****

**HARROW SCHOOLS DISCIPLINARY POLICY AND PROCEDURE**

**MODEL LETTERS AND FORMS**

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**PLEASE ADAPT THESE MODEL LETTERS AND FORMS FOR USE BY YOUR SCHOOL.**

**PLEASE READ THE DISCIPLINARY TOOLKIT FOR FURTHER INFORMATION WHERE. ALL THE ENCLOSED MODEL LETTERS AND FORMS CAN BE FOUND AS APPENDICES.**

#

# APPENDIX 1 - HEARING ARRANGEMENTS CHECKLIST

This Checklist is to act as a reminder for the School in arranging a Hearing.

|  |  |
| --- | --- |
| **ACTION TO BE TAKEN BY SCHOOL** | **Completed** |
| Collate contact list of all attendees |  |
| Arrange dates  |  |
| Arrange location |  |
| Location arrangements* Main room

- 2 additional rooms - Employee & representative - Witnesses waiting room |  |
| Arrange note taker |  |
| Send arrangements letter to all |  |
| Bundle arrangements* Obtain prepared bundle
* Send to Employee, Disciplinary panel and HR Representative (Special Delivery if required)
* To arrive at least 10 working days before Hearing
 |  |
| Post Hearing Actions* Support with decision letter (HR to assist)
* Send decision letter within 5 working days of Hearing
* Send to Employee & copy representative (Special Delivery if required)
* Bring forward receipt of minutes of Hearing (Chair/HR)
* Bring forward Appeal deadline receipt (HR)
 |  |

#

# APPENDIX 2 - STRUCTURE OF A HEARING/APPEAL

The School’s model for conducting disciplinary hearings and appeal hearings:

|  |  |  |
| --- | --- | --- |
| Introduction |  | The Headteacher/Chair introduces those present and outlines the procedure |
|  |
|  |  |  |  |  |
| Management Presentation |  | The person presenting the case (normally the one who investigated the matter) states their case, and is questioned on it by the employee’s side and finally by those hearing the case |
|  |
|  |  |  |  |  |
| Management Witnesses |  | The person presenting the case brings and questions any witnesses they have one by one. Each is questioned by the employee's side and finally by those hearing the case |
|  |
|  |  |  |  |  |
| Employee’s Presentation |  | The employee’s side states the case[[1]](#footnote-1), and is questioned on it by the person presenting the case and finally by those hearing the case |
|  |
|  |  |  |  |
| Employee’s Witnesses |  | The employee’s side brings and questions any witnesses it has one by one. Each is questioned by the person presenting the case and finally by those hearing the case |
|  |
|  |  |  |  |  |
| Summaries |  | After an adjournment (if needed) the person presenting the case, followed by the employee’s side, take turns to summarise the case without introducing new evidence |
|  |
|  |  |  |  |  |
| Considering the evidence |  | The disciplinary hearing is adjourned while those hearing the case consider the evidence and reach a conclusion or decide if any further investigation is required. If it is, they will adjourn the hearing and reconvene when the investigation is completed. |
|  |
|  |  |  |  |  |
| Decision |  | Once a decision is reached, the hearing is reconvened for the Headteacher/Chair to give the decision[[2]](#footnote-2) |

#

# APPENDIX 3 Model Letter 1 – Confirmation of Suspension from work

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Confirmation of Suspension**

I refer to our meeting on [date] when the following \*complaint(s)/allegation(s) \*was/were put to you:

* ***State complaint(s)/allegation(s)***

In view of the nature of the \*complaint(s)/allegation(s) which, if substantiated, could constitute gross misconduct, I require you to stay away from work on full pay until the matter is resolved.

The requirement to stay away from work is to allow the School to investigate the matter impartially and fairly and decide whether a disciplinary hearing is necessary. It is not intended as a punishment, and is in no way a form of disciplinary action against you.

This matter will be investigated in accordance with the School’s Disciplinary Policy and Procedure, a copy of which is enclosed. The Disciplinary Toolkit is also enclosed for your information.

\*[Name, Designation] has been appointed as the Investigating Officer for your case.

## OR

\*An Investigating Officer will shortly be appointed for your case and I will inform you of the name of this Officer as soon as possible.

As part of the investigation you will have the opportunity to put your account of events directly to the Investigating Officer and you will be contacted to arrange a meeting. You have the right to be accompanied at any meetings by a work colleague or trade union representative.

