



DISCIPLINARY POLICY

GOVERNING BODY APPROVAL: Autumn 2020/21

COMMITTEE WITH RESPONSIBILITY FOR MONITORING
AND REVIEW:
[Personnel Committee](#)

NEXT REVIEW DATE: Autumn 2021/22

[NEWMAN CATHOLIC COLLEGE]
DISCIPLINARY POLICY AND PROCEDURE

This Disciplinary Policy and Procedure has been approved and adopted by the Governing Body on [ENTER DATE] and will be reviewed on [ENTER DATE].

Signed by Chair of Governors:

Signed by Headteacher:

DEFINITIONS

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Chair' means the Chair of the Governing Body appointed from time to time.
- ii. 'Clerk' means the Clerk to the Governing Body appointed from time to time.
- iii. 'Companion' means a willing work colleague not involved in the subject matter of the disciplinary proceedings against an employee under this Disciplinary Policy and Procedure, or an accredited trade union representative or an official employed by a trade union who will be expected to make themselves available for periods of time necessary to meet timescales under this Disciplinary Policy and Procedure.
- iv. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- v. 'Governing Body' means the governing body of the School.
- vi. 'Governors' means the governors appointed or elected to the Governing Body of the School, from time to time.
- vii. 'School' means the school or college named at the beginning of this Disciplinary Policy and Procedure and includes all sites upon which the school undertaking is, from time to time, being carried out.
- viii. 'Vice-Chair' means the Vice-Chair of the Governing Body elected from time to time.

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- ix. Misconduct means any action or inaction which contravenes the provisions of the employee's contract of employment, the rules laid down by the Governing Body and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply and the Capability Policy and Procedure may also apply

1. SCOPE OF PROCEDURE

- 1.1 This Disciplinary Policy and Procedure applies to you if you are an employee or worker at the School (hereinafter referred to as an "employee" or "you").
- 1.2 The purpose of this procedure is to provide a structure to address any issues or concerns that the Governing Body/School may have relating to an employee's conduct.
- 1.3 The Governors delegate their authority in the manner set out in this procedure.
- 1.4 There may be some occasions where an employee's lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the School's Capability Policy and Procedure may be used concurrently whilst the School endeavours to ascertain if the lack of capability is Misconduct or lack of competence.
- 1.5 There may be occasions where an employee's conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the School's Sickness Absence Policy and Procedure. In particular, if an employee is absent from School on sick leave following this Disciplinary Policy and Procedure being invoked, the School may use its Sickness Absence Policy and Procedure.
- 1.6 Subject to Paragraph 1.2(a) and (b) of the School's Grievance Resolution Policy and Procedure, there may be occasions when an employee attempts to use the School's Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under this Disciplinary Policy and Procedure.
- 1.7 There may be occasions, for example in relation to child protection allegations, where this procedure needs to be modified to comply with the requirements of the School's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Governors at appropriate stages.
- 1.8 In this policy "working day" means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.
- 1.9 The School is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Policy.

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- 1.10 The Appraisal Policy does not form part of any other procedure but relevant information from the appraisal process, including the Appraisal Report, may be taken into account in this Disciplinary Policy and Procedure and/or the School's Capability Policy and Procedure.
- 1.11 The management of unsatisfactory performance and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.
- 1.12 The School will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure. All data and evidence collected is to be shared between all the relevant parties, where appropriate.

2. INFORMAL ACTION

- 2.1 Your line manager may give you informal warnings at any time about any conduct or performance falling short of the standard expected.
- 2.2 Informal warnings may be recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach. Informal warnings will not normally be kept on record for longer than 12 months.
- 2.3 Failure to comply with informal action should not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

3. SUSPENSION

- 3.1 In cases where the Investigating Manager considers that it is appropriate the Headteacher or the Chair may suspend you for a period of up to ten working days.
- 3.2 The Headteacher must inform the Chair of the suspension or, in the event of suspension by the Chair, the Chair must inform the Governing Body (excluding staff Governors).
- 3.3 This period of suspension may be extended subject to review by the Chair every 10 working days. The reason(s) for extending the suspension will be confirmed in writing.
- 3.4 Only the Governing Body may end the suspension.
- 3.5 Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.

