



THE FULHAM BOYS SCHOOL

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Revisions Table

<i>Version</i>	<i>Date</i>	<i>Edited by</i>	<i>Description of Change</i>

The master copy of this document can be found on the FBS Google Drive, under the "Policies" folder. This is one of a number of policies that are reviewed by the Governing Body, the full list can be found on the FBS Google Drive in the Policies Folder. Minor revisions that just adjust factual items (eg contact details / names) can be made by the author without formal review, and must be recorded in the Revisions table above. Revisions table front sheet was added to all policies Summer 2018



STAFF GRIEVANCE AND DISCIPLINE POLICY AND PROCEDURES

Date of Next Review: Summer 2020

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DEFINITIONS

For the purposes of this Policy and all other School policies relating to employment the following definitions shall apply (not all defined terms will be material to this Policy or the procedures authorised by the governing body under it)

Appeal Committee	A Committee appointed to determine an appeal against the decision of another Committee. It must not include any prejudiced person but must include the same number of governors as were members of the Committee which made the previous decision against which the employee wishes to appeal
Boy	A pupil of the School
Capability	An employee is capable who at all reasonable times demonstrates that s/he is fit, qualified and able to discharge all the demands made in the course of the work described in her/ his contract of employment. If, in some essential part of that work, a person, for whatever reason, evidently lacks professional or other relevant skills or competences or her/his performance is otherwise unsatisfactory that person is incapable in that respect. Lack of capability is not to be confused with misconduct or other disciplinary issues
Capacity	This term has the same meaning as “capability”
Chair of governing body	the person who is the chair of the governing body from time to time or, as the case may be, the governor nominated by the governing body to deputise for her/him
Clear working day	A weekday other than a Saturday or a Sunday or a public holiday. A period of a stated number of clear working days is calculated from midnight on the day on which the triggering action or event takes place to midnight on the day before the event or action before which the period is expressed to expire e.g. a period of five clear working days after receipt of a notice will be calculated from midnight of the day on

which the notice was received to midnight on the last day of the period

Clerk	The person appointed by the governing body as its clerk who shall also act as the clerk to a Committee or her/his substitute authorised from time to time by the Chair of the governing body for that purpose
Committee	A committee to whom power is delegated by the governing body to act as a committee for the purposes of these procedures and such a committee shall comprise not less than one nor more than three untainted governors and such other independent persons selected by the Chair of the governing body
Companion	A person who accompanies the employee and who may be another employee of the School or a full time official employed by a trade union or lay trade union official as long as they have been certified in writing by their union as having experience of or received training in acting as a worker's companion at hearings or, in a case where a meeting or hearing concerns dismissal, a legal representative. Certification may take the form of an identifying card or letter. The person selected must be unprejudiced and her/his presence must not prejudice a fair hearing
Competence	The qualifications, skills and personal qualities contractually or otherwise reasonably required to fulfil the demands of the particular task in issue
Complaint	An allegation made in writing that a named employee has behaved in an unacceptable way, which might justify disciplinary action being taken against her/him
Counselling	For the purposes of these procedures this means any confidential one-to-one discussion for the support and assistance of an employee or other person

Delegated powers	Powers to make any specified decision including to decide whether to hold a meeting or hearing or to make substantive or procedural decisions in the course of meetings or hearings expressly delegated to a Committee or its chair or the Headteacher or any other named or designated individual(s) by the governing body either under its constitution or by a decision of the governing body which has been minuted
Employee	Any employee of the School
Exceptional case (relating to capability)	Very unsatisfactory performance that places the education of one or more pupils in jeopardy
Governing body	The body of duly appointed directors and/or trustees and/or governors of the School
Grievance	Any concern or problem that an employee as such raises in writing with her/his line manager or the Headteacher or the governing body on any matter relating to the administration or management of the School including a complaint by an employee against a management decision whether made by a line manager, the Headteacher or the governing body
Gross misconduct	Misconduct so deliberate and serious that it could justify dismissal without previous warnings and without notice
Headteacher	The teacher appointed or temporarily acting as headteacher of the School. Where the Headteacher is her or himself the object of the relevant procedure the term shall include the chair of the governing body or her/his deputy who will act as substitute for all necessary purposes
Independent investigator	An independent person appointed by the chair of the governing body to carry out the initial investigation where the Headteacher and/or identified governors are either the subject of complaint, or have been involved in previous discussions relating to it or for some other appropriate reason

Independent medical examination	A medical examination by a medical practitioner appointed and provided by the School with all relevant information who has not previously examined the employee whether or not also attended by a medical practitioner appointed by the employee at her/his expense . Such an examination will only take place in order to assess the capability of the employee including the likely date of a full return to work if at all and the desirability of any change to any duties or responsibilities and/or any reasonable adjustments to facilitate a full return to work and the probability of future absence and/or the underlying causes of past absence(s) and any need for referral or review of the outcome of the examination
Investigator	The line manager or Headteacher or chair of the governing body or such other person (being either a governor or an independent person) appointed by the chair of the governing body as is appropriate in all the circumstances to investigate and establish the relevant facts
Line manager	An employee of the School who has delegated responsibility from the governing body under the control of the Headteacher for the day to day management of an identified employee or group of employees. This will normally be a member of the senior leadership team
Misconduct	An act or omission which is considered by the School to be either improper or otherwise unacceptable in contravention of School policies or rules and/or of professional standards and will be dealt with under the School's disciplinary policy and procedures.
Must	Indicates something which is required by law or formal policy or procedure adopted by decision of the governing body as to which there is no discretion under these procedures
On duty	A member of staff is on duty when carrying out their contractual obligations or the

express instructions of the Headteacher on or off school premises.

On file

A record is on file if put and kept in an employee's personal file. Employees have access to their file through the Headteacher. Employees do not have access to confidential matters relating to other people or to confidential references which may be on their own file.

Prejudiced

To be potentially biased having previously read about, listened to or taken part in discussion of a relevant matter relating to a named employee or by being a personal friend or close relative of that employee. An unprejudiced person has no apparent bias arising from any such earlier involvement with the complaint or personal association with the employee

Premature retirement

A valid application through the governing body by an employee who is a teacher aged 55 years or over and has completed the normal qualifying period for early retirement under the Teachers' Pension Services or any other pension scheme in accordance with the scheme rules if any

Procedures

The procedures authorised by the governing body and to be followed under the relevant School policy

Pupils

Boys on the current School register

Records

Documents or other physical records including electronic data and documents setting out facts and other relevant matters

Redundancy situation

The removal or reduction of a post which may result in dismissal of the employee currently in post where the governing body has ceased or intends to cease operating the School either in the place where the employee is employed or at all or where the requirements of the School for employees to carry out work of any particular kind have or are expected to cease or diminish for those or similar reasons

School	The Fulham Boys School
School day	A day when the relevant employee is contractually required to be present including any day when pupils may not be present
Should	Indicates something which is generally accepted as good practice and recommended but is not required by law or formal regulation adopted by decision of the governing body
Unions	Includes both recognised trade unions and professional associations of which the relevant employee(s) is a member at the material time
Untainted governor	A governor who is unprejudiced in relation to the matter and whose ability to act and decide fairly in it is not impaired by previous direct involvement in that matter or by prior consideration of it by the governing body as such
Voluntary redundancy/severance	Acceptance by an employee of termination of employment by dismissal in a redundancy situation either on the employee's application or on the invitation of the governing body