The investigation should be completed by [date]***.*** If it is found that the facts warrant a hearing, you will receive written notification of this setting out the \*complaint(s)/allegation(s)in full. Alternatively you will receive written notification if it is necessary to extend the investigation end date or if it is deemed there is no case to answer.

While you are away from work, you will be paid in the normal way but you must:

* Make yourself available to assist with the investigation, including attending any meetings and/or providing any documents or information requested.
* Notify any sickness to your contact officer and complete a sickness certification form in the normal way.

During the period that you are required to stay away from work, you must not enter the work premises, with the exception of attending any meetings as required by the Disciplinary process.

Additionally, you must not make contact with Council employees other than:

* Your nominated work colleague or trade union representative
* Employees who are responsible for investigating the allegation
* Your contact officer (see below)

This does not prevent you from having social contact with your colleagues outside of the work place, provided the disciplinary issues that are the cause of the suspension are not discussed.

Throughout the course of the disciplinary procedure, it is expected that you will maintain strict confidentiality and only discuss the case with those directly involved or your work colleague or trade union representative.

Please contact HR on AskHR@harrow.gov.uk or 0208 901 2655 should you have queries about the procedure.

\*If applicable/ – I am aware this is a difficult time for you and you can access the School’s employee assistance programme on xxx (contact details here).

Yours sincerely

**Headteacher/Chair of Governors**

**Name and Designation**

**Encl:** Disciplinary Policy and Procedure

 Disciplinary Toolkit

**Copy to:** HR

 Named Trade Union Representative/Work Colleague

# APPENDIX 4 Model Letter 2 – Extension to Suspension

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Extension of Suspension**

I refer to my letter dated [date] confirming your requirement to stay away from work whilst a disciplinary investigation is undertaken into potential gross misconduct.

I am now writing to inform you that it has not been possible to complete the investigation into the \*complaint(s)/allegation(s) against you by the initial date of [date]***.***

In accordance with the School’s Disciplinary Procedure, it is therefore necessary to extend the period that you are required to stay away from work until [date], unless the investigation is completed earlier, in which case you will be updated accordingly.

Please note that the terms of your requirement to stay away from work remain as detailed in my letter to you, dated [date].

If you have any queries regarding this letter, please do not hesitate to get in touch with your Contact Officer.

Yours sincerely

**Headteacher/Chair of Governors**

**Name and Designation**

**Copy to:** Chair of Governors

 HR

# APPENDIX 5 Model Letter 3 – Complaint/Allegation of Misconduct – No Suspension

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Allegation(s) of Misconduct**

I refer to our meeting on [date] when I informed you that a formal \*complaint(s)/allegation(s) \*has/have been made against you which \*is/are serious enough to investigate under the School’s Disciplinary Policy and Procedure, a copy of which is enclosed. I have also enclosed the Disciplinary Toolkit for your information.

I can confirm that the \*complaint(s)/allegation(s) \*is/are as follows:

* ***State complaint(s)/allegation(s)***

An Investigating Officer will be appointed in order that \*this/these \*complaint(s)/allegation(s) can be investigated thoroughly. During the course of the investigation, the Investigating Officer may take up any further relevant lines of enquiry.

\*[Name, designation]has been appointed as an Investigating Officer.

## OR

\*An Investigating Officer will shortly be appointed for your case and I will inform you of the name of this officer at the earliest opportunity.

As part of this investigation, you will have the opportunity to put your account of events directly to the Investigating Officer and you will be contacted in due course to arrange a meeting. You have the right to be accompanied at any meetings by a work colleague or trade union representative.

The investigation should be completed by [date]***.*** If it is found that the facts warrant a hearing, you will receive written notification of this setting out the \*complaint(s)/allegation(s) in full. Alternatively you will receive written notification if it is necessary to extend the investigation end date or if it is deemed there is no case to answer.

The \*allegation(s)/complaint(s) made against you \*is/are not considered, at this time, to constitute gross misconduct and therefore, if substantiated, would not result in dismissal. If, as part of the investigation, concern is raised that the \*complaint(s)/allegation(s) \*is/are in fact more serious, you will be notified.

You are required to continue to undertake your duties as usual. This matter will be dealt with in a confidential and expedient manner, and I will ensure that a full and impartial investigation will take place.