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3.6 **ACAS** suggests that suspension may, whilst investigations are carried out, be appropriate where:

- (a) Relationships have broken down
- (b) Gross misconduct is alleged
- (c) There are reasonable concerns that evidence or witnesses could be interfered with
- (d) There are responsibilities to other parties
- (e) It is necessary for the protection of pupils, staff or property
- (f) The presence at work of the employee under investigation may be an obstacle to a proper investigation.

3.7 Suspension is a neutral act and is not a disciplinary sanction. You will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).

3.8 During a period of suspension the School may require that you do not:

3.8.1 attend School at any time (except with the prior agreement of the Headteacher or Chair);

3.8.2 communicate in any way with parents, pupils or governors except:

- (a) with the prior written agreement of the Headteacher/Chair; or
- (b) where following the investigation you are called to a formal disciplinary meeting, when you may then approach parents, pupils or governors as potential witnesses but this must be done via the Investigating Manager to avoid any breach of the Data Protection Act or duties of confidentiality.

3.8.3 discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:

- (a) with the prior written agreement of the Headteacher/Chair;
- (b) for communication with your Companion who is a Trade Union representative;
- (c) where you are called to an interview with the Investigating Manager or a Disciplinary Meeting, when you approach a Companion who is a colleague; or
- (d) where you are called to a formal Disciplinary Meeting you may approach work colleagues as potential witnesses in support of your case.

3.9 During a period of suspension the School may suspend your access to your email account and to the Managed Learning Environment (MLE)/Virtual Learning Environment (VLE).

3.10 During a period of suspension the School may take such steps as necessary to cover your lessons or other commitments.

3.11 During any period of suspension your contractual duties to the School and to the Governing Body (whether express or implied) remain in force and enforceable.

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4. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

4.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

Employee Level	Investigating Manager	Disciplinary Manager	Appeal Manager
Headteacher	Chair or a non-staff Governor (other than the Vice-Chair) nominated by the Chair	Governors' Disciplinary Panel appointed by the Vice-Chair	Governors' Appeal Panel appointed by the Vice-Chair
Other Leadership Spine and School Business Manager	Headteacher	Chair or a non-staff Governor (other than the Vice-Chair) nominated by the Chair	Governors' Appeal Panel appointed by the Vice-Chair
Other Teaching Staff	(1) A member of Leadership Team (other than Headteacher) appointed by the Headteacher, or in the event that (1) above cannot be complied with, (2) A person appointed by the Headteacher	Headteacher OR In cases where there is a real risk of dismissal, the Chair or a non-staff Governor (other than the Vice-Chair) nominated by the Chair (*)	Governors' Appeal Panel appointed by the Chair
Other Support Staff	A person appointed by the Headteacher	Headteacher	Governors' Appeal Panel appointed by

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THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE SCHOOL

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		OR	the Chair
		<p>In cases where there is a real risk of dismissal, the Chair or a non-staff Governor (other than the Vice-Chair) nominated by the Chair</p> <p>(*)</p>	

4.2 In cases relating to any alleged gross misconduct that would bring the School into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Governors' Disciplinary Panel.

(*) **In the case of disciplinary action involving Other Teaching Staff and Other Support Staff, the Headteacher should be appointed as Disciplinary Manager. However, if there is a real risk of dismissal of a member of Other Teaching Staff or Other Support Staff, the Chair of Governors or a non-staff Governor appointed by the Chair (other than the Vice-Chair) must act as the Disciplinary Manager UNLESS the Governing Body has resolved that the Headteacher should act as Disciplinary Manager in such cases. Where the Governing Body has resolved that the Headteacher should act as Disciplinary Manager in all cases (including where there is a real risk of dismissal), the Governing Body shall amend the table at Paragraph 4.1 so that the Headteacher is the sole Disciplinary Manager.**

NB: In law, only the Governing Body, as the employer of staff, has the power to terminate employment, so that the Governing Body will need to ensure that it has delegated this power to the Disciplinary Manager.