1. POLICY

- 1.1 This document sets out the School's policy and procedures for managing unsatisfactory performance and handling issues relating to any lack of capability on the part of employees.
- 1.2 The aim of the School is to provide an outstanding education in every respect to the boys and, so far as reasonably possible, to provide appropriate pastoral support, working conditions and resources to its employees to enable each of them to fulfil their own potential in achieving that outcome.
- 1.3 The governing body of the School will be responsible for ensuring that fair, consistent and objective procedures exist for managing unsatisfactory performance on the part of employees which includes both the incidence of unsatisfactory work and/or the lack of professional or other relevant skills. The Headteacher will be responsible and accountable to the governing body for the organisation, management and control of employees' work and their performance of that work.
- 1.4 The School recognizes that a disciplinary procedure is different from a grievance procedure and the two should not be confused.
- 1.5 If an employee breaks specific legal, contractual or professional rules about behaviour this will be considered as misconduct and a matter of discipline. If the School's expectations about the way employees do their job are not met, this will be considered as poor performance, or lack of capability and will be dealt with under the appropriate policy and procedures and not this policy and the procedure approved under it for misconduct.
- 1.6 This policy and the procedures implementing it are not concerned with issues such as lengthy or frequent short-term sickness absences or alcohol or drug-related problems or a combination of these which are dealt with by the School's specific policies and procedures for managing such matters.
- 1.7 This policy and the procedures implementing it are not applicable to the grievances or misconduct of trainees for whom separate procedures apply under the School's specific policy and procedures for managing matters relating to them.
- 1.8 The policy of the School in relation to monitoring, appraisal and management of employee performance and to dealing with any capability issues which may arise is that the procedures followed should in the first instance be aimed at assisting and encouraging all employees to achieve and maintain a high standard of performance and conduct.
- 1.9 The procedures adopted under this policy are therefore intended to be workable, transparent, consistent, objective and fair so that they merit the confidence of all teaching and non-teaching employees and other stakeholders whilst bearing in mind the overriding objective of protecting the boys and providing to them a safe and

outstanding education at all times in accordance with the founding principles of the School.

- 1.10 The School will take all reasonable steps to ensure that targets set for employees' performance will be specific, measurable, attainable, reasonable and time-limited i.e. SMART. The School will, so far as reasonably possible, provide to all employees timely support including where appropriate mentoring in resolving any problems relating to performance or capability before initiating formal capability procedures.
- 1.11 In formulating its policy and establishing and operating its procedures for the management of unsatisfactory performance and capability issues the School has and will at all times observe the principles of natural justice.
- 1.12 The School will in the formulation and implementation of its policy and procedures also observe the guidelines set out in the current ACAS Code of Practice (11 March 2015) and any subsequently amended version or replacement of the Code and the provisions of the Equality Act 2010 and the law generally.
- 1.13 Current legislation relating to performance appraisal and the requirements of relevant employment law including those relating to equal opportunities have been considered and will be taken into account by the School in formulating its policy and establishing and implementing the following procedures.
- 1.14 The School will keep its policies for appraisal of employee performance and formal capability and the operation of its procedures for the management of unsatisfactory performance and capability under review and will consult the London Diocesan Board of Schools and independent legal and other professional advisers whenever reasonable to do so in relation to the formulation of its policy and the implementation of its procedures. The School will in implementing the following procedures have regard to relevant Guidelines published from time to time by the London Diocesan Board of Schools.
- 1.15 The School will closely adhere to its policy and procedures and the Headteacher, senior leadership team and governors involved in implementing the procedures will undertake appropriate training.
- 1.16 The School will ensure that the procedures as approved and amended by the governing body from time to time will be adopted as part of each employee's contract and that all employees understand the standards of work and conduct that are expected of them and have easy access to a copy of the current policies and procedures in the Staff Handbook.
- 1.17 The governing body will take all reasonable steps to ensure that the rights to privacy of employees and other persons who may be affected are protected in the course of any proceedings and that such proceedings are carried on in a proper manner and governors and other persons who may be involved as committee

members or otherwise in making formal decisions are not tainted.

- 1.18 The governing body will ensure that it obtains and takes proper advantage of appropriate independent professional advice and assistance at all stages in relation to grievance and disciplinary matters and will further obtain appropriate insurance cover against all losses, damage, costs, fees and expenses arising out of or related to internal procedures and/or related litigation whether in courts or tribunals.
- 1.19 The governing body will co-operate where legally required or otherwise reasonable to do so with all relevant public authorities.
- 1.20 The currently approved procedures under this policy are set out below and will be subject to review and amendment from time to time by the governing body.

2. PROCEDURES

2.1 Committees (which includes Appeal Committees)

- 2.1.1 The membership of a Committee shall include not more than three nor less than one untainted governor appointed from time to time as necessary by the chair of the governing body acting impartially from the group of governors nominated for the purpose of appointment to Committees by a minuted annual decision of the governing body.
- 2.1.2 The chair of the governing body may appoint as additional members of any Committee such other independent person or persons as shall appear to be reasonably necessary for the purposes of that Committee but such additional members must be appointed at the time of constitution of the Committee.
- 2.1.3 The chair of the governing body must provide clear written terms of reference for a Committee upon constitution of the Committee including:
 - (a) a statement of delegated powers of decision in relevant matters relating to formal hearings under employment procedures
 - (b) strict confidentiality of the relevant matters to the members of the committee.
 - (c) a requirement that the chair of the committee should provide a short written report to the next meeting of the governing body following conclusion of any inquiry, hearing or appeal as the case may be. This report should summarise briefly the nature of the concerns and the outcome of the procedure whilst respecting the employee's privacy.
- 2.1.4 The chair of a Committee shall be appointed by the chair of the governing body from the members appointed to that Committee when it is constituted and must be a member of the governing body.
- 2.1.5 Any employee governor is entitled to be appointed to a Committee provided that they are not potentially biased by any possibility of direct or indirect personal gain from the Committee's proceedings whether by way of salary increase or promotion or otherwise.
- 2.1.6 The proceedings of a Committee including any hearing shall be attended by the Clerk and may be attended on the invitation of the Committee by other identified unprejudiced persons including such independent professional advisers as the chair of the Committee shall think fit but only members of the Committee have decision-making powers.
- 2.1.7 The role of any Committee is to implement the relevant School policy and

procedures in accordance with the law and the principles of natural justice and in performing that role the Committee must allow reasonable periods of time to enable an employee to prepare their case and for all parties to consider alternative approaches.

- 2.1.8 A Committee must take all reasonable steps to ensure that decisions are made and the correct procedures are followed at all times in compliance with material statutory and other legal obligations and the principles of natural justice.
- 2.1.9 The Clerk must carry out her/his role under these Procedures carefully and honestly and in doing so must ensure that a full and accurate contemporaneous note of the proceedings in or connected with any Committee meeting or hearing including discussions and decisions and the reasons for any decisions are recorded in writing and that copies of such records and of all related correspondence and other material documents including written representations and evidence produced to the Committee by or on behalf the School or any employee are put and kept on the Committee's files for so long as is legally necessary in each case dealt with by the Committee under these Procedures.