Throughout the course of the disciplinary procedure, it is expected that you will maintain strict confidentiality and only discuss the case with those directly involved or your work colleague or trade union representative.

Please contact HR at AskHR@harrow.gov.uk or 0208 901 2655 should you have queries about the procedure.

**\*If applicable/ – I am aware this is a difficult time for you and you can contact the School’s employee assistance programme on xxxx (contact details here).**

Yours sincerely

## Headteacher

**Name and Designation**

**Encl.** Copy of Disciplinary Policy and Procedure

 Copy of Disciplinary Toolkit

**Copy to:** Chair of Governors

 HR

 Divisional Director Education Services

 Named Trade Union Representative/Work Colleague

# APPENDIX 6 Model Letter 4 – Investigation Interview

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Investigation Interview**

I am writing to invite you to an investigation interview under the School’s Disciplinary Procedure on (date) at (time) in (location). This is to enable me to investigate the allegations that; ……………… (\* details of allegations in full here)

 I have been appointed as Investigating Officer for this case. As part of this investigation, you will have the opportunity to put your account of events directly to myself. You have the right to be accompanied at any meetings by a work colleague or trade union representative.

The investigation should be completed by [date]*(within 15 days*). If it is found that the facts warrant a hearing, you will receive written notification of this. Alternatively you will receive written notification if it is necessary to extend the investigation end dateor if it is found there is no case to answer.

Throughout the course of the disciplinary procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

Should you have any concerns or queries regarding this meeting, please contact me on …………or HR on AskHR@harrow.gov.uk

.Yours sincerely

**Investigating Officer**

**Name and Designation**

**Copy to:** HR

 Chair of Governors

 Divisional Director Education Services

 Named Trade Union Representative/Work Colleague

# APPENDIX 7 Model Investigation Report Template

|  |
| --- |
| **Confidential Investigation Report commissioned as part of the Disciplinary Procedure**N.B: This is a document of record. |
| **Name of employee against whom the allegation has been raised:****Job title:****Department:** |
| **Name of Commissioning Manager:****Job title:** |
| **Date investigation commissioned:** |
| **Date investigation started :** |
| **Date investigation finished:** |
| **Name of investigation officer:**  |
| **Introduction:** * Role and length of service with the council (employment history)
* Brief outline of how the concerns arose and why the investigation is taking place

Note if suspended and when. State whether placed in a different location for duration of investigation or if there are any specific changes in place to allow the investigation to take place i.e. line management responsibility removed, budget responsibility suspended, taken off usual duties but still within department etc.* Date employee informed of investigation
* Confirm that employee has received a copy of the Disciplinary Procedure
 |
| **The specific allegation:*** State the specific allegations
* The allegations should be the same as listed on the letter informing of investigation
* (Add any further allegations which may have been added at a later stage during investigation – this should relate to the initial allegation and state what communication the investigation officer or commissioning manager has had with the employee in confirming these allegations)
 |
| **Summary of allegation:*** What, when and where it happened
* Set the scene for the reader
 |
| **Chronological order of events:*** In date order – this should be from when the incident occurred
 |
| **Identification of parties involved:*** Names/post held
 |
| **Sequence of interviews:*** Order of people questioned by Investigating Officer
* Dates of interviews

|  |  |  |
| --- | --- | --- |
| **Name** | **Position** | **Date** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

 |
| **Findings:*** Draw out main points addressing **each allegation** separately.
* State **facts** and **evidence** gathered from interviews in relation to the allegations
* Add any further information gathered that is relevant from investigation interviews
* Avoid using vast extracts from statements - only quote directly from the statements where it is necessary, e.g., to illustrate the use of language or if the response to a question shows a particular disregard for policy or respect for others
* It is the investigator’s responsibility to analyse all the statements and draw out all corroborative evidence
* It is the investigator’s responsibility to explain what the evidence means.  Avoid ‘he said, she said’ reports - the reader should not be left trying to establish what all the facts mean
* If the evidence is inconclusive or there is no evidence to support an allegation - say so. The reader wants to know whether there is any evidence to support the allegations - it is also the investigator’s responsibility to explain how significant the evidence is - this should come across throughout the report
* State any supplementary issues identified as part of the investigation
* *N.B: Investigation Officer’s conclusions / opinions or recommendations should not be put in this section*
 |
| **Overall Conclusion:*** Provide an overall fact based opinion on:
	1. Whether there is any evidence from the findings to support the allegations
	2. The strength of the evidence
* Detail **how** the investigating officer has come to the conclusion that there is substance to the allegations.
* Consider whether there is evidence to support the allegations and if it is factual and/or based on balance of probability.
* Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, service policies & procedures etc.
* The conclusions should be clear and concise
* If there are any mitigating factors ensure that they are clear within the conclusions and it is important to explain their significance
 |
| **Recommendations:** The report should:Recommend whether there is a case to answer and whether the matter should proceed to a Disciplinary Meeting, giving reasonsIf the recommendation is that there is no case to answer, the report should indicate why i.e. no evidence to support the allegation, etc. in which case the outcome would be “No further action”If appropriate, the Report should recommend that cases of minor misconduct could be addressed through a Guidance Meeting or Mediation* The Investigating Officer may also make other recommendations i.e. changes in policies/procedures or management practice.
* *N.B: Any form of recommendation can be discussed with HR*
 |
| **Appendices:**The following records were examined:

