St Cuthbert's Catholic Primary School

School Motto

In love with Christ: Be the best I can. Be kind to one another. Amen

Mission Statement

As missionaries of our faith, our school community strives to embody the Christian values of St Cuthbert sharing in humility, spirituality, tolerance and kindness.
Each individual is nurtured and celebrated within our inclusive and equitable setting; appreciating and embracing diversity within the world around them.

Staff Discipline 2026

(Produced by Schools' HR (SEAT)

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DISCIPLINE POLICY AND PROCEDURE FOR SCHOOL BASED STAFF

1. INTRODUCTION

From time to time there will be circumstances when staff behaviour and conduct falls short of standards expected in school. This policy and procedure provide clear guidance on how instances of alleged misconduct will be managed.

2. PURPOSE

The purpose of the policy and procedure is to provide a prompt, fair and consistent method of dealing with any alleged act of misconduct.

3. SCOPE

This policy and procedure apply to all employees who are employed by or under a school Governing Body which has formally adopted this policy and procedure.

THE DISCIPLINARY POLICY

4. PRINCIPLES

4.1 In many cases the right word, at the right time, conveyed in the right way, may be all that is needed. Such management advice is often a satisfactory method of dealing with a minor breach of discipline or unsatisfactory conduct. Employees should be advised that a further infringement may result in formal disciplinary action being considered. A record should be kept of any such management advice and may be referred to at a later stage, should a similar or related issue reoccur, to demonstrate that an informal approach was attempted.

Management advice is considered informal action and sits outside of the formal disciplinary procedure. Such advice should <u>not</u> be referred to in references.

4.2 No disciplinary sanction should be issued against any employee until the case has been sufficiently investigated, unless the matter is being managed, by agreement, under paragraph 4.7.

4.3 Where an employee is unable, or is unwilling, to attend a meeting or hearing, that meeting or hearing may proceed after all factors are taken into consideration. In the case of a Hearing a decision can be made on the basis of evidence available at that time.

4.4 At all stages of the formal procedure the employee has the right to request to be accompanied at meetings by an appropriate companion, provided their presence would not prejudice the meeting or otherwise be a clear conflict of interest.

The companion may be:

- a fellow employee (i.e., another of the employer's employees)
- an official employed by a trade union
- a workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

If the companion cannot attend a meeting on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

No third-party representatives are entitled to attend meetings (egg Solicitors, family members).

4.5 All those involved in any aspect of the Disciplinary Procedure will treat all information in connection with the case as strictly confidential.

4.6 Where an allegation of misconduct or gross misconduct involves any police enquiries then there is no requirement to await the outcomes of those enquiries before undertaking and completing any management investigation and disciplinary process, unless explicitly advised not to by the police.

4.7 If, at any stage of the Disciplinary Procedure an employee accepts that his / her actions constitute misconduct and dismissal is an unlikely outcome, then a disciplinary sanction may be issued without recourse to a formal disciplinary hearing, if management and the employee agree that this is an acceptable way forward. The sanction issued must be reasonable in the circumstances. In such circumstances there will be no right of appeal.

THE PROCEDURE

5. PRINCIPLES

5.1 The head teacher or other appropriate person instructed by him or her will have authority to act as investigating officer. It is the role of the investigating officer to explore allegations of misconduct and to present the findings of such investigation if necessary.

5.2 Where an allegation is received against the head teacher it is the responsibility of the Chair of Governors to act as or appoint an appropriate investigating officer.

5.3 Employees, who are subject Disciplinary Process, are likely to feel stressed and anxious. Employers must be mindful of this and offer appropriate support to employees who are subject to this procedure, for example by keeping in touch regularly. All parties should ensure the process is expedited as speedily as possible to minimise the stress and anxiety members may feel.

5.4 Provision exists within the financial regulations of the City Council for the Internal Audit Service to conduct investigations where financial irregularities are suspected. Nothing in this procedure will be deemed to contradict this authority.