2.2 Provisions applying in both Grievance and Disciplinary Procedures.

- 2.2.1 Other than hearings of appeals all other steps in these procedures may be undertaken by the Headteacher either alone or with one or more governors and all steps up to but not including a meeting leading to a final warning may be delegated by the Headteacher with the agreement of the chair of the governing body to a line manager provided that s/he is a member of the senior leadership team.
- 2.2.2 Grievances that involve the actions of a line manager must be dealt with by the Headteacher unless the matters involve the actions of the Headteacher in which case they must be dealt with by the chair of governors or other designated governor.
- 2.2.3 If the Headteacher is reasonably of the opinion that it is inappropriate for the matter to be dealt with within the terms of any delegation s/he may request that the matter is dealt with by the chair of the governing body.
- 2.2.4 All persons dealing with matters under these procedures should undertake appropriate training.
- 2.2.5 In order to comply with the principles of natural justice the following should be observed:
 - (a) Any person is entitled to an unbiased hearing

- (b) No one person can be both the bringer of a complaint and an arbiter of the complaint
- (c) There must be adequate time for the employee to prepare and to consult with their companion
- (d) The case must be thoroughly documented, clearly written and be supported by evidence. Care must be taken not to allow assumptions, prejudices or stereotypes to influence decisions.
- (e) The employee has the right to be accompanied by a companion at any hearing.
- (f) The employer or representative has the right to be accompanied by a companion at any hearing.
- (g) Both sides have the right of reply.
- (h) Both sides may call witnesses and produce written evidence. There will normally be no restriction on witnesses, but the committee reserves the right not to hear witnesses whose evidence it decides is not relevant. There must be a right of examination by both sides.
- (i) There is a right of appeal.
- (j) No one who has been involved in the development of the case can be on a Committee including an Appeal Committee.

2.2.6 At any stage of a formal grievance or disciplinary procedure, an employee has the right to be accompanied or represented by a companion. If the companion cannot attend on a proposed date, the employee may request an adjournment to another date that must suit everybody involved and must not be more than five clear working days after the original date. If an employee makes unreasonable requests for adjournments or refuses to attend a meeting or hearing they should be informed that it will go ahead and a decision made on written representations and evidence.

2.2.7 Meetings or hearings held under the procedures, whether with or by the Headteacher or a Committee are private and are strictly confidential to those attending. Reports to the governing body of any matters relating to a grievance or disciplinary matter or the commencement of a related proceeding should not contain the names of individuals and be general and brief. Following disposal of capability proceedings the chair of the Committee may provide a short written report to the next meeting of the governing body summarizing the nature and outcome.

- 2.2.8 Meetings or hearings should be held during the employee's working hours so far as practical and appropriate.
- 2.2.9 Periods of notice of any meeting or required action provided for in these procedures may, in exceptional circumstances and on written request of a party, be extended or reduced by agreement of the parties and the chair of the relevant Committee.
- 2.2.10 The date appointed for a meeting may be postponed on written request of a party by agreement of the chair of the Committee but in no case shall there be a further postponement save where there is evidence that an employee's companion is unavailable to attend in which case there is a statutory right to a postponement on request as provided for in paragraph 15 or there are exceptional circumstances. A record of the request and of the circumstances giving rise to any such postponement together with relevant documents shall be kept on file.
- 2.2.11 The Headteacher may, in an appropriate case and with the consent of the chair of the governing body, delegate any step which s/he might otherwise take in operation of the procedures, to the line manager of the employee or to a member of the senior leadership team save where the line manager or other member of the senior leadership team is themselves the subject of the complaint.
- 2.2.12 Where the Headteacher is the subject of any complaint, the chair of the governing body, or other designated governor, will initiate any action which has to be taken where in any other case the Headteacher or her/his delegate would do so. References in the procedures to the chair of the governing body could, in this context, include another designated governor in place of the chair, if for any reason the chair is unavailable.
- 2.2.13 All forms of publicity, both internal and external, should be avoided while a grievance or disciplinary issue is being considered in order to avoid tainting the final decision.
- 2.2.14 Notes of any meeting or hearing and any other documents made available to the Committee, are the property of the governing body but governors who are not members of the relevant Committee should not have access to them however the notes and other documents must be made available if ordered by a court or tribunal.
- 2.2.15 At the end of any meeting or hearing all copies of papers and notes made by any member of the Committee should be given to the Clerk who must arrange for the retention of a single set of all the papers and all notes for such period as shall be necessary being not less than six months from the close of the

proceedings for future reference by the Clerk and must securely dispose of the remainder. Governors who are not members of the relevant Committee should not have access to the papers although the employee is entitled to access and copies must be provided to a court or tribunal on receipt of a relevant order or direction.

- 2.2.16 No one who has been involved in the initial stages of a grievance or disciplinary procedure can be on the Committee. Similarly, no one who has been in any way involved with the case, or taken part in discussions relating to it, may hear an appeal. If an employee is the subject of more than one procedure, governors who served on a previous Committee concerning that employee may not serve on any subsequent Committee, dealing with fresh allegations against the same employee, save where no alternatives are possible.
- 2.2.17 To ensure that governors who may serve on disciplinary or appeal committees are not tainted, reports to the governing body of any matters relating to grievance and discipline should be general and brief. Such reports must be in the confidential section of the meeting and only give brief notice in very general terms that an incident is being investigated.
- 2.2.18 Where a matter subject to a grievance or disciplinary procedure is deemed to be satisfactorily resolved and the procedure has been stopped, all material records should be removed from the employee's file not later than six months after the relevant decision.
- 2.2.19 Where any governor has knowledge of any incident, which may prejudice or cause a conflict of interest, they shall not take part in any formal procedure relating to it.
- 2.2.20 At the end of any procedure, including any appeal, the chair of the relevant committee may provide a short written report to the next meeting of the governing body. This report should summarise briefly the nature of the incident and the outcome of the procedure. This will always be in the confidential section of the governing body meeting and will therefore remain confidential to the governors.
- 2.2.21 The length of time during which written notice of a warning is kept on file shall depend upon the stage in any procedure at which the warning was given. While a warning is on the file the governing body should not discuss the matter relating to the warning in order not to risk tainting any governor who may be required to be involved in a related formal procedure.

3. GRIEVANCE PROCEDURES

3.1 General

- 3.1.1 Grievances can only be invoked by a current or former employee of the School. Grievances may relate to the administration or management of the School and to decisions reached by the governing body; the Headteacher or any other employee with management responsibility but may relate to any other concerns, problems or complaints that an employee has as such.
- 3.1.2 The grievance procedure is different from the disciplinary procedure and the two should not be confused. If in the course of a disciplinary case an employee raises a grievance that is directly related to the case the disciplinary procedure should be suspended until the grievance has been considered although where the grievance and disciplinary matter are linked it may be appropriate to deal with or hear both together.
- 3.1.3 Where allegations are made against a named employee by another employee, they will normally be treated as a complaint rather a grievance and be referred for investigation under the disciplinary procedure.
- 3.1.4 Where any governor, the Headteacher or line manager receives a representation whether by way of grievance or complaint, an investigator shall be appointed as appropriate and a full investigation shall be carried out prior to any further action. When the investigation has been completed a decision will be reached as to what, if any, procedure should be followed.
- 3.1.5 Grievances may be of a relatively simple nature or of fundamental importance. To meet these different situations the grievance procedure provides:
- (a) an informal procedure without any further step; and
 - (b) a formal procedure for use when the informal procedure has failed or is inappropriate.
- 3.1.6 Every effort must be made to resolve the grievance as quickly and amicably as possible. Normal working practices should be maintained except in an exceptional case until all stages of the procedure have been exhausted.
- 3.1.7 Collective grievances should be dealt with through normal employer/union negotiation if and to the extent that the School recognizes a relevant trade union.
- 3.1.8 A person against whom a grievance is raised shall be informed in writing by the person to whom the complaint was made of the nature of the grievance and have an opportunity to respond; this should be done once the person

investigating the grievance is clear about the nature of the grievance.