5. FORMALPROCESS

5.1 Step 1 - Investigation

5.1.1 The Investigating Manager will conduct an investigation into the alleged misconduct.

5.1.2 The Investigating Manager may appoint any other person from within the School or an external third party to assist in the investigation.

5.1.3 The Investigation Manager will notify you in writing of the fact of the investigation and the allegations made. The investigation may include a face to face interview with you but this is not mandatory. In the event of a face-to-face interview you will be

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notified at least 5 working days beforehand. You may, if you wish, provide a written statement or response to the Investigating Manager.

5.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.

5.1.5 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:

- (a) A Disciplinary Manager be appointed and a Disciplinary Meeting be convened in accordance with Step 2 below; or
- (b) There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure.

5.1.6 You will be sent a copy of the Investigation Report.

5.2 Step 2 - Disciplinary Meeting

5.2.1 If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting ("the Disciplinary Meeting") with the Disciplinary Manager appointed, the Investigating Manager will write to you within 5 working days of receiving the Investigation Report, inviting you to the Disciplinary Meeting.

5.2.2 The Disciplinary Meeting shall take place at least 5 working days after the Investigation Report was sent to you in accordance with Paragraph 5.1.6.

5.2.3 In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

- (a) Evidence presented in support of the allegations of misconduct against you;
- (b) Evidence presented in defence of the allegations of misconduct against you;
- and
- (c) Where misconduct is admitted, whether in whole or in part, any evidence you have in mitigation.

5.2.4 The Disciplinary Manager may adjourn the Disciplinary Meeting to allow for further investigations in the light of your evidence and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced by further investigations.

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5.2.5 The Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.

5.2.6 If the Disciplinary Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting when such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

5.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm

the outcome of the Disciplinary Meeting in writing to you within 5 working days of the date of the Disciplinary Meeting ("the Disciplinary Decision Letter") being either:

- (a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or
- (b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure.

5.3 Step 3 - Appeal

5.3.1 In the event that you are unsatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 working days of the Disciplinary Decision Letter being sent to you.

5.3.2 Your appeal letter must set out the grounds of your appeal in detail. This will enable the Clerk and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.

5.3.3 The Appeal Meeting will normally be held within 20 working days of your appeal letter being received by the Clerk.

5.3.4 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

5.3.5 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.

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5.3.6 In the event that the Appeal Manager considers that any new evidence from whatever source would warrant a more severe sanction the Appeal Manager shall refer the matter to the original Disciplinary Manager for reconsideration. The Disciplinary Manager may then impose a more severe sanction. In such a case, you are entitled to appeal against such increased sanction in accordance with this Paragraph 5.3.

5.3.7 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.

5.3.8 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

5.3.9 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:

- (a) the Appeal Manager may uphold the decision of the Disciplinary Manager; or
- (b) the Appeal Manager may uphold your appeal and overturn the decision of the Disciplinary Manager.
- (c) the Appeal Manager may impose a lesser sanction.

6. FORMAL SANCTIONS

The Disciplinary Manager may impose the following sanctions:

6.1 A First Written Warning

6.1.1 A First Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you.

6.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

6.2 A Final Written Warning

6.2.1 A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to you.

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6.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct, if appropriate in the circumstances).

6.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

6.3 Dismissal on notice

6.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct, if appropriate in the circumstances).

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 In the event that your employment is terminated in accordance with this Paragraph 6.3:

(a) If your contract of employment contains a garden leave clause the Governing Body may exercise that clause so that you are not required to attend the School during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or

(b) If your contract of employment contains a payment in lieu of notice clause the Governing Body may exercise that clause to bring your contract to an end with immediate effect.

6.4 Dismissal without notice or termination payment

6.4.1 Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Governing Body.

