

THE CAM ACADEMY TRUST STAFF DISCIPLINARY POLICY

to be read in conjunction with the following policies: Grievance policy, Capability Policy, Performance Management Policy and Staff Absence Policy.	
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1. Introduction

- 1.1 The Academy Trust expects all staff to maintain appropriate standards of behaviour and performance. This policy sets out the processes that will be followed when disciplinary matters arise. A separate procedure applies for matters relating to unsatisfactory performance (Capability Policy) or absence due to ill health (Staff Absence Policy).
- 1.2 The procedure has been compiled in accordance with the requirements of both education and employment law, in particular the detail set out in the Dispute Resolution Regulations 2004 that brought into force the appropriate sections of the Employment Act 2008 and in the School

Staffing (England) regulations 2003.

- 1.3 The Academy Trust has delegated the responsibility for dealing with disciplinary matters, which do not involve the potential dismissal, to the Principal/ Headteacher. Prior to any disciplinary action being taken advice should be sought from the Trust HR Manager.
- 1.4 In any situation where there is a potential for dismissal of any Trust employee the CEO for the Trust and the Trust HR Manager should be made aware at the earliest opportunity.
- 1.5 In the event of disciplinary matter concerning the Principal/ Headteacher this will be overseen by the Chair of Governors, but any action taken will be in consultation with the CEO for the Trust and the Trust HR Manager.
- 1.6 In the event of a disciplinary matter arising concerning the Principal/Headteacher, all references throughout this document to the Principal/Headteacher should be replaced by that of the Chair of Governors at the local Governing Body.
- 1.7 In the event of a disciplinary matter arising concerning the CEO, all references throughout this document to the Principal/Headteacher should be replaced by that of the Chair of the Trust Board.
- 1.8 An equality impact assessment may be undertaken to ensure that individuals with protected characteristics are unintentionally disadvantaged by this policy or practice.

2. Purpose and Scope

- 2.1 The procedure sets out the way in which disciplinary matters should be