3.1.9 Grievances relating to pay are dealt with in accordance with the School Pay Policy.

3.2 Informal Stage

3.2.1 Where an employee has a grievance, s/he should raise the complaint with her/his line manager or the Headteacher as appropriate. Where the grievance is against the Headteacher, the employee should be referred to the chair of the governing body. Where an employee requests a personal interview with their line manager or with the Headteacher, it should take place within the period of the next five clear working days after the grievance was first raised or the date of the request whichever is the later.

3.2.2 The investigator must take all reasonable steps to resolve the problem within a reasonable time and if necessary by mutual agreement with other relevant employees.

3.2.3 Where the Headteacher has a grievance against the governing body, s/he should first try to resolve the matter by a direct approach to the chair of the governing body. Where actions of the chair have provoked the grievance s/he should discuss the matter with the deputy-chair of the governing body and ask them to seek independent professional advice and assistance before appointing an investigator.

3.2.4 A written note of all informal discussions and communications must be kept by the Headteacher or other the person investigating the grievance. The note must be placed on file and be available to the persons involved in the discussions on request.

3.2.5 Where the informal steps described above do not resolve the matter or in case of urgency the employee may proceed to give formal written notice of grievance.

3.3 Formal Stage

3.3.1 Notice requesting formal investigation

3.3.1.1 Where the grievance has not been resolved under the informal procedure, the employee may invoke the formal grievance procedure by giving written notice to the Headteacher or other investigator providing copies of any relevant documents as soon as possible. If the grievance involves other employees a copy of the written notice and copies of any papers given to the Headteacher or other the person investigating the grievance must be provided to them by the employee at the same time.

3.3.1.2 The Headteacher or other investigator must first seek to settle any employee's

grievance formally notified to them. Even if some or all of the steps in the formal procedure set out below have already taken place informally they shall be repeated formally and a written record which so far as possible should be agreed between the parties kept on file.

3.3.1.3 Upon being given formal notice of any employee's grievance the Headteacher or other investigator must:

- (a) arrange to meet the aggrieved employee within five clear working days of receipt of the formal notice;
- (b) explore with the aggrieved employee the nature of the grievance and any action that s/he wishes to have taken to resolve it
- (c) undertake or in an appropriate case and with the consent of the aggrieved employee arrange for another independent investigator to undertake an investigation involving all relevant parties;
- (d) determine whether the grievance is justified and, if so, what action can be taken/recommended to resolve it;
- (e) write a letter to the aggrieved employee as soon as possible, stating:
 - (i) what is understood to be the nature of the grievance;
 - (ii) if the grievance is considered to be justified what action is to be taken or recommended to resolve it;
 - (iii) if the grievance is considered not justified, the reasons for arriving at this conclusion;
 - (iv) in any event that a Committee will be appointed to consider the grievance on the employee's request;
- (f) put on file a full written record of the grievance, including the facts established, the decision taken and the reason for it, together with the dates upon which the grievance was formally heard and responded to;
- (g) send a confidential report of the grievance and action taken to the chair of the governing body or any other person appointed by the governing body to receive such reports.
- (h) the aggrieved employee and the Headteacher or other investigator may each be accompanied by a companion at any stage or throughout the above process.

3.4 Notice requesting Committee hearing

3.4.1 the employee is not satisfied with the outcome of the action taken by the Headteacher or other investigator s/he shall send a written request to the Clerk within 10 clear working days of the date of the letter notifying her/him of the formal determination of the Headteacher or other investigator for the grievance to be considered by a Committee.

3.5 Written notice of the hearing

3.5.1 A Committee shall be constituted to hear the grievance within 15 clear working days of the date of the formal notice requesting a hearing.

3.5.2 The Clerk must send written notice of the Committee meeting to all parties not less than 10 clear working days before the date of the meeting. The notice shall include:

- (a) the date, time and place of the meeting;
- (b) the purpose of the meeting;
- (c) the name of any person who might give evidence;
- (d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Headteacher or other investigator or any other party (copies must also be supplied with the notice of meeting)
- (e) details of the procedure to be followed during the meeting.

3.5.3 The notice of hearing should also include the following:

- (a) a request that the employee provide to the Clerk any written representations or evidence or other documents intended to be relied upon not less than five clear working days before the hearing
- (b) a statement of the employee's right to attend with a companion including, if there is a real prospect of a decision to dismiss, her/his right to legal representation
- (c) by way of enclosure all material evidence and documentation intended to be presented by the Headteacher at the hearing.

3.5.4 Persons entitled to attend the hearing

3.5.4.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

- (a) the members of the Committee and any professional and independent advisers to the Committee
- (b) the Headteacher or other investigator who will present the case in support of the formal determination of the grievance already made and any companion

(c) the employee and any companion.

3.6 Hearing Bundle of Documents

3.6.1 Before the date of the hearing the Clerk shall send to all persons attending the hearing copies of all material documents including:

(a) the investigator's written representations and evidence

(b) the employee's written representations and evidence

(c) the agenda for the hearing.

3.7 Conduct of the hearing

3.7.1 The chair of the Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.

3.7.2 The chair of the Committee in conducting the hearing should:

(a) welcome and introduce those present

(b) state that the hearing is private and all information and representations are confidential to those present

(c) outline and if reasonably possible obtain agreement to the procedure to be followed

(d) ask the parties to remain available for an agreed period after the Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose

(e) explain the process for notifying the parties of the Committee's final decision.

3.7.3 The chair of the Committee may adjourn the hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents.

3.7.4 Following the hearing the Committee must make one of the following decisions:

- (a) confirm the decision of the Headteacher or other investigator, or
- (b) impose a lesser but not a more severe penalty, or
- (c) order that no action be taken in relation to the grievance.

3.8 Notification of the Committee's decision

- 3.8.1 The chair of the Committee either notifies the parties of the Committee's decision orally at the end of the hearing or that they will be notified later in writing.
- 3.8.2 Written confirmation of a decision notified orally at the hearing or written notification of the Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Committee's reasons and of the right to appeal specifying the last date for making such an appeal.
- 3.8.3 In giving written confirmation or notice of the Committee's decision the Clerk must take account of the requirement to protect the aggrieved and any other employee from prejudice.

3.9 Notice of Appeal

- 3.9.1 If the aggrieved employee wishes to appeal against the Committee's decision s/he must send written notice of appeal to the Clerk within 10 clear working days after receipt of written confirmation or notice of the Committee's decision stating the grounds upon which the appeal is being made

3.10 Notice of Appeal Hearing

- 3.10.1 After consulting with the chair of the governing body, upon receipt of an appeal notice the Clerk must convene a meeting of an Appeal Committee.
- 3.10.2 The Appeal Committee meeting must be held within 15 clear working days of the date of receipt of the appeal notice.
- 3.10.3 The Clerk must send written notice of the appeal hearing to all parties not less than ten clear working days before the date of the hearing. The notice shall include:
 - a) the date, time and place of the hearing;
 - b) the purpose of the hearing;
 - c) the name of any person who might give evidence;
 - d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Committee (copies

- must also be supplied with the notice of hearing)
- e) details of the procedure to be followed during the hearing
 - f) a request that the aggrieved employee provide to the Clerk any further written representations or evidence or other documents intended to be relied upon not less than seven clear working days before the appeal hearing
 - g) a statement of the employee's right to attend with a companion.