6.4.2 For the avoidance of doubt your dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the School considers may amount to gross misconduct:

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- (a) Conduct incompatible with, or prejudicial to, the religious character of the School or the precepts or tenets of the Catholic Church - amend as applicable for a joint Church school
- (b) Conduct that is likely to bring the School or the Church into disrepute
- (c) Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment
- (d) Failure to disclose your DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Governing Body
- (e) A serious breach of any relevant code of conduct or professional standards
- (f) Theft of any property
- (g) Malicious or wilful damage to any property
- (h) Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- (i) Ordering any goods or services on behalf of the School from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Governors' Finance Committee
- (j) Dishonesty
- (k) Violence to any person
- (l) Unlawfully restraining a pupil
- (m) Abusive, threatening or offensive language or behaviour to any person
- (n) Unlawful discrimination or harassment
- (o) Bullying
- (p) Deliberate refusal to carry out a lawful and safe instruction
- (q) Absence from work without leave or reasonable explanation
- (r) Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent
- (s) Concealing any actual or attempted cheating by any pupil or colleague
- (t) Attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs
- (u) Misuse of the School's ICT (including internet and email access and any social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (v) Supplying your personal contact details to a pupil without express authorisation from the Headteacher
- (w) Interacting with a pupil online out of school hours other than through the Managed Learning Environment
- (x) Making any sexual or romantic contact with any pupil whatever the age of the pupil
- (y) Breaching the confidentiality or data protection obligations surrounding the School, a parent, pupil, colleague or Governor
- (z) Covert recording of any meetings without the knowledge or consent of all persons present
- (aa) Serious breach of health and safety procedures
- (bb) Serious negligence (whether or not leading to any actual loss)
- (cc) Criminal activity during the course of employment

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(dd) Making a false malicious or vexatious allegation against the School, a parent, pupil, colleague or Governor

6.5 In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to the Governing Body that your employment is terminated in accordance with your contract of employment (where appropriate) and the Governing Body will take steps to terminate your employment.

6.6 Voluntary demotion as an alternative to higher formal sanction

6.6.1 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

6.6.2 Where paragraph 6.6.1 applies, the Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction. Any such offer shall be made in writing.

7. GOVERNORS' PANELS

7.1 Governors' Disciplinary and Appeal Panels shall comprise three non-staff Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Governors' Disciplinary or Appeal Panel.

7.2 In the event that there are insufficient numbers of Governors available to participate in a Governors' Disciplinary or Appeal Panel, the Governing Body may appoint associate members to solely participate in the appropriate Panel on the recommendation of the Diocesan Schools Commission.

8. COMPANION

8.1 If you are the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager or the Appeal Manager, you may be accompanied at such interview or meeting by a Companion.

8.2 You must let the relevant Manager know who your Companion will be at least one working day before the relevant interview or meeting.

8.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.

8.4 Your Companion can address the relevant interview or meeting in order to:

- (a) put your case;
- (b) sum up your case;

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- (c) respond on your behalf to any view expressed at the relevant interview or meeting; and
- (d) Ask questions on your behalf.

8.5 Your Companion can also confer with you during the relevant interview or meeting.

- 8.6 Your Companion has no right to:
- (a) answer questions on your behalf;
 - (b) address the relevant interview or meeting if you do not wish it; or
 - (c) prevent you from explaining your case.

8.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant Manager will postpone the relevant interview or meeting for no more than five working days from the date set by the School to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted

9. TIMING OF INTERVIEW MEETINGS

Interviews or meetings under this procedure may:

- 9.1 need to be held when you were timetabled to teach;
- 9.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation;
- 9.3 be held after the end of the School day;
- 9.4 Not be held on days on which you would not ordinarily work;
- 9.5 Be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

10. VENUE FOR INTERVIEWS OR MEETINGS

If the allegations are sensitive the relevant Manager may hold the interview or meeting off the School site.

11. ASSISTANCE

11.1 In any case concerning the religious character of the School, the Diocesan Schools Commission must be notified immediately the School becomes aware of the allegations and it may be represented at any relevant interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.

11.2 In all cases involving any disciplinary sanction in relation to the Headteacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff,

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the Diocesan Schools Commission and/or the Local Authority may send a representative to advise the Disciplinary Manager or Appeal Manager.

12. TRADE UNION OFFICERS

The School notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."