5.5 Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, it is advisable to give notification of the matter at an early stage to an official employed by the union, after obtaining the employee's agreement.

5.6 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

6. INVESTIGATION

6.1 Upon receipt of an allegation concerning the conduct of an employee, arrangements should be made for the issue to be investigated by an officer who has preferably no prior involvement in any of the case. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case.

6.2 All employees are required to co-operate fully with the investigating officer to ensure that the investigation can be completed as swiftly and thoroughly as possible.

6.3 It is the decision of the investigating officer what information is relevant to the case. The gathering of evidence may entail carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and any other available information. All witness interview notes will be taken, shared with the individual for accuracy and signed and dated. Witnesses may be asked to provide their comments in the form of signed and dated statement(s) as well as or instead of attending an investigatory interview.

6.4 Interviewing Children as Witnesses

Safeguarding the welfare of children must be the highest priority during any investigation and if it is necessary to gather information from children the following guidance should be considered:

6.4.1 The number of people present at the interview with a child should be kept to a minimum to avoid intimidating or inhibiting the child.

6.4.2 Good practice would be for the investigator to sit at a table and the clerk taking notes should sit behind the student out of sight. The student has support with them – usually a pastoral member of staff with whom the student feels comfortable.

6.4.3 The investigator should pre-write the questions and anticipated pathways through the questions and these should be discussed and agreed with the employee and, where appropriate, their trade union representative.

6.4.4 The interviewer should be independent; this means someone who is not an employee of the school. (It could, for example be an employee from another school such as the SENCO.)

6.4.5 Children should not be asked to attend disciplinary hearings.

6.5 At the conclusion of the investigation, the investigating officer will determine if there are reasonable grounds to proceed to a disciplinary hearing.

7. NO CASE TO ANSWER

7.1 Where the investigating officer determines that the evidence collated does not support the need to proceed to a hearing, no reference will be made to the issue on the employee's personnel file and for all allegations, other than those of a safeguarding nature, documents collated as part of the investigation will be destroyed. The employee will be advised accordingly in writing and, if suspended, the employee will return to duty as soon as is reasonably practicable.

7.2 Where the allegations relate to safeguarding a clear and comprehensive summary of the allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the employee's confidential personnel file. A copy of the information will be provided to the employee concerned. The record should be retained at least until the employee has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

8. GROSS MISCONDUCT

8.1 It is the responsibility of the investigating officer to consider at what level the allegation(s) should be considered. Only allegations considered as gross misconduct may result in summary dismissal (i.e., dismissal without notice). The ACAS guide for Managing Discipline at Work provides the following definition:

Gross misconduct is generally seen as misconduct serious enough to overturn the contract between the employer and the employee thus justifying summary dismissal. Acts which constitute gross misconduct must be very serious and are best determined by organisations in the light of their own particular circumstances.

8.2 The following is a **non-exhaustive** list of examples of gross misconduct, taken from the ACAS Guide: -

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

8.3 Although this is a non-exhaustive list, to qualify as gross misconduct other examples must be of similar seriousness.

9. SUSPENSION

9.1 An employee should not automatically be suspended when an allegation of gross misconduct is made. Where suspension is being considered, the principles of the Suspension Protocol at Appendix 4 should be followed.

9.2 Initial consideration should show that if proven the allegation(s) would be regarded as so serious that it would cast doubt on the suitability of the employee for continued employment. Suspension may be considered at any time during the investigation should information warranting suspension be obtained.

9.3 Whenever possible the employee should be suspended at a meeting with an appropriate manager or governor, and should be allowed to be accompanied by a trade union representative. Where a representative is not available to attend a meeting, the suspension will still go ahead. Suspension will be confirmed in writing.

9.4 There may be occasions, depending on the circumstances, when suspension is not imposed. To inform this decision the investigating officer will consider whether the employee's continued presence in the normal workplace, or elsewhere, could hinder a fair and proper investigation.