3.11 Persons entitled to attend the appeal hearing

3.11.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

3.11.2 the members of the Committee and any professional advisers to the Committee

3.11.3 the parties and any companions.

3.12 Hearing Bundle of Documents

3.12.1 As soon as possible but in any event not less than five clear working days before the appeal hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received

3.13 Conduct of the appeal hearing

3.13.1 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.

3.13.2 The chair of the Appeal Committee in conducting the hearing should:

- (a) welcome and introduce those present
- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and if reasonably possible obtain agreement to the procedure to be followed
- (d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
- (e) explain the process for notifying the parties of the Appeal Committee's final decision

- (f) The chair of the Appeal Committee may adjourn the appeal hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents

3.13.3 Following the appeal hearing the Appeal Committee must make one of the following decisions:

- (a) confirm the decision of the Committee, or
- (b) impose a lesser but not a more severe penalty, or
- (c) order that no action be taken, or
- (d) allow the appeal in its entirety

3.14 Notification of the Appeal Committee's decision

3.14.1 The chair of the Appeal Committee either notifies the parties of the Appeal Committee's decision orally at the end of the hearing or that they will be notified later in writing.

3.14.2 confirmation of a decision notified orally at the hearing or written notification of the Appeal Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Appeal Committee's reasons.

3.14.3 In giving written confirmation or notice of the Appeal Committee's decision the Clerk must take account of the requirement to protect the aggrieved and any other employee from prejudice.

3.14.4 The decision of the Appeal Committee is final

4. DISCIPLINARY PROCEDURES

4.1 General

4.1.1 Any step in these procedures may be omitted for good cause but the Headteacher, line manager or governors involved in making a decision to do so must provide written reasons for any such omission.

4.1.2 The level at which a procedure is being implemented should be made clear to the

employee in writing, so that s/he is aware from the outset of the potential seriousness of the case and what possible sanctions may follow.

- 4.1.3 Where the Headteacher is the subject of a complaint the procedures described in this document are to be adapted so that the chair of the governing body, or other designated governor or independent investigator as the case may be replaces the Headteacher in initiating any action that has to be taken.
- 4.1.4 In cases of gross misconduct, a disciplinary proceeding should start with a consideration of any investigation report by the Headteacher or the chair of the governing body.
- 4.1.5 Where it becomes necessary for the Headteacher or a Committee to consider initiating a further disciplinary action while a warning for a different matter exists on record, the warning on file should be disregarded unless and until step of consideration of the appropriate sanction should the later allegation(s) be proved or admitted.
- 4.1.6 The Headteacher may be accompanied at any Committee hearing by a companion who may co-present the case on behalf of the School.
- 4.1.7 The Headteacher is responsible for keeping up-to-date and accurate records on file for each employee.
- 4.1.8 Employees have the right to examine their personnel records if they ask to do so, but they do not have access to confidential matters relating to other people, unless the other people consent to disclosure... This should always be arranged through the Headteacher.
- 4.1.9 The School accepts that the law on unfair dismissal requires employers to act reasonably when dealing with disciplinary issues and the School will use its best endeavours to act reasonably at all times. What is classed in law as reasonable behaviour will depend on the circumstances of each case, and where the reasonableness or otherwise of the School's actions in relation to discipline is contested the School recognizes that the ultimate arbiter is the appropriate level of court or tribunal

4.2 Investigations

- 4.2.1 In matters other than allegations of criminal misconduct, the line manager must undertake or arrange for the appointment of another investigator to carry out a full investigation of matters relating to any instance of misconduct or a complaint as to conduct of an employee. This should be carried out as soon as possible after the allegation has been made.
- 4.2.2 The employee must, save in exceptional circumstances, be informed of the nature of the alleged misconduct or complaint and that an investigation is taking

place. If the employee is interviewed during the course of the investigation s/he must be informed that s/he may be accompanied by a companion who must not be a colleague whose presence would prejudice the hearing or who might have a conflict of interest nor one from a geographically remote location when someone suitably qualified will be available on site. Any request to be accompanied does not have to be in writing.

4.2.3 The aim of the investigation is to establish the facts of the case and the identity of the people affected by the alleged misconduct. Any witnesses should be asked to make written statements and to sign and date their statements. The investigator should sign and date the statements as evidence of receipt.

4.2.4 The employee should be invited by the investigator to identify any persons who may have information relevant to the investigation.

4.2.5 The investigator must make a written report of the results of the investigation and should include in her/his report:

(a) a list of names of people spoken with during the investigation, giving dates and times

(b) a list of the written, signed and dated statements copies of which should be attached

(c) a chronological summary of incident(s) or complaints giving rise to the investigation and the stages of the investigation

(d) the conclusions drawn from the investigation

(e) a decision as to what step to take next, for example:

(i) to take no further action;

(ii) to deal with the matter him/herself;

(iii) to give a first or as the case may be final written warning

(iv) to refer the matter to a Committee.

4.2.6 The investigator's report together with copies of related documents must be retained on file for the same length of time as any resultant warning is kept on the file. Where an investigation does not result in formal proceedings, papers relating to the investigation must not be kept on file for longer than 3 months after the date of the investigator's report.

4.2.7 If necessary to do so the investigator may take an oral statement from a boy or boys, with the express prior permission of his or their parent(s) or legal guardian must be first obtained. A request for permission need not be in writing but a written record must be made of the request and the response. A request must include an invitation to attend any interview at which the statement is intended

to be taken or to agree to the attendance of a named responsible adult other than the investigator. Save where reasonably necessary no boy who has made a statement may be asked to attend any Committee hearing arising out of an investigation

4.3 Child Protection

4.3.1 If alleged misconduct or a complaint relates to physical or sexual abuse of any child whether or not a boy, the investigator must contact the local authority's Child Protection Officer [CHECK] to discuss the matter before taking any further action. The investigator must suspend her/his investigation if the local authority decides that an investigation by the Child Protection Team is appropriate. Such a decision would constitute exceptional circumstances justifying suspension of the employee until the outcome of the local authority or other statutory investigation is known.

4.4 Offences

4.4.1 When an allegation or complaint is that a criminal offence has taken place while the employee was on duty, and the matter is being investigated by the police, the Headteacher and the chair of governors should make a decision as to whether or not it is reasonable to refrain from instituting disciplinary action against the employee and, further, whether to suspend the employee pending the outcome of the police investigation and before taking any other or further step under these procedures.

4.4.2 When there is a connection between an allegation or complaint that an employee has committed a criminal offence whilst not on duty and an allegation that s/he is by reason of that offence not reasonably capable or suitable for continued employment by the School whether such offence comprises or includes abusive or immoral behavior the Headteacher should investigate such allegations but only once it is clear that there will be no prejudice to any ongoing police investigation or prosecution relating to the same matters.