13. REFERRALS

13.1 Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the School must consider whether to refer the circumstances to the National College for Teaching & Leadership under section 141D of the Education Act 2002 which came into force on 1 April 2012.

13.2 Where a person working within the School (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child
- (b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him
- (c) involving sexual material relating to children (including possession of such material)
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images)
- (e) of a sexual nature involving a child

the School must refer that person to the Disclosure & Barring Service ("DBS") under section 35 of the Safeguarding Vulnerable Groups Act 2006.

REVIEW OF THIS PROCEDURE

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Aided Schools in England, was amended in September 2013 and updated in June 2016 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church schools subject to the approval of the CES on referral by the relevant Catholic diocese. This procedure will be reviewed by the CES in readiness for academic year 2018/2019.

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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NOTES TO USER:

You must either complete or delete information which is highlighted in yellow in these template letters before sending to the employee. Please ensure that you remove the note on letters 10 and 11 regarding the power to terminate employment *before* it is sent to the employee.

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TEMPLATE LETTERS

1. LETTER OF SUSPENSION

Dear **NAME**

Suspension

In accordance with the provisions of the School's Disciplinary Policy and Procedure I am [suspending you][confirming your suspension] from work with immediate effect in order to allow disciplinary allegations that have been made to be investigated effectively and thoroughly. The allegations that have been made relate to **INSERT BRIEF OUTLINE OF ALLEGATIONS.**

You should be aware that suspension is a neutral act and is not in itself a disciplinary sanction.

I enclose a copy of our Disciplinary Policy and Procedure. For the purposes of the procedure, **INSERT NAME** is the Investigating Manager who may contact you during the period of suspension to ask for information or documents. Your cooperation will assist in reaching a speedy conclusion to the investigation.

During the period of your suspension, you:

- (a) Will continue to be paid in full and receive full benefits (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to your absence);
- (b) Must not, **without my prior permission**, discuss the fact of your suspension or the fact, or the nature, of the allegations against you with anyone in or connected with the School (including pupils, parents, governors and colleagues) other than me, your school level union representative or [NAME OF LINE MANAGER] or [NAME OF INVESTIGATING MANAGER].

If you are called to an interview with the Investigating Manager or a Disciplinary Meeting you may then approach work colleagues for the purposes of identifying a willing work companion but only if you do not have a trade union representative.

If you are called to a Disciplinary Meeting you may then approach work colleagues as potential witnesses in support of your case.

- (c) Must not, **without my prior permission**, make any contact with any governor, parent or pupil at the School.

If following the investigation you are called to a Disciplinary Meeting you may then approach governors, parents or pupils as potential witnesses but this must be done via the Investigating Manager to avoid any breach of data protection legislation and/or duties of confidentiality.

- (d) Should be available by phone or email during your normal working hours to assist with any queries relating to your work. The phone numbers and email address we have for you are **INSERT**. Please let me know immediately if this information is incorrect.
- (e) Must not enter the school premises except with my prior permission.

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Your suspension will be reviewed by the Chair of Governors every 10 working days and may be extended. In such a case, the fact of an extension will be confirmed in writing. Your suspension may only be lifted by the Governing Body.

If you are a member of a trade union, I recommend that you seek their advice and support if you have not already done so.

You may also be able to obtain support from the Teachers' Support Network, who can be contacted on [England: 08000 562561] [Wales: 08000 885088]. [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF].

Yours sincerely

NAME

[Headteacher][Chair of Governors]

Enc. Disciplinary Policy and Procedure

cc. Investigating Manager

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

2. LETTER ON REVIEW OF SUSPENSION

Dear **NAME**

Review of Suspension

I am writing to confirm that I have reviewed your suspension and as the investigation is ongoing, I have decided to extend your suspension. I shall review your suspension again in a further 10 working days.

If you are a member of a trade union, I recommend that you seek their advice and support if you have not already done so.

You may also be able to obtain support from the Teachers' Support Network, who can be contacted on [England: 08000 562561] [Wales: 08000 885088]. [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF].