9.5 The suspension itself is not a form of disciplinary action, nor is it part of the investigation. Therefore, the suspending manager / governor is not prevented from being involved at a subsequent stage of this procedure.

9.6 In cases where a period of suspension is considered necessary, this period should be as brief as possible. The situation should be reviewed regularly and, if information is found that suggests the allegations are not as serious as initially determined, suspension should be lifted.

10. DISCIPLINARY HEARING

10.1 Once a decision is taken that a disciplinary hearing is required the employee should be invited in writing to the hearing and given at least ten working days' notice of the date of the hearing (or earlier by agreement.)

10.2 In the situation where the governing body of a school has delegated authority to the head teacher under regulation 4 of the School Staffing (England) Regulations 2009 he or she, where he or she has not been previously involved, may hear the case and decide an appropriate sanction.

10.3 Where the head teacher has been previously involved or the authority to give appropriate consideration as not been delegated, any disciplinary decision will be considered by a committee of governors consisting of not less than three governors. However, where this is not possible the committee may comprise two governors who will have delegated authority to determine an appropriate outcome.

10.4 For any meeting convened to consider the dismissal of an employee in a community or voluntary controlled school under these procedures, the Director of the appropriate department within the Local Authority, or their nominee, is entitled to attend. In the case of voluntary aided or foundation schools, with full delegation, this will apply where advisory rights have been accorded to the Director. Where advisory rights have been accorded to the Diocese or Arch Diocese, a diocesan or arch-diocesan officer will be invited to attend.

10.5 All relevant information and details of possible consequences should be provided to the employee and the committee/head teacher by the investigating officer at least ten working days before the meeting. Notification of the meeting should include details of the time, date and venue and should advise the employee of their right to representation. At this time the investigating officer will identify any witnesses who may appear.

10.6 If the employee wishes to refer to documents / evidence as part of their representations at the disciplinary hearing these papers must be shared with all parties no less than three working days before the hearing.

10.7 The investigating officer shall present their findings to the committee/head teacher and shall be entitled to call witnesses as necessary. The employee should be allowed to set out their case and answer any allegations that have been made. The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given opportunity to raise points about any information provided by witnesses.

10.8 The committee/head teacher will consider all representations to them and will inform all parties of their decision within five working days. The committee/head teacher will be responsible for ensuring that the decision is one taken on reasonable grounds and is fair.

10.9 If the committee/ head teacher believe that further investigations are required the hearing may be adjourned so that other information can be sought. Any further evidence produced as a result of these investigations will be shared five working days prior to the date of the reconvened hearing. The employee will be given the opportunity to respond to any further evidence produced as a result of these investigations.

10.10 Where an employee is persistently unable, or unwilling without good cause, to attend a disciplinary hearing the employer shall consider all the facts and come to a reasonable decision on how to proceed. Where an employee continues to be unavailable to attend a meeting the employer may conclude that a decision will be made on the evidence available.

11. HEARING OUTCOMES

11.1 No Sanction

If, after hearing all the relevant facts of the case, the decision of the Committee / head teacher is that no sanction is to be issued, this must be communicated in writing to the individual.

11.2 Verbal Warning

In cases of minor misconduct, a verbal warning may be issued. The warning will be expunged from the disciplinary record after the completion of six months' satisfactory service from the date of confirmation of the warning. The employee should be informed of the potential consequence of further misconduct.

11.3 Written Warning

In cases of misconduct, employees may be given a written warning. The warning will be expunged from the disciplinary record after the completion of nine months' satisfactory service from the date of confirmation of the warning. The employee should be informed of the potential consequence of further misconduct.

11.4 Final Written Warning

If serious misconduct occurs or there is no improvement following the issue of a written warning, a final written warning may be issued. It will make clear to the employee that any further misconduct may result in dismissal. This warning will be expunged from the disciplinary record after the completion of twelve months' satisfactory service from the date of confirmation of the warning.