4.4.3 When the allegations relate to child abuse local authority and inter-agency guidelines must be followed by the governing body and the Headteacher and legal or other relevant professional advice obtained immediately

4.5 Misconduct and Gross Misconduct

4.5.1 The following conduct if proved must be determined to be misconduct and, in severe cases, gross misconduct and treated as such but other conduct may be treated as misconduct if it is decided that it would be reasonable in all the circumstances to do so:

- (a) failure to discharge, without sufficient cause, the obligations which statute, the terms and conditions of employment and the contract of employment

place on the employee

- (b) failure to remain at the place of work during normal working hours without permission
- (c) frequent failure to attend work punctually;
- (d) failure to notify the school as soon as is practicable when absence is due to sickness
- (e) making unauthorized private telephone calls or sending personal mail or electronic communications at the School's expense;
- (f) making unauthorised use of either the School's intranet or the Internet
- (g) failure to follow a line manager's reasonable instructions
- (h) failure to exercise proper control or supervision over boys;
- (i) abusive behaviour or language that is directed to other employees, the Headteacher, governors, parents, pupils, members of the public or others
- (j) victimisation and intimidation of other employees in the course of duty;
- (k) unlawful discrimination against other employees, the Headteacher, governors, parents, pupils or members of the public or others when on duty
- (l) dishonesty;
- (m) a willful attempt to mislead.

4.5.2 The following conduct if proved must be determined to be gross misconduct and treated as such but other conduct made be determined to be gross misconduct if it is reasonable in all the circumstances to do so:

- (a) theft, fraud, deliberate falsification of records
- (b) fighting or deliberate physical injury to another person
- (c) deliberate damage to school property
- (d) violent and/or intimidating conduct
- (e) serious incapability through alcohol or being under the influence of illegal drugs

- (f) serious breach of confidence
- (g) bringing shame on or serious reputational damage to the School
- (h) serious breach of health and safety rules
- (i) child abuse
- (j) serious misuse of the School intranet or the Internet
- (k) serious negligence that causes unacceptable loss, damage or injury
- (l) serious act of insubordination
- (m) serious acts of unlawful discrimination against other employees, the Headteacher, pupils, parents, members of the public or others when on duty
- (n) unauthorised entry to computer records
- (o) continued and repeated misconduct.

4.5.3 Allegations of gross misconduct should normally lead to suspension of the employee while the allegation or claim is investigated.

4.5.4 The procedures to be followed in cases where investigation has revealed a case to be answered of gross misconduct are the same as those described below for misconduct, but should normally proceed from the investigation stage directly to Stage 3: Consideration by the Headteacher or a Committee.

4.5.5 If, on completion of the investigation, the Headteacher or a Committee is satisfied that gross misconduct has occurred, the Headteacher or Committee is entitled to summarily dismiss the employee without notice or payment in lieu of notice or further procedural steps other than an appeal.

4.5.6 On summary dismissal for gross misconduct the employee has a right of appeal.

4.5.7 Where possible matters relating to conduct and discipline should be resolved informally by discussion between the employee and the Headteacher or line manager whether or not any meeting takes place.

4.5.8 If, misconduct has been identified the Headteacher or line manager must inform the employee immediately as to the appropriate conduct required in future.

4.5.9 Written notes should be made of any informal discussion or meeting and kept on file for a period not exceeding 6 months.

4.6 Formal Disciplinary Procedure relating to Misconduct

4.6.1 Stage 1: First Written Warning

4.6.1.1 If, after completing investigations, the Headteacher or other investigator decides that a formal hearing is appropriate in all the circumstances, they must ask the Clerk to convene a hearing either by the Headteacher or other investigator or a Committee as they shall decide after discussion with the chair of the governing body

4.7 Notice of formal hearing

4.7.1 The Clerk must give written notice of the hearing to all parties not less than 10 clear working days before the date of the meeting unless in a complex case it is appropriate, with the agreement of the employee, to extend the period of notice to a maximum of 20 clear working days.

4.7.2 The notice of hearing must include the following:

- (a) the time and place of the meeting;
- (b) the purpose of the meeting;
- (c) the identity of the people attending the meeting
- (d) the nature of the allegations;
- (e) the relevant time limits by which the employee should submit her/his own written evidence;
- (f) the employee's entitlement to be accompanied by a companion or if appropriate a legal representative;
- (g) the names of any people who may be called as witnesses
- (h) copies of any written evidence or relevant documents currently available
- (i) details of the procedure to be followed during the meeting

4.8 Persons entitled to attend the hearing

4.8.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

- (a) the Headteacher or other investigator or the members of the Committee hearing the matter as the case may be and any professional or independent advisers to them
- (b) the parties and any companions or legal representatives

(c) any witnesses

4.9 Hearing Bundle of Documents

4.9.1 As soon as possible but in any event not less than five clear working days before the hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received.

4.10 Conduct of the hearing

4.10.1 The Headteacher or other investigator or the chair of the Committee as the case may be is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.

4.10.2 The Headteacher or other investigator or the chair of the Committee as the case may be in conducting the hearing should:

- (a) welcome and introduce those present
- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and if reasonably possible obtain agreement to the procedure to be followed
- (d) ask the parties to remain available for an agreed period after the Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
- (e) explain the process for notifying the parties of the Committee's final decision.

4.10.3 The Headteacher or investigator or chair of the Committee as the case may be may adjourn the hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the Headteacher or other investigator or the chair of the Committee as the case may be shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents.

4.10.4 Following the hearing the Headteacher, investigator or the Committee as the case may be must make one of the following decisions:

- (a) confirm the decision of the Headteacher, investigator or the Committee as the case may be, or
- (b) impose a lesser but not a more severe penalty, or

(c) order that no action be taken

4.11 Notification of the Decision

- 4.11.1 The Headteacher or investigator or the chair of the Committee as the case may be either notifies the parties of the decision orally at the end of the hearing or that they will be notified later in writing.
- 4.11.2 Written confirmation of a decision notified orally at the hearing or written notification of the decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the reasons for the decision and of the right to appeal specifying the last date for making such an appeal.
- 4.11.3 In giving written confirmation or notice of the Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice

4.12 Notice of Appeal

- 4.12.1 If the employee wishes to appeal against the decision s/he must send written notice of appeal to the Clerk not less than 10 clear working days after receipt of written confirmation or notice of the decision stating the grounds upon which the appeal is being made.

4.13 Notice of Appeal Hearing

- 4.13.1 After consulting with the chair of the governing body, the Clerk must convene a meeting of an Appeal Committee.
- 4.13.2 The Appeal Committee meeting must be held within 15 clear working days of the date of the employee's notice requesting an appeal hearing.
- 4.13.3 The Clerk must send written notice of the appeal hearing to all parties not less than ten clear working days before the date of the hearing. The notice shall include:
 - (a) the date, time and place of the hearing;
 - (b) the purpose of the hearing;
 - (c) the name of any person who might give evidence;
 - (d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Committee (copies must also be supplied with the notice of hearing)
 - (e) details of the procedure to be followed during the hearing

(f) a request that the aggrieved employee provide to the Clerk any further written representations or evidence or other documents intended to be relied upon not less than seven clear working days before the appeal hearing

(g) a statement of the employee's right to attend with a companion

4.14 Persons entitled to attend the appeal hearing

4.14.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

(a) the members of the Appeal Committee and any professional or other independent advisers to the Appeal Committee

(b) the Headteacher or other investigator and any companions

(c) the employee and any companion

4.15 Hearing Bundle of Documents

4.15.1 As soon as possible but in any event not less than five clear working days before the appeal hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received

4.16 Conduct of the appeal hearing

4.16.1 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.

4.16.2 The chair of the Appeal Committee in conducting the hearing should:

(a) welcome and introduce those present

(b) state that the hearing is private and all information and representations are confidential to those present

(c) outline and if reasonably possible obtain agreement to the procedure to be followed

(d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose

(e) explain the process for notifying the parties of the Appeal Committee's final

decision

- (f) The chair of the Appeal Committee may adjourn the appeal hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents.