Yours sincerely

NAME
Chair of Governors

cc. Investigating Manager
[Trade Union Representative]

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

3. LETTER ENDING SUSPENSION

Dear **NAME**

End of suspension

I am writing to inform you that your period of suspension has now concluded and you should return to work on **INSERT NEXT WORKING DAY**.

The Investigating Manager, **INSERT NAME**, will be writing to you separately with a copy of the Investigation Report.

Yours sincerely

NAME
Chair of Governors

cc. Investigating Manager
[Trade Union Representative]

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

4. LETTER RE INVESTIGATION

Dear **NAME**

Investigation

I have been appointed as Investigating Manager under the School's Disciplinary Policy and Procedure and enclose a copy of that Policy for you. I have been asked to prepare an Investigation Report and to make a recommendation whether you should be invited to a Disciplinary Meeting in relation to the following allegations:

- INSERT DETAIL OF ALLEGATIONS.

This list of allegations is not definitive and may need to change during the course of my investigation .

Interview

To assist me in my investigation, I would like to meet with you on DATE at TIME at SCHOOL VENUE. If you would prefer, I am happy to meet with you at home or at a neutral venue.

At our interview, I would like you to identify any people you believe I should also be interviewing or any documentation that you wish me to look for. My task is to look for evidence of innocence as well as of guilt.

You may be accompanied at a meeting by a Companion who is either:

(a) an accredited trade union representative;

(b) an official employed by a trade union; or

(c) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the meeting.]

OR

Written Questions

At this stage I do not consider it necessary to meet with you but would like you to answer the questions attached in writing by DATE which will assist me in my investigation.

I would also like you to identify any people you believe I should also be interviewing or any documentation that you wish me to look for. My task is to look for evidence of innocence as well as of guilt.

CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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You may be assisted by an accredited trade union representative, an official employed by a trade union or a willing work colleague in formulating your response to my questions.]

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to my investigation, please do let me know as soon as possible.

You may also be able to obtain support from the Teachers' Support Network, who can be contacted on [England: 08000 562561]. [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF].

Yours sincerely

NAME.
Investigating Manager

cc. Trade Union Representative

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

5. LETTER ENCLOSING INVESTIGATORY REPORT - NO ACTION

Dear **NAM**

Outcome of investigation

I have completed, as far as possible, my Investigation Report and enclose a confidential copy. You will see that I have recommended that there be no Disciplinary Meeting in relation to the allegations.

Therefore this matter is now closed.

Thank you for your assistance.

Yours sincerely

NAME
Investigating Manager

cc. Trade Union Representative

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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6. LETTER INVITING TO DISCIPLINARY MEETING

Dear **NAME:**

Outcome of investigation - Disciplinary Meeting

I have now completed, as far as possible, my Investigation Report and enclose a confidential copy. You will see that I have recommended that you be invited to a Disciplinary Meeting. The Investigation Report sets out the allegations in detail (including, where relevant, dates of the alleged incidents), together with all supporting evidence.

You are therefore required to attend a Disciplinary Meeting on DATE at TIME at VENUE.

The purpose of the Disciplinary Meeting is for you to have an opportunity to comment upon the Investigation Report. Any evidence you intend to present at the meeting must be provided at least 1 working day in advance of the Disciplinary Meeting.

The Disciplinary Manager conducting the Disciplinary Meeting (appointed pursuant to the School's Disciplinary Policy and Procedure) is [the Headteacher] [the Chair of Governors] [a non-staff Governor nominated by the Chair of Governors, being INSERT NAME] [the Governors' Disciplinary Panel which will comprise INSERT NAME\$].

I will be presenting the report to the Disciplinary Meeting and you will have an opportunity to make any representations you wish in relation to the allegations against you.

In the event that the allegations against you are proven, you should be aware that you may face a formal sanction pursuant to the School's Disciplinary Policy and Procedure, in this case most likely **[SANCTION]**

[You should note that the allegations, if proven, may be considered sufficiently serious, either alone or taken together with other warnings or matters, to warrant the termination of your employment].

You may be accompanied by an accredited trade union representative, an official employed by a trade union or a willing work colleague but note that they cannot answer questions for you. You must notify me of their identity by at least working day before the interview.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability at the disciplinary meeting, please do let me know as soon as possible.