|  |  |  |
| --- | --- | --- |
| **Appendix Number** | **Name of Document** | **Page Number** |
| Appendix 1 |  |  |
| Appendix 2 |  |  |
| Appendix 3 |  |  |

* *N.B: Minutes should be agreed and signed by employee and witnesses.*
* *Where appropriate, structure charts may be included.*
 |

**Date report completed:**

# APPENDIX 8 Model Letter 5 – Outcome of Investigation – No Action Under Procedure

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Outcome of Investigation**

I am writing to confirm the outcome of the recent investigation into the following \*complaint(s)/allegation(s) against you:

* ***State complaint(s)/allegation(s)***

Having completed the investigation, I have concluded that there is no case to answer and your actions will not be considered under the School’s Disciplinary Procedure.

## IF APPROPRIATE

\*However, a number of recommendations will be made which will be followed up and you will be given the opportunity to discuss these in depth with your manager.

***WHERE REQUIREMENT TO STAY AWAY FROM WORK***

\*I can confirm that, with effect from [date]***,*** you are no longer required to stay away from work and your manager will be in touch with you to discuss your return.

I understand that this has been a difficult time for you but I would like to take this opportunity to thank you for your co-operation and your professionalism during this investigation.

If you have any concerns or queries regarding your return to work, please do not hesitate to get in touch with your Contact Officer, who will endeavour to resolve any issues you may have.

Yours sincerely

**Name and Designation**

**Copy to:** Headteacher/Chair of Governors

 HR

 Divisional Director Education Services

 Named Trade Union Representative/Work Colleague

# APPENDIX 9 Model Letter 6 – Outcome of Gross misconduct Investigation – Grounds for Misconduct – Return to work

[Name]

[Address]

[Date

Dear [Name]

**Re: Disciplinary Procedure – Outcome of Investigation**

I am writing to confirm the outcome of the recent investigation into the following \*complaint(s)/allegation(s) against you:

* ***State complaint(s)/allegation(s)***

Having completed the investigation, I have concluded that your actions will not be considered as gross misconduct under the School’s Disciplinary Procedure. However, I believe there are grounds for your actions to be considered as misconduct under the Procedure and a meeting will be arranged to hear the case. I will write to you again with further details at the earliest opportunity.

I can confirm that, with effect from [date], you are no longer required to stay away from work and your manager will be in touch with you to discuss your return.

If you have any concerns or queries regarding your return to work, please do not hesitate to get in touch with your Contact Officer, who will endeavour to resolve any issues you may have.

Yours sincerely

**Name and Designation**

**Copy to:** Headteacher/Chair of Governors

 HR

 Divisional Director Education Services

 Named Trade Union Representative/Work Colleague

# APPENDIX 10 Model Letter 7 – Outcome of Investigation – Notification of Disciplinary Hearing

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Disciplinary Hearing**

Following the investigation into \*a/an \*complaint(s)/allegation(s) regarding your conduct at work, I require you to attend a disciplinary hearing as follows:

Date:

Time:

Venue:

The following \*complaint(s)/allegation(s) will be considered:

* ***Detail complaint(s)/allegation(s) in full***

## FOR MISCONDUCT

\*I must emphasise that this/these \*complaint(s)/allegation(s) \*is/are serious and should \*it/they be substantiated may lead to disciplinary action being taken under the School’s Disciplinary Procedure. However, this is not considered a dismissible offence.