4.16.3 Following the appeal hearing the Appeal Committee must make one of the following decisions:

- (a) confirm the decision of the Headteacher, investigator or the Committee as the case may be, or
- (b) impose a lesser but not a more severe penalty, or
- (c) order that no action be taken, or
- (d) allow the appeal in its entirety

4.17 Notification of the Appeal Committee's decision

4.17.1 The chair of the Appeal Committee either notifies the parties of the Appeal Committee's decision orally at the end of the hearing or that they will be notified later in writing.

4.17.2 Written confirmation of a decision notified orally at the hearing or written notification of the Appeal Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Appeal Committee's reasons. If the decision is to issue a first written warning the employee must also be informed in writing that any future misconduct could lead to a more severe penalty, up to and including dismissal and of her/his right to appeal .

4.17.3 In the case of a first written warning a written record of the hearing and a copy of the decision letter sent to the employee must be kept on file for 12 months, after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.

4.17.4 In giving written confirmation or notice of the Appeal Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice.

4.17.5 The decision of the Appeal Committee is final

4.18 Stage 2 - Final written warning

4.18.1 The same steps as provided for under Stage 1 above up to and including the first formal hearing should first be taken.

4.18.2 At the hearing the Headteacher or other investigator or Committee as the case may be shall consider the allegations that have been made, review the evidence and must thereafter make one of the following decisions:

- (a) that no further action be taken, or
- (b) that a first written warning be issued, or
- (c) that having taken into account the existence of a first written warning already on the file a final written warning must be issued, or
- (d) that a final written warning be issued

4.19 Notice of the Decision

4.19.1 The Headteacher or investigator or the chair of the Committee as the case may be either notifies the parties of the decision orally at the end of the hearing or that they will be notified later in writing.

4.19.2 Written confirmation of a decision notified orally at the hearing or written notification of the decision shall be given by the Clerk to the parties as soon as possible after the hearing but in any event within five clear working days and shall include a statement of the reasons for the decision and of the right to appeal specifying the last date for making such an appeal.

4.19.3 In giving written confirmation or notice of the Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice.

4.19.4 If the decision is to issue a final written warning a copy of the letter to the employee setting out the decision must be kept on file for 24 months, after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.

4.19.5 A final written warning shall contain a statement that any further act of misconduct may lead to dismissal and in the exceptional case where a conclusion has been reached that there is an on-going concern as to recurrence of the same misconduct and the meeting has decided that the final written warning should remain permanently on file the letter notifying the employee of the decision must state that the warning can never be removed and that any recurrence of the relevant misconduct would lead to dismissal.

4.20 Notice of Appeal

4.20.1 If the employee wishes to appeal against the decision s/he must send written notice of appeal to the Clerk not less than 10 clear working days after receipt of written

confirmation or notice of the decision stating the grounds upon which the appeal is being made

4.21 Notice of Appeal Hearing

- 4.21.1 After consulting with the chair of the governing body, the Clerk must convene a meeting of an Appeal Committee.
- 4.21.2 The Appeal Committee meeting must be held within 15 clear working days of the date of the employee's notice requesting an appeal hearing.
- 4.21.3 The Clerk must send written notice of the appeal hearing to all parties not less than ten clear working days before the date of the hearing. The notice shall include:
- (a) date, time and place of the hearing;
 - (b) the purpose of the hearing;
 - (c) the name of any person who might give evidence;
 - (d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Committee (copies must also be supplied with the notice of hearing)
 - (e) details of the procedure to be followed during the hearing
 - (f) a request that the aggrieved employee provide to the Clerk any further written representations or evidence or other documents intended to be relied upon not less than seven clear working days before the appeal hearing
 - (g) a statement of the employee's right to attend with a companion

4.22 Persons entitled to attend the appeal hearing

- 4.22.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:
- (a) the members of the Appeal Committee and any professional or other independent advisers to the Appeal Committee
 - (b) the Headteacher or other investigator and any companions
 - (c) the employee and any companion

4.23 Hearing Bundle of Documents

4.23.1 As soon as possible but in any event not less than five clear working days before the appeal hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received.

4.24 Conduct of the appeal hearing

4.24.1 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice The chair of the Appeal Committee in conducting the hearing should:

- (a) welcome and introduce those present
- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and if reasonably possible obtain agreement to the procedure to be followed
- (d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
- (e) explain the process for notifying the parties of the Appeal Committee's final decision
- (f) The chair of the Appeal Committee may adjourn the appeal hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents

4.24.2 Following the appeal hearing the Appeal Committee must make one of the following decisions:

- (a) confirm the decision of the Headteacher, investigator or the Committee as the case may be, or
- (e) impose a lesser but not a more severe penalty, or
- (f) order that no action be taken, or
- (g) allow the appeal in its entirety

4.25 Notification of the Appeal Committee's decision

4.25.1 The chair of the Appeal Committee either notifies the parties of the Appeal Committee's decision orally at the end of the hearing or that they will be notified later in writing.

4.25.2 Written confirmation of a decision notified orally at the hearing or written notification of the Appeal Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Appeal Committee's reasons. If the decision is to issue a first written warning the employee must also be informed in writing that any future misconduct could lead to a more severe penalty, up to and including dismissal and of her/his right to appeal.

4.25.3 In the case of a first written warning a written record of the hearing and a copy of the decision letter sent to the employee must be kept on file for 12 months, after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.

In giving written confirmation or notice of the Appeal Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice.

4.25.4 The decision of the Appeal Committee is final

4.26 Stage 3- Hearing leading to dismissal

4.26.1 The steps set out above under Stages 1 and/or 2 shall be taken up to the first formal meeting/hearing save in an exceptional case where those steps or some of them may be omitted at the discretion of the Headteacher and/or the chair of the governing body.

4.26.2 At the first formal meeting/hearing, if any, the Headteacher, or other investigator or Committee as the case may be shall consider the allegations that have been made, review the evidence and decide on one of the following courses of action:

(a) that no further action be taken

(b) that a first written warning be issued

(c) that a final written warning be issued either in a case where a first written warning is already on file in relation to the current or other matter or for any other reason a final written warning is appropriate

(d) that the employee should be dismissed either in a case where a final written warning is already on file in relation to the current or other matter or for any other reason dismissal is appropriate

4.27 Notice of the Decision

- 4.27.1 The Headteacher or investigator or the chair of the Committee as the case may be either notifies the parties of the decision orally at the end of the hearing or that they will be notified later in writing.
- 4.27.2 Written confirmation of a decision notified orally at the hearing or written notification of the decision shall be given by the Clerk to the parties as soon as possible after the hearing but in any event within five clear working days and shall include a statement of the reasons for the decision and of the right to appeal specifying the last date for making such an appeal.
- 4.27.3 In giving written confirmation or notice of the Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice.
- 4.27.4 If the decision is to issue a final written warning a copy of the letter to the employee setting out the decision must be kept on file for 24 months after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.
- 4.27.5 A final written warning shall contain a statement that any further act of misconduct may lead to dismissal and in the exceptional case where a conclusion has been reached that there is an on-going concern as to recurrence of the same misconduct and the Headteacher or other investigator or the Committee as the case may be has decided that the final written warning should remain permanently on file the letter notifying the employee of the decision must state that the warning can never be removed and that any recurrence of the relevant misconduct would lead to dismissal.
- 4.27.6 Full written records of the meeting including of the evidence and representations must be kept by the Clerk where the decision is to dismiss