You may also be able to obtain support from the Teachers' Support Network, who can be contacted on [England: 08000 562561] [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF].

Yours sincerely

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

NAME:
Investigating Manager

cc. Trade Union Representative
[Disciplinary Manager]

Enc. Investigation Report

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**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

7. LETTER TO THE EMPLOYEE - NO ACTION

Dear **NAME**

Outcome of Disciplinary Meeting

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that none of the allegations have been proven and that no disciplinary action will be taken.

Therefore this matter is now closed.

Thank you for your assistance. Yours

sincerely

NAME

[Hea teacher][Chair of Governors]

cc. Investigating Manager
Trade Union Representative

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

8. OUTCOME LETTER - FIRST WRITTEN WARNING

Dear **NAME**

Outcome of Disciplinary Meeting - First Written Warning

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **INSERT**

It has been further decided that the appropriate formal sanction is a First Written Warning which will remain live on your file for 12 months from and including today i.e. until DATE.

Any further misconduct, whether of a similar or dissimilar nature being discovered or occurring in this period (even if not discovered until after the end of this period) may result in further disciplinary action which may, in turn, lead to either a Final Written Warning or the termination of your employment.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to Governors within 10 working days of the date of this letter setting out your grounds of appeal.

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

9. OUTCOME LETTER - FINAL WRITTEN WARNING

Dear NAME

Outcome of Disciplinary Meeting - Final Written Warning

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- INSERT

It has been further decided that the appropriate formal sanction is a Final Written Warning which will remain live on your file for 24 months from and including today i.e. until DATE.

Any further misconduct, whether of a similar or dissimilar nature being discovered or occurring in this period (even if not discovered until after the end of this period) may result in further disciplinary action which, in turn, may lead to the termination of your employment.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to Governors within 10 working days of the date of this letter setting out your grounds of appeal.

Yours sincerely

NAME
[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

10. OUTCOME LETTER - DISMISSAL ON NOTICE - NOT TO BE USED IN GROSS MISCONDUCT CASES

Dear **NAME**

Outcome of Disciplinary Meeting - Dismissal on Notice

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **INSERT**

It has been further decided that these allegations, whilst they do not in and of themselves amount to gross misconduct, are sufficiently serious to terminate your employment when taken together with previous warnings. Accordingly, your employment is being terminated in accordance with the notice provisions in your contract of employment which means your employment will end on **INSERT DATE**.

[During this period, you are required to attend work.]

OR

[During this period you are not required to attend work and will be placed, in effect, on garden leave and will receive your pay and benefits for the remainder of your notice period. During your period of garden leave, you should not contact anyone at the School without the prior permission of [the Headteacher?r][the Chair of Governors].

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to Governors within 10 working days of the date of this letter setting out your grounds of appeal.

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

[NB: ONLY THE GOVERNING BODY HAS THE POWER TO TERMINATE STAFF EMPLOYMENT. THIS POWER MAY HAVE BEEN DELEGATED TO A COMMITTEE OR TO AN INDIVIDUAL. PLEASE ENSURE THAT THE LETTER GIVING NOTICE OF

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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**TERMINATION OF EMPLOYMENT IS SIGNED BY THE BODY/PERSON WITH
AUTHORITY TO EXERCISE THE POW;R TO TERMINATE: EMPLOYMENT.]**

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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11. OUTCOME LETTER-DISMISSAL WITHOUT NOTICE OR TERMINATION PAYMENT

Dear **NAME**

Outcome of Disciplinary Meeting - Dismissal without Notice or Termination Payment

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigation Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **INSERT**

It has been further decided that your actions and/or omissions amount to gross misconduct or have otherwise destroyed the trust and confidence required between the School/Governing Body and you and, as such, your employment is terminated without notice or termination payment. Your employment is therefore terminated with immediate effect.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to Governors within 10 working days of the date of this letter setting out your grounds of appeal.