11.5 In exceptional circumstances the term of a formal disciplinary warning may be up to twice the period stated above. The head teacher or governors exercising this discretion should make clear to the employee the circumstances which it is felt justify an extension. The employee may, of course, appeal against this part of the decision.

11.6 Dismissal

11.6.1 Dismissal with Notice

Dismissal on contractual notice can be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the period of a live Final Written Warning (even if the Final Written Warning relates to a different type of misconduct). For the avoidance of doubt the notice commences immediately and does not await the outcome of any appeal.

11.6.2 Summary Dismissal

Dismissal without notice or compensation (also known as Summary Dismissal) will only occur if an act of gross misconduct has been committed or the trust and confidence required between the employee and the school has been destroyed. For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

11.7 Confirmation of the decision, whether a warning or dismissal, will be given in writing to the employee and his or her representative within five working days of the disciplinary hearing. It will explain the reasons for the disciplinary action, indicate the period of time, where appropriate, after which a warning will be expunged from the employee's file, and advise the individual of his or her right of appeal.

11.8 In the event that there are no further concerns arising or incidents of a similar nature during the live warning period, a warning will be expunged. If that is not the case then the head teacher will consider further action in line with these procedures.

11.9 There is no fixed limit to the number of warnings which may be given; nor should any warning necessarily be more severe than that issued in respect of a previous offence. In some circumstances it may well be reasonable to issue a warning less, or no more severe, than that given previously.

12. APPEALS PROCEDURE

12.1 Notice of any appeal against a warning or dismissal under this procedure must be given by the employee within five working days of the receipt by the employee of written confirmation of the committee/head teacher's decision. The grounds of appeal should be clearly indicated.

12.2 An Appeal Committee will be convened without unreasonable delay and the employee will be invited to attend with ten working days' notice.

12.3 Any appeal against a decision by the Disciplinary Committee/head teacher shall be referred to the Governor Appeals Committee**.** This committee will comprise three governors who have not been part of any earlier decision. Where a matter is to be referred to a Governor Appeals Committee and the governing body is unable to meet the requirement for three governors to be present, the Appeals Committee may comprise two governors.

12.4 The Chair of the Disciplinary Committee/Head teacher will present all relevant information that was considered when the decision was reached, to the Appeals Committee.

12.5 Both parties may provide any additional information that may have been found and is relevant to the decision of the Disciplinary Committee. However, such material should be submitted no later than three working days before the appeal hearing so the papers can be distributed and read in advance.

12.6 The Appeals Committee may allow or disallow the appeal or vary the decision appealed against but the pursuance of an appeal will not result in any greater sanction for the employee than that being appealed against.

12.7 The Appeals Committee will give thorough consideration to all the information presented to them and will inform all parties concerned of their decision in writing within five working days.

12.8 There will be no further right of appeal.

13. REFERRALS

The facts of any relevant case will be referred to the Disclosure and Barring Service or other relevant organisation as required, for their consideration.

Appendices

1. Guide to Interviewing Students
2. Disciplinary Hearing Procedure
3. Disciplinary Appeal Hearing Procedure
4. Suspension Protocol

Appendix 1

Guide to Interviewing Students

Introduction

This guidance describes good practice in interviewing Students, in order to enable them to give their best evidence in allegations being investigated as part of internal disciplinary procedures.

It considers preparing and planning for interviews with students and decisions about whether or not to conduct an interview.

The guidance does not cater for every possible set of circumstances that might arise. Each Student is unique and the manner in which they are interviewed must be tailored to their particular needs.

Guiding Principles

Where there is a possible police investigation, no internal disciplinary investigation should commence until police consent has been given.

Students should not attend disciplinary hearings.

No interview should take place without prior consent (see below).

No interview should take place without the presence of an appropriate person, which might be parent/carer, teacher, social worker or some other appropriate person who has the confidence of, or the ability to relate to the student concerned.

The interviewer should have regard to the age and maturity of the student concerned and any special needs that the student may have.