4.28 Notice of Appeal

- 4.28.1 If the employee wishes to appeal against the decision s/he must send written notice of appeal to the Clerk not less than 10 clear working days after receipt of written confirmation or notice of the decision stating the grounds upon which the appeal is being made

4.29 Notice of Appeal Hearing

- 4.29.1 After consulting with the chair of the governing body, the Clerk must convene a meeting of an Appeal Committee.
- 4.29.2 The Appeal Committee meeting must be held within 15 clear working days of the date of the employee's notice requesting an appeal hearing.
- 4.29.3 The Clerk must send written notice of the appeal hearing to all parties not less than ten clear working days before the date of the hearing. The notice shall include:

- (a) date, time and place of the hearing;
- (b) the purpose of the hearing;
- (c) the name of any person who might give evidence;
- (d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Committee (copies must also be supplied with the notice of hearing)
- (e) details of the procedure to be followed during the hearing
- (f) a request that the aggrieved employee provide to the Clerk any further written representations or evidence or other documents intended to be relied upon not less than seven clear working days before the appeal hearing
- (h) a statement of the employee's right to attend with a companion

4.30 Persons entitled to attend the appeal hearing

4.30.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

- (a) the members of the Appeal Committee and any professional or other independent advisers to the Appeal Committee
- (b) the Headteacher or other investigator and any companions
- (c) the employee and any companion

4.31 Hearing Bundle of Documents

4.31.1 As soon as possible but in any event not less than five clear working days before the appeal hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received

4.32 Conduct of the appeal hearing

4.32.1 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice

4.32.2 The chair of the Appeal Committee in conducting the hearing should:

- (a) welcome and introduce those present

- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and if reasonably possible obtain agreement to the procedure to be followed
- (d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
- (e) explain the process for notifying the parties of the Appeal Committee's final decision
- (f) The chair of the Appeal Committee may adjourn the appeal hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents.

4.32.3 Following the appeal hearing the Appeal Committee must make one of the following decisions:

- (a) confirm the decision of the Headteacher, investigator or the Committee as the case may be, or
- (b) impose a lesser but not a more severe penalty, or
- (c) order that no action be taken, or
- (d) allow the appeal in its entirety

4.33 Notification of the Appeal Committee's decision

4.33.1 The chair of the Appeal Committee either notifies the parties of the Appeal Committee's decision orally at the end of the hearing or that they will be notified later in writing.

4.33.2 Written confirmation of a decision notified orally at the hearing or written notification of the Appeal Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Appeal Committee's reasons. If the decision is to issue a first written warning the employee must also be informed in writing that any future misconduct could lead to a more severe penalty, up to and including dismissal and of her/his right to appeal.

4.33.3 In the case of a first written warning a written record of the hearing and a copy of the decision letter sent to the employee must be kept on file for 12 months, after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.

4.33.4 In giving written confirmation or notice of the Committee's decision the Clerk must take account of the requirement to protect the employee from prejudice.

4.33.5 If the decision is to issue a final written warning a copy of the letter to the employee setting out the decision must be kept on file for 24 months after which time it must be removed and cannot thereafter be referred to in any subsequent disciplinary action.

4.33.6 A final written warning shall contain a statement that any further act of misconduct may lead to dismissal and in the exceptional case where a conclusion has been reached that there is an on-going concern as to recurrence of the same misconduct and the Headteacher or other investigator or the Committee as the case may be has decided that the final written warning should remain permanently on file the letter notifying the employee of the decision must state that the warning can never be removed and that any recurrence of the relevant misconduct would lead to dismissal.

4.33.7 Full written records of the meeting including of the evidence and representations must be kept by the Clerk where the decision is to dismiss

4.34 Joint Proceedings

- 4.34.1 Cases involving more than one employee and arising out of the same facts and/or similar allegations against each shall be dealt with by a single joint hearing at the point at which under Steps 1 and/or 2 and/or 3 above at which any formal hearing becomes necessary whether by the Headteacher or other investigator or a Committee or on appeal.
- 4.34.2 The procedures set out above for Steps 1 and/or 2 and/or 3 above in relation to formal hearings shall be adapted so far as reasonably necessary to enable:
- (a) each and every of the relevant employees and their companions to be present at the relevant hearing at the same time ensuring that one should not be present without the other(s)
 - (b) each and every of the relevant employees calling her/his own witnesses
 - (c) each and every of the relevant employees asking questions of the other employee(s) and their witnesses, if any, and of whoever is presenting the School's case, if any

thus ensuring that the Headteacher or other investigator or the Committee as the case may be is in a position to reach different decisions and/or impose different sanctions in relation to each of the employees having heard all the relevant evidence and representations of all in the presence of the others

4.35 Suspension

- 4.35.1 In a case of misconduct or gross misconduct or involving child protection the Headteacher shall consult with the Chair of the governing body and they should make a decision as to whether it is necessary in all the circumstances to suspend the employee pending completion of an investigation and/or proceedings and, if so, for how long and upon what terms. An employee should be suspended if:
- (a) the circumstances of the case make it unacceptable in the interests of any boy or any other child or any other person for the employee to be present on the School premises and/or to participate in the life of the School during the relevant period for any reason, and/or
 - (b) the allegations or complaint if proved would justify dismissal of the employee, and/or
 - (c) the conduct of any investigation or proceedings would be impeded
- 4.35.2 Where suspension is under consideration the employee must be given a written invitation to a meeting with the Headteacher and/or the Chair of the governing body and must be advised in the invitation that:
- (a) the interview is not a formal disciplinary step but is for the purpose of discussing a serious matter which may lead to suspension pending further investigation, and
 - (b) s/he may attend with a companion

- 4.35.3 At the meeting the employee must be given as much information about the allegation or complaint and the reasons for the proposed suspension as reasonably possible without prejudicing a full and fair investigation or later disciplinary proceedings. The employee must also be given an opportunity to make representations as to any proposed suspension or its duration or terms and a short adjournment may be necessary to enable them to do so.
- 4.35.4 A decision to suspend an employee should be made as soon as reasonably practicable after the conclusion of the meeting and should be notified to the employee in writing by the Clerk within one clear working day after the decision and must state the date from which the suspension takes effect, the reasons, details of the informal and formal steps under these procedures which will thereafter take place, the fact that the suspension will be on full pay for the whole period. Copies of any material documents should be enclosed with the notice.
- 4.35.5 During the suspension which should be as brief as reasonably possible the Headteacher will provide reasonable support for the employee appointing a named school contact to provide material information as to the progress of the investigation on request and in any event on a regular basis and upon request information enabling the employee to obtain counselling and professional advice .
- 4.35.6 At the end of the investigation the employee should be invited in writing to a further meeting with the Headteacher and/or the Chair of the governing body for the purpose of being informed as to the outcome of the investigation and as to any further steps or proceedings under these Procedures. The written invitation should state that the employee may be accompanied or represented by a companion at the meeting.
- 4.35.7 A suspension shall only be lifted during the course of an investigation or proceedings under these Procedures following a decision to do so made by the governing body although in any case of urgency such decision may be made by the Chair of the governing body which is thereafter formally ratified by a decision of the governing body.
- 4.35.8 All reasonable steps shall be taken not to prejudice the employee throughout the process of considering, imposing and lifting any suspension