## FOR GROSS MISCONDUCT

I must emphasise that this/these \*complaint(s)/allegation(s) \*is/are serious and should \*it/they be substantiated may lead to a Final Written Warning being issued or your Dismissal in accordance with the School’s Disciplinary Procedure.

## OR WHERE THERE IS A CURRENT FINAL WARNING ON FILE

\*I must emphasise that \*this/these \*complaint(s)/allegation(s) \*is/areserious and should \*it/they be substantiated, given that you have a current final disciplinary warning on file, may make you liable to be dismissed from the School with notice.

The \*complaint(s)/allegation(s)will be presented by me *(supported by – [name of person who assisted with investigation] OR HR Support)*.

The following *witness(es)* will be called to give evidence: *(if any)*

* ***Insert names***

\*The matter will be considered by[name and designation of the manager hearing the case]***,*** who will chair the hearing and determine whether the \*complaint(s)/allegation(s) \*is/aresubstantiated and what action should be taken. The Chair will be assisted by [name of supporting HR representative]in hearing the case.

***OR***

\*The matter will be considered by the \*Headteacher/Governing Body’s Staff Disciplinary Panel,\*who/which will determine whether the \*complaint(s)/allegation(s) \*is/are substantiated and what action should be taken.

[Name of Hearing Officer]will chair the hearing and the other members of the panel will be [insert names of those making up the committee]**.** In hearing the case, the Headteacher/Staff Disciplinary Panel will be advised by [name, designation]***.***

The disciplinary hearing is designed to give you the opportunity to:

* Be represented by someone of your choice
* Hear the case against you
* Put your side of events
* Question the evidence of witnesses
* Call witnesses

You will need to prepare the response to the \*complaint(s)/allegation(s) and arrange for:

* Your representative to attend the hearing if you choose to be represented. Please ensure that you have checked with their manager that they have been given permission to attend.
* the name(s) of your witness(es) and any documents to be in my office at least 5 working daysbefore the hearing.

You are required to confirm your attendance in writing, along with details of your witnesses and your representative.

Although you are required to attend the hearing in person, you may prepare a written response to the \*complaint(s)/allegation(s) for consideration at the hearing which must be submitted at least 5 working days before the hearing. Any documents or written response not submitted within this timescale may not be accepted.

Failure to attend the hearing could result in it being heard in your absence unless your absence is supported by a doctor’s certificate saying that you are unfit to attend, in which case efforts will be made to rearrange the hearing for a date when you will be able to attend. If the medical incapacity continues it may be necessary to hear the case in your absence. This, however, will be discussed with you.

The procedure to be followed will be that contained in the School’s Disciplinary Procedure, a copy of which has already been given to you.

Throughout the course of the disciplinary procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

\*Please find enclosed the investigation report to be submitted to the hearing for the management response.

***OR***

\*The investigation report to be submitted to the hearing for the management response will be forwarded to you by [date]***.***

Yours sincerely

Hearing Officer/Manager

**Name and Designation**

**Copy to:** Investigating Officer/Headteacher/Chair of Governors

 HR

 Divisional Director Education Services

 Chair and members of the Committee

**Enc.** Investigation Report

# APPENDIX 11 Model Letter 8 – Invite for a Witness to Attend a Hearing

Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Invite to a Disciplinary Hearing as a Witness**

Further to our conversation on [date], thank you for agreeing to attend as a witness at the following disciplinary hearing:

 Date:

 Time:

 Venue:

Please ask for [name] on arrival. We will ask you to wait in a separate room until you are called into the Hearing. Unfortunately we are unable to give you a definite time slot for when you will be needed due to the nature of the meeting.

Throughout the course of the disciplinary procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

A copy of your witness statement is attached to this letter.

We understand that this may be a stressful time for you and we are grateful for your co-operation in this process.

If you have any queries, please contact [name, designation] on [telephone number]***.***

Yours sincerely

Investigating Officer

**Name and Designation**

**Copy to:** Manager/Headteacher/Chair of Governors

 HR

 Investigating Officer

 Chair and members of the Committee

# APPENDIX 12 Model Letter 9 – Confirmation of Decision at Disciplinary Hearing

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Disciplinary Hearing**

\*Following the disciplinary hearing, which you attended on [date], I write to confirm the outcome.