Comprehensive notes of the discussions should be made, taking care to record the timing, setting and people present as well as what was said by the student and anybody else present (particularly actual questions asked of the student). This should include a note of the demeanour of the student and anything else that might be relevant.

Interviews should be conducted as soon as practicable after an allegation emerges.

Initial Investigations

In cases where students may have witnessed an alleged incident, they should be asked to prepare a written account as soon as possible. This should be done in controlled (exam) conditions where all student write their account at the same time in silence. The written accounts form part of any preliminary examination.

Where a student is the victim of an alleged incident they too should be asked to prepare a written account as soon as possible. However, for allegations of a serious nature, this may not be in the student's best interest. The student's preferred method for divulging the information should be accommodated, if at all possible.

Where a student is unable or unwilling to prepare a written account, they should be asked to recount any recollections relating to the incident. The student should be listened to but not interviewed

at this point. The student should not be interrupted during their account. All information should be noted carefully, including details such as timing, setting, who was present and what was said, in the student's own words. The account should be obtained verbatim or as near as possible. The written record should be signed and dated by the person who made it, NOT the student.

Consent

The consent of the parent or carers should always be sought before a student is interviewed.
If the parent or carer declines consent the student should not be interviewed.
It is best practice to always seek a student's consent when wishing to interview them.

Persons Present at Interview

The number of people present at the interview with a student should be kept to a minimum, to avoid intimidating or inhibiting the student.

In most circumstances, it is best for just the interviewer and an appropriate person (as detailed above) to be present in the room with the student.

The employee's representative should be offered the opportunity to comment on the questions to be asked at the interview beforehand.

The employee's representative should not be present at the interview.

It is a matter for the investigator to decide what questions are asked. If the employee's representative makes a request for certain questions to be asked, which the investigator subsequently does not ask, the investigator may be required to explain why they were not asked at any later disciplinary hearing.

Purpose

The interviewer must clarify and define the purpose of the interview(s) to be conducted and also the topics to be explored.

It is vital that the interviewer enters the interview situation with a clear understanding of how this will further the investigation, and are sure that interviewing the student is a necessary next step to take (i.e., all other sources of information have first been exhausted).

Naturally, there will be a degree of uncertainty as to what will come out of the interview, but by having all the background information at their fingertips, the interviewers should have some idea of the direction of the enquiry.

Location of Interview

The interview should be held in a suitable setting, one in which the student feels safe and comfortable.

The student or his/her guardian should be consulted in advance about this matter if appropriate.

The decor should be student-friendly and welcoming but not distracting.

The interview room should be somewhere private, and devoid of background noise.

Number and Duration of Interviews

One single interview is preferable. This is not always possible. Sometimes it may take more than one interview to build rapport with the student or an interview may need to be terminated and rescheduled if a student becomes too upset.

Where more than one interview is to be conducted, it is important that the needs of the investigation be carefully balanced with the needs of the student.

Extra information *could* be acquired following each subsequent interview. However, the greater the number of further interviews, the more likely each successive one is to be perceived as excessive and unnecessary and this will, in turn, affect the strength of evidence obtained.

Furthermore, the emotional trauma and stress that the student may endure from repeatedly recalling the event(s) could have serious repercussions for their wellbeing.

It is good for both the interviewers and the student to have an approximate idea of how long the interview is likely to last. This will depend primarily on the student - their pace, attention span, specific needs, willingness to talk, etc.

Safeguarding Considerations:

Listen to the student.

Do not interrupt or stop a student who is recalling a significant event.

Where it is necessary to ask questions, they should, as far as possible be open ended or specific-closed, rather than forced-choice, leading or multiple.

Students with Special Educational Needs and Disabilities (SEND)

Students with additional special educational needs (whether in mainstream or specialist schools and whether subject to an Education, Health and Care Plan – EHCP or not), must be seen as equally worthy contributors to the investigation process as students without such special needs.

The only allowable exception to that commitment is if the student with SEND is also deemed not to have Mental Capacity (as strictly defined in the most up to date SEND Code of Practice and associated guidance).