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

[NB: ONLY THE GOVERNING BODY HAS THE POWER TO TERMINATE STAFF EMPLOYMENT. THIS POWER MAY HAVE BEEN DELEGATED TO A COMMITTEE OR TO AN INDIVIDUAL. PLEASE ENSURE THAT THE LETTER GIVING NOTICE OF TERMINATION OF EMPLOYMENT IS SIGNED BY THE BODY/PERSON WITH AUTHORITY TO EXERCISE THE POWER TO TERMINATE EMPLOYMENT.]

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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12. OUTCOME LETTER - PROPOSED VOLUNTARY DEMOTION

Dear **NAME**

Outcome of Disciplinary Meeting - Proposed Voluntary Demotion

I am writing to confirm the outcome of the Disciplinary Meeting held on DATE.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **INSERT**

Having considered the matter, it appears that a recent promotion or job change has been a contributory factor in your misconduct and, accordingly, *as an alternative* to a [Final Written Warning] **OR** [dismissal on notice], we propose instead that you are demoted from your post of CURRENT POST at a salary of £CURRENT SALARY to a post of PROPOSED POST at a salary of £PROPOSED SALARY with effect from the date of your agreement to the proposal.

If you wish to agree to this voluntary demotion, please confirm your acceptance in writing to me within 5 working days i.e. by DATE. If I have not heard from you within 5 working days then I will write to you imposing the alternative sanction, being a [Final Written Warning] **OR** [dismissal on notice].

Yours sincerely

NAME
[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
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13. LETTER - RECEIPT OF APPEAL

Dear **NAME**

Receipt of Appeal

Thank you for sending me your appeal against the formal sanction imposed under the School's Disciplinary Policy and Procedure following the recent Disciplinary Meeting held on DATE;.

Under the Disciplinary Policy and Procedure, the Governors' Appeal Panel will consider your appeal. This Appeal Meeting will take place on DATE at TIME which falls within the 20 working day period set out in the policy.

The Governors' Appeal Panel will comprise the following governors:

- INSERT

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to my investigation, please do let me know as soon as possible.

You may be accompanied at a meeting by a Companion who is either:

- (d) an accredited trade union representative;
- (e) an official employed by a trade union; or
- (f) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the Appeal Meeting.

Yours sincerely

NAME
Clerk to Governors

cc. Trade Union Representative
Investigating Manager
Members of the Governors' Appeal Panel

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

14. LETTER - OUTCOME OF APPEAL - NO CHANGE

Dear **NAME**

Outcome of Appeal

Further to the Appeal Meeting on DATE, I confirm, on behalf of the Governors' Appeal Panel, that it has been decided to uphold the original decision and to reject your appeal.

There is no appeal against our decision.

Yours sincerely

NAME
Chair of Governors' Appeal Panel

cc. Investigating Manager
Trade Union Representative
[Chair of Governors]
[Headteacher]

**CATHOLIC SCHOOL DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

15. LETTER - OUTCOME OF APPEAL - REDUCED SANCTION

Dear **NAME**

Outcome of Appeal

Further to the Appeal Meeting on **DATE**;, I confirm, on behalf of the Governors' Appeal Panel, that it has been decided to reduce the formal sanction imposed upon you following the Disciplinary Meeting.

Your sanction is reduced from:

[dismissal without notice to a Final Written Warning which will remain on your file for 24 months from and including **DATE** i. e. until **DATE**.

In the event of any further misconduct, whether of a similar or dissimilar nature occurring or being discovered in this period {even if not discovered until after the end of this period), you will be subject to further disciplinary action which will involve dismissal.

Please note that this process has not affected your continuous employment

OR

[a Final Written Warning to a First Written Warning which will remain live on your file for 12 months from and including today i.e. until **DATE**.

In the event of any further misconduct, whether of a similar or dissimilar nature occurring or being discovered in this period {even if not discovered until after the end of this period) , you will be subject to further disciplinary action which will result in either a Final Written Warning or dismissal.

OR

[INSERT ANY SANCTION TO NO SANCTION AT ALL].

Yours sincerely

NAME

Chair of Governors' Appeal Panel

cc. Investigating Manager
Trade Union Representative
[Chair of Governors]
[Headteacher]