## OR

\*I am writing to advise you of the decision following the disciplinary hearing held on [date], which you failed to attend. You will note from the letter dated [date] requesting your attendance at the disciplinary hearing, that failure to attend could result in your case being heard in your absence, unless your absence was supported by a doctor’s certificate stating that you were unable to attend *(or other appropriate comment depending on circumstances of non-attendance e.g. employee’s own decision conveyed in writing not to attend*).

The hearing convened under the School’s Disciplinary Procedure and the following \*complaint(s)/allegation(s) were considered:

* ***Insert complaint(s)/allegation(s)***

I carefully considered the facts presented to me, including supporting documentation, copies of which are in your possession, before reaching the following conclusion(s):

***\*That the complaint/allegation that you (insert detail) was substantiated.***

***OR***

***\*That the complaint/allegation that you (insert detail) was unsubstantiated.***

* *State findings – be clear, brief and precise, outline any mitigating circumstances and say if and how they have been taken into account in the decision.*

***WARNINGS (MISCONDUCT)***

Having taken into account all aspects of the case, **\*I**/the Governing Body’s Staff Dismissal Committee \*have/has decided***:***

\*To issue you with a first written warning. Any future misconduct on your part would lead to more serious disciplinary action being taken under the procedure and could put your job at risk.

***OR***

\*To issue you with a final written warning. Any future misconduct on your part would lead to further disciplinary action being taken under the procedure and would render you liable to dismissal.

*Explain what other sanctions are to be applied (if any).*

***In respect of any warning insert:***

\*This warning will be recorded on your personal record and will remain operative for a period of *6 months.* After this period the warning will be disregarded, in respect of further action under the School’s Disciplinary Procedure, providing no further action is necessary within this period. If further action is necessary within this period, the warning will continue until the period covering any subsequent warning has expired.

***DISMISSAL (MISCONDUCT)***

\*Having taken into account all aspects of the case, the Governing Body’s Staff Dismissal Committee determined that it was necessary to terminate your employment with the School on the grounds of [state reason for dismissal]. Under the terms of your Contract of Employment you are entitled to [x] weeks’ notice and so your last day of employment is [date].

***DISMISSAL (SERIOUS MISCONDUCT)***

\*Having taken into account all aspects of the case, the Governing Body’s Staff Dismissal Committee determined that it was necessary to terminate your employment with the School on the grounds of gross misconduct with immediate effect. You are not entitled to receive payment for notice or outstanding holiday.

## APPEAL

You have the right of appeal against this decision. If you wish to exercise this right, your appeal should be sent in writing to [insert name, designation/clerk to the Governing Body] within 10 working days of the date of this letter. You should state the grounds for your appeal (e.g. whether you are appealing against the decision that the \*complaint(s)/allegation(s) \*were/was substantiated and/or appealing against the severity of the disciplinary sanction imposed.)

Yours sincerely

**Headteacher/Chair of Staff Disciplinary Panel**

**Name and Designation**

**Copy to:** Manager

Headteacher

 HR

 Chair of Governors and members of the committee

 Investigating Officer

 Named Trade Union Representative/Work Colleague

# APPENDIX 13 Model Letter 10 – Acknowledgement of Appeal

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Acknowledgment of Appeal**

I refer to your letter of [date] appealing against the decision to \**dismiss/to issue you with a first written warning/final written warning*taken at the Disciplinary Hearing held on [date]***.***

 I acknowledge your appeal and will contact you with the date and time of the appeal hearing. However, if you have any queries in the meantime please do not hesitate to contact me or your Contact Officer.

Yours sincerely

**Name and Designation (whoever is designated to hear the Appeal)**

**Copy to:** Headteacher

 Chair of Governors

 Manager

 HR

 Divisional Director Education Services

 Chair and members of the Committee

 Investigating Officer

# APPENDIX 14 Model Letter 11 – Notification of Appeal Hearing

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Appeal Hearing**

Following your letter of appeal against the decision taken at the disciplinary hearing held on [date], I have arranged for an appeal hearing to take place. The details are as follows:

Date:

Time:

Venue:

The following \*complaint(s)/allegation(s)will be considered:

* ***Detail complaint(s)/allegation(s) in full***

The appeal will be heard by the \*Governing Body’s Warning Appeal Panel/Governing Body’s Staff Dismissal Appeal panel who will determine whether the grounds for the appeal are substantiated and what action should be taken. [Name]will chair the appeal and the other members of the committee will be [names of those making up the committee]. In hearing the appeal, the Committee will be advised by [name(s)/designations]. The management case will be presented by [name].