When considering undertaking an interview with a student with SEND, it is imperative to ensure that their specific needs, as well as communication abilities and preferences are fully understood and accommodated. To achieve this, advice from those who know the student's needs, abilities and preferences very well, should always be sought prior to the interview taking place.

In most circumstances, the interviewer will be advised to use adapted communication methods, practical tools or assistive technology and, in many situations, a social communication interpreter/advocate may need to be present in order to help judge to what extent the questions asked and the answers given are being mutually understood.

As with any student interviews, the welfare of the young person must be protected at all times and so, the interview should be avoided or abandoned if at any point there is evidence that it would be detrimental to the young person's wellbeing.

Conducting the Interview

It is good practice for the interviewer to attempt to establish a rapport with the student before a formal interview.

The rapport phase of the interview can be used not merely to reduce social distance, but also to determine student's level of understanding and competence and provide an opportunity to lay appropriate ground rules for the interview.

Although open questions provide more accurate information than closed questions, in some circumstances direct prompts are needed. In these situations, inappropriate questioning techniques, such as forced choice questions, multipart questions or 'can you…' questions should be avoided.

The interviewer may repeat the answer the student has given to check for accuracy.

Proper closure of the interview is frequently neglected; it should provide an opportunity for the interviewers to answer any questions the student may have and to thank them for their time and effort.

Student's Concerns

Student's concerns may include:

- The speed with which an investigation is pursued. Students may feel that they have insufficient time to understand what is happening, or to consider whether they are ready to disclose;
- The lack of information about what is happening and the likely outcome of the interview; and,
- The lack of choice about when and where the interview takes place, who accompanies them, and, for some students, the gender of the interviewer.
- These issues can be addressed as part of the planning process. As far as possible, students should be prepared for, and involved in decisions about, what will happen in the interview and beyond.

Using information from Criminal Investigations, Safeguarding Investigations, Interviews or Strategy Meetings in Disciplinary Procedures

- Any use of information from criminal investigations should be agreed in writing with the police or multi agency Strategy Meeting.
- Any use of information from safeguarding investigations should be agreed in writing with Children's Services or the multi-agency Strategy Meeting.
- Consideration should be given to anonymising relevant paperwork, when appropriate.

Appendix 2

PROCEDURE AT DISCIPLINARY HEARING

1. **Management's Opening Statement of Case.**

2. **Questions of Management's Opening Statement by the Employee and/or the Representative.**

3. **Questions by the Disciplinary Panel and/or their Adviser to Management**

Witnesses

4. *Questions by Management of its Witness(es).*
5. *Cross-Examination by the Employee or their Representative of Management's Witness(es).*
6. *Questions by the Disciplinary Panel and/or their Adviser.*
7. *Re-Examination of Witness(es) by Management.*

8. **Employee's Opening Statement of Case.**

9. **Questions of the Employee's Opening Statement by Management.**

10. **Questions by the Disciplinary Panel and/or their Adviser to Employee.**

Witnesses

11. *Questions by the Employee or the Representative of his/her Witness(es).*
12. *Cross-Examination by Management of the Employee's Witness(es).*
13. *Questions by the Disciplinary Panel and/or their Adviser.*
14. *Re-Examination of Witness(es) by the Employee or the Representative.*

15. **Summing Up by Management.**

16. **Summing Up by the Employee or the Representative.**

17. **Disciplinary Panel retires to deliberate.**

18. **Decision given in writing within 5 working days.**

Appendix 3

PROCEDURE AT DISCIPLINARY APPEAL HEARING

1. **The employee (or representative) will outline his/her case for appeal.**

2. **The deciding officer (or their adviser) may ask questions of the employee.**

3. **The appeals panel may ask questions of the employee.**

Witnesses

4. The employee will call his/her first witness who will give evidence.
5. The deciding officer (or their adviser) may question the witness.
6. The appeals panel may question the witness.
7. The employee (or their representative) may re-examine his/her witness.
8. The witness will leave the meeting unless required to remain by the chair of the appeals panel.
9. The procedure relating to the first witness will then be repeated for any further witnesses called by the appellant.

