



Federation of St Mary's Priory Catholic Infant and Junior Schools
www.stmarysrcn15.ik.org
'where great lives begin'

DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTER October 2016

1. LETTER OF SUSPENSION	2
2. LETTER ON REVIEW OF SUSPENSION	4
3. LETTER ENDING SUSPENSION.....	5
4. LETTER RE INVESTIGATION.....	6
5. LETTER ENCLOSING INVESTIGATORY REPORT – NO ACTION	8
6. LETTER INVITING TO DISCIPLINARY MEETING	9
7. LETTER TO THE EMPLOYEE – NO ACTION	11
8. OUTCOME LETTER – FIRST WRITTEN WARNING	12
9. OUTCOME LETTER – FINAL WRITTEN WARNING.....	13
10. OUTCOME LETTER – DISMISSAL ON NOTICE – NOT TO BE USED IN GROSS MISCONDUCT CASES	14
11. OUTCOME LETTER – DISMISSAL WITHOUT NOTICE OR TERMINATION PAYMENT.....	15
12. OUTCOME LETTER – PROPOSED VOLUNTARY DEMOTION.....	16
13. LETTER – RECEIPT OF APPEAL.....	17
14. LETTER – OUTCOME OF APPEAL – NO CHANGE	18
15. LETTER – OUTCOME OF APPEAL – REDUCED SANCTION	19

NOTES TO USER:

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

1. LETTER OF SUSPENSION

Dear **NAME**

Suspension

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

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

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

During the period of your suspension, you:

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

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

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

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

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

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

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

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

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

Yours sincerely

NAME
[Headteacher][Chair of Governors]

Enc. Disciplinary Policy and Procedure

cc. Investigating Manager

2. LETTER ON REVIEW OF SUSPENSION

Dear **NAME**

Review of Suspension

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

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

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

Yours sincerely

NAME

Chair of Governors

cc. Investigating Manager
[Trade Union Representative]

3. LETTER ENDING SUSPENSION

Dear **NAME**

End of suspension

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

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

Yours sincerely

NAME

Chair of Governors

cc. Investigating Manager
[Trade Union Representative]

4. LETTER RE INVESTIGATION

Dear **NAME**

Investigation

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

- **INSERT DETAIL OF ALLEGATIONS.**

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

Interview

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

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

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

- (a) an accredited trade union representative;
- (b) an official employed by a trade union; or
- (c) a willing work colleague.

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

OR

Written Questions

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

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

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

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

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

Yours sincerely

NAME

Investigating Manager

cc. Trade Union Representative

5. LETTER ENCLOSING INVESTIGATORY REPORT – NO ACTION

Dear **NAME**

Outcome of investigation

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

Therefore this matter is now closed.

Thank you for your assistance.

Yours sincerely

NAME

Investigating Manager

cc. Trade Union Representative

6. LETTER INVITING TO DISCIPLINARY MEETING

Dear **NAME**

Outcome of investigation – Disciplinary Meeting

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

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

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

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

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

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

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

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

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

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

Yours sincerely

NAME

Investigating Manager

cc. Trade Union Representative
[Disciplinary Manager]

Enc. Investigation Report

7. LETTER TO THE EMPLOYEE – NO ACTION

Dear **NAME**

Outcome of Disciplinary Meeting

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

Having considered:

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

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

Therefore this matter is now closed.

Thank you for your assistance.

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Investigating Manager
Trade Union Representative

8. OUTCOME LETTER – FIRST WRITTEN WARNING

Dear **NAME**

Outcome of Disciplinary Meeting – First Written Warning

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

Having considered:

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

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

- **INSERT**

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

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

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

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

9. OUTCOME LETTER – FINAL WRITTEN WARNING

Dear **NAME**

Outcome of Disciplinary Meeting – Final Written Warning

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

Having considered:

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

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

- **INSERT**

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

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

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

Yours sincerely

NAME
[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

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

Dear **NAME**

Outcome of Disciplinary Meeting – Dismissal on Notice

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

Having considered:

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

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

- **INSERT**

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

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

OR

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

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

Yours sincerely

NAME

[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

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

11. OUTCOME LETTER – DISMISSAL WITHOUT NOTICE OR TERMINATION PAYMENT

Dear **NAME**

Outcome of Disciplinary Meeting – Dismissal without Notice or Termination Payment

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

Having considered:

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

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

- **INSERT**

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

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

Yours sincerely

NAME
[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

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

12. OUTCOME LETTER – PROPOSED VOLUNTARY DEMOTION

Dear **NAME**

Outcome of Disciplinary Meeting – Proposed Voluntary Demotion

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

Having considered:

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

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

- **INSERT**

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

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

Yours sincerely

NAME
[Headteacher][Chair of Governors]

cc. Trade Union Representative
Investigating Manager

13. LETTER – RECEIPT OF APPEAL

Dear **NAME**

Receipt of Appeal

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

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

The Governors' Appeal Panel will comprise the following governors:

- **INSERT**

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

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

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

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

Yours sincerely

NAME

Clerk to Governors

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

14. LETTER – OUTCOME OF APPEAL – NO CHANGE

Dear **NAME**

Outcome of Appeal

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

There is no appeal against our decision.

Yours sincerely

NAME

Chair of Governors' Appeal Panel

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

15. LETTER – OUTCOME OF APPEAL – REDUCED SANCTION

Dear **NAME**

Outcome of Appeal

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

Your sanction is reduced from:

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

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

Please note that this process has not affected your continuous employment

] OR

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

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

] OR

[INSERT ANY SANCTION TO NO SANCTION AT ALL].

Yours sincerely

NAME

Chair of Governors' Appeal Panel

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