusion (or his/her representative).
- 2.5 If the allegation(s) are shown to be unfounded or less serious at any time during or on completion of the investigation, the Investigating Officers can refer to the Head Teacher/Chair of the Governing Board who will then decide if suspension should be lifted at that point following consultation with the Director of People and Inclusion (or his/her representative).
- 2.6 If an employee is sick while suspended, this will over-ride their suspension. During their sickness, they will be subject to the Managing Attendance for Teachers and Schools Based Support Staff Policy (MH 2.2.2) and have to present medical certificates, and be paid at the appropriate rate i.e. Occupational Sick Pay (including industrial injury payments where appropriate), Statutory Sick Pay or no pay. If at the end of their period of sickness, the disciplinary investigation has not been completed, they will continue to be suspended.
- 2.7 The investigating officers may ask to seek a medical opinion about whether the employee is fit enough to attend meetings regarding the investigation.
- 2.8 Should a member of staff become pregnant whilst suspended, the suspension will cease at the point that the maternity leave is triggered and resume from the date that the employee has given to return from maternity leave.

APPENDIX 4

EXAMPLES OF GROSS MISCONDUCT

- Drunken, disorderly, indecent, immoral or illegal conduct whilst undertaking official duties;
- Attending work when unfit due to the influence of drugs and/or being in possession of or using drugs for non-medical purposes in the workplace;
- Malicious damage to any property supplied or owned by the Council/school;
- Assault/abuse on any employee or member of the public;
- Unauthorised absence of a serious nature from work;
- Fraud or deliberate financial irregularity;
- Forgery or falsification of qualifications or previous experience or good health necessary for appointment;
- Forgery/Falsification of documents/information;
- Theft of the Council's/school's property or money at any time, or from other employees or members of the public whilst undertaking official duties or during normal working hours;
- Deliberately disobeying a reasonable instruction;
- Gross negligence with regard to the performance of duties;
- Deliberate breach of safety rules and instructions;
- Disclosure of confidential information relating to the work of the Council/school and/or its employees for financial reward or otherwise;
- Unauthorised use of the Council's/school's premises or property;
- Using a Council/school vehicle for private use;
- Using his/her position as an employee to gain pecuniary advantage for himself/herself or others;
- Harassment/bullying of another employee or member of the public;
- Contravention of the Council or School Code of Conduct;
- Abuse or mistreatment of staff and pupils;
- Abusive, threatening or offensive language or behaviour;
- Unlawful discrimination or harassment.

EXAMPLES OF MISCONDUCT

"Misconduct" is less serious than "gross misconduct" but could lead to dismissal if repeated and would include, for example:

- Absenteeism or lack of punctuality;
- Petty dishonesty.

This is a source of guidance and should not be considered to be an exhaustive list.