The following witness(es) will be called to give evidence: *(if any)*

* ***Insert names***

The Appeal Hearing is designed to examine the grounds for your appeal. You stated the grounds for appeal are as follows:

* ***Insert grounds***

You will have the opportunity to:

* Be represented by a Trade Union representative or fellow colleague
* Hear the case against you
* Put your side of events
* Question the evidence of witnesses
* Call witnesses

You will need to prepare your appeal and arrange for:

* your representative to attend the appeal hearing if you choose to be represented
* the name(s) of your witness(es) to be notified at least 5 working days before the date of the hearing.

You are required to confirm your attendance in writing, along with details of your witnesses and your representative.

Although you are required to attend the appeal hearing in person, you may prepare your written response to the \*complaint(s)/allegation(s) for consideration at the hearing which must be submitted at least 5 working days before the hearing. Any documents or written response not submitted within this timescale may not be accepted.

Throughout the course of the disciplinary procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

The appeal procedure to be followed will be that contained in the School’s Disciplinary Procedure, a copy of which was sent to you previously.

Yours sincerely

**Clerk to Members’ Appeal Committee/Clerk to Governing Body**

**Name and Designation**

**Copy to:** Manager/Headteacher/Chair of Governors

 HR

 Divisional Director Education Services

 Investigating Officer

 Chair and members of the Committee

 Named Trade Union Representative/Work Colleague

# APPENDIX 15 Model Letter 12 – Confirmation of Decision at Disciplinary Appeal Hearing

[Name]

[Address]

[Date]

Dear [Name]

**Re: Disciplinary Procedure – Disciplinary Appeal Hearing**

Following the disciplinary appeal hearing, which you attended on [date], I write to confirm the decision given to you verbally.

The hearing was convened under the School’s Disciplinary Procedure when the following \*complaint(s)/allegation(s) were considered:

* ***Insert complaint(s)/allegation(s)***

The panel carefully considered the facts presented, including supporting documentation, copies of which are in your possession, before reaching the following conclusion(s):

\*That the complaint(s)/allegation(s) that you (insert detail) was not upheld

\*That the complaint(s)/allegation(s) that you (insert detail) was upheld

* ***State findings – be clear, brief and precise, outline any mitigating circumstances and say if and how they have been taken into account in the decision.***

 **WARNINGS (MISCONDUCT)**

\*Having taken into account all aspects of the case, the Governing Body’s Warning Appeal Panel has decided;

 \*The first written warning issued to you should remain. Any future misconduct on your part would lead to more serious disciplinary action being taken under the procedure and could put your job at risk.

 ***OR***

\*The final written warning should remain. Any future misconduct on your part would lead to further disciplinary action being taken under the procedure and would render you liable to dismissal.

***Explain what other sanctions are to be applied (if any).***

***In respect of any warning insert:***

\*This warning will be recorded on your personal record and will remain operative for a period of [state period] *(6 months for first formal warning, 12 months for a final written warning).* After this period it will be disregarded in respect of further action under the School’s Disciplinary Procedure providing no further action is necessary within this period.

***DISMISSAL (MISCONDUCT)***

\*Having taken into account all aspects of the case, the Governing Body’s Staff Dismissal Appeal panel determined that it was necessary to terminate your employment with the School on the grounds of *[state reason for dismissal].* Under the terms of the Contract of Employment you are entitled to [x] weeks’ notice and so your last day of employment is [date].

***DISMISSAL (GROSS MISCONDUCT)***

\*Having taken into account all aspects of the case, the Governing Body’s Staff Dismissal Appeal panel determined that it was necessary to terminate your employment with the School on the grounds of gross misconduct with immediate effect, your employment being terminated on [date]***.***

Yours sincerely

**Chair of Appeal Panel**

**Name and Designation**

**Copy to:** Manager/Headteacher/Chair of Governors

 HR

 Investigating Officer

 Divisional Director Education Services

 Chair and members of the Committee

 Named Trade Union/Professional Association Representative

1. Where an employee’s representative speaks on the employee’s behalf, the person presenting the case and those hearing the case still have the right to question the employee directly. [↑](#footnote-ref-1)
2. Exceptionally, the decision may be relayed in writing within five working days of the end of the hearing. [↑](#footnote-ref-2)