10. **The deciding officer (chair of panel who made previous decision) will outline the response.**

11. **The employee (or their representative) may ask questions of the deciding officer.**

12. **The appeals panel may ask questions of the deciding officer.**

Witnesses

13. The deciding officer will call his/her first witness who will give evidence.
14. The employee (or their representative) may ask questions of the witness.
15. The appeals panel may ask questions of the witness.
16. The deciding officer (or their adviser) may re-examine his/her witness.
17. The witness will leave the meeting unless required to remain by chair of the appeals panel.
18. The procedure relating to the first witness will then be repeated for any further witnesses called by the deciding officer.

19. **The employee (or their representative) will sum up his/her case.**

20. **The deciding officer (or their representative) will sum up his/her case.**

21. **Both parties will be advised at the end of the hearing:**

    That detailed consideration is needed and a decision will be communicated within seven days of the hearing (5 working days)

Appendix 4

SUSPENSION PROTOCOL

The Disciplinary Policy provides that an employee against whom an allegation of gross misconduct has been made may possibly be suspended or temporarily relocated, on full contractual pay, whilst an investigation is carried out. In this situation this protocol should apply.

It should be noted that in some circumstances, particularly where police involvement is necessary, it may NOT be appropriate to make the individual aware of an allegation or take any action without confirmation from the Police, or, when necessary, the LADO, that it is reasonable to do so. Failure to follow police / LADO advice, when appropriate, could mean evidence is lost and jeopardise any planned police investigation.

1. INITIAL CONSIDERATIONS AND ACTIONS TO UNDERTAKE PRIOR TO A SUSPENSION DECISION

1.1 Suspension is not always considered a neutral act and should only apply in circumstances where the employee's presence at work would either jeopardise the fairness of the ensuing investigation or where their presence could pose a potential threat to the school, pupils or other employees.

1.2 Suspension should only be used as a last resort, and not as a 'knee-jerk' reaction. To avoid breaches of contract or a breach of the implied term of trust and confidence, the school must act carefully and have reasonable grounds for suspension before suspending an employee, and throughout the period of suspension.

1.3 After a gross misconduct allegation arises against an employee an appropriate manager should immediately collect as much information as possible relating to the conduct that could warrant suspension prior to a decision to suspend being made. This should include a review of the facts available and circumstances surrounding the gross misconduct allegation e.g., adult witnesses/written statements, CCTV, relevant documents. In most cases, this review of evidence should also include putting the alleged facts to the employee at an initial meeting and allowing them to rebut any allegations.

1.4 For the sake of clarity this review does not mean that the formal Investigation / Disciplinary process has started and the details should not be discussed at the suspension meeting. If the school believes there is a gross misconduct case to answer they will then start the formal Investigation / Disciplinary process.

1.5 If the review of the facts suggest there may be a gross misconduct case to answer, it is important that the employee is not automatically suspended as already outlined in paragraph 1.2.

1.6 Appropriate alternatives to suspension should be considered, such as temporarily moving the employee to another area, having them carry out different duties or work from another location, or from home if appropriate.

1.7 A written record setting out why the employee was suspended should be kept. It should show the alternatives explored by the employer and why suspension is the only reasonable option.

1.8 There may be occasions when suspension is not imposed initially but after a formal investigation has commenced information becomes available which indicates suspension may be necessary. In such cases paragraphs 1.1 and 1.2 are still applicable.

1.9 The initial decision on suspension is made by the Head Teacher but the Chair of Governors will be informed. Any suspension should be kept as short as possible and actively reviewed by the Head Teacher **every 20 school days.** Any extension will be authorised by the Chair of Governors.

1.10 The school should consider the effect suspension will have on the employee, and every effort must be made to complete a prompt investigation within a reasonable timescale to ensure any suspension applied is not for any longer than necessary so as to protect the wellbeing of the member of staff.

2. THE SUSPENSION MEETING

2.1 Following the Employer's initial review mentioned above and if it appears there is a gross misconduct case to answer the Employer should briefly meet with the Employee. At this meeting the general nature of the gross misconduct allegation will be outlined to the Employee (unless the circumstances require otherwise e.g., protecting evidence).

2.2 The employee can be given a short time (e.g., one hour) to find someone in the school (work colleague / any school union rep) who can accompany them to this brief meeting. If no school Union rep / work colleague is available to accompany the Employee to the allegation / suspension meeting it can still go ahead as the Employer may need to carry out the suspension in a very prompt manner.

2.3 The Employee should be informed:

- that a formal Investigation will begin and they should be advised to take further advice e.g., contact their union representative
- whether they are to be suspended or to remain at work as usual or with alternative duties
- this meeting is not the formal Investigation meeting as per the Disciplinary Policy
- it should be explained that suspension is not an indication of proof in itself of wrongdoing by the Employee
- suspension from the workplace means the employee should not attend or contact the school in any way without the employer's permission unless contact is necessary to adhere to other, relevant policies (e.g., reporting sickness). Such contact should be via the designated contact as per paragraph 3.3.

- not to attempt to influence or manipulate the investigation or disciplinary process by breaching confidentiality and discussing the case outside the disciplinary / investigation processes.

2.4 The Employer cannot instruct the affected employee or school staff not to have social contact with each other outside of work time and off school premises. However, all circumstances relating to the case must be kept confidential and should not be discussed outside the disciplinary / investigation process (see also paragraph 3.1).

2.5 If deemed necessary the Employee can be denied access to school email, intranet or internet systems but this should not be an automatic action.

2.6 Union officers should always endeavour to ensure their members act professionally and within the guidelines of this protocol as it is in the Employee's best interests.

3. EMPLOYER DUTY OF CARE

3.1 The Employer cannot socially exclude a suspended member of staff by instructing them not to have normal contact, or be contacted by colleagues outside of work time and off school premises. It should be made clear to the employee that they must not discuss the details of the case during such contacts.

3.2 Suspended Staff should remain on the distribution list for all normal school related communications to prevent social isolation e.g., school newsletters or special announcements or receiving payslips as normal to their home address.

3.3 A person who will be the contact point for the suspended member of staff needs to be appointed by the school. This person must not be involved in the allegations or the potential Disciplinary process.

3.4 Suspended staff must be contacted by the employer's nominated contact on a regular basis (e.g., weekly phone call) to discuss their wellbeing but not to discuss the allegations. This is to ensure their welfare is being protected as being suspended from the workplace can be a very intense and emotionally difficult time for the member of staff.

3.5 During the course of a suspension the employee must be informed of any significant change in the nature of his/her work; the way work is undertaken or the workplace itself.

3.6 If it becomes clear during the formal investigation / disciplinary that the allegation is unfounded or is not gross misconduct or a disciplinary sanction is applied that is not a dismissal the employee's suspension will be lifted as soon as possible so the Employee can return to work.

4. RE-INTEGRATION OF THE EMPLOYEE INTO THE WORKPLACE AFTER LIFTING A SUSPENSION

4.1 Coming back into the workplace after being suspended can be a difficult and emotional time for both the Employee and the Employer. It is especially difficult for the Employee as being suspended is a very stressful event to go through.

4.2 If a suspension is lifted it is best practice to have a meeting as soon as possible between the Head Teacher and the Employee to plan the prompt re-integration into the normal working processes at the school. This should include ensuring that the member is offered support during this re-integration period (e.g., 2 or 4 working weeks) and if appropriate a confidential mentor should be appointed for this time.

4.3 The objective will be for the Employee to be able to get back into a normal work schedule as soon as is practical which will benefit all parties.

Shared with Governors:	September 2026
Next review:	September 2027
Staff Responsible:	Claire Bellis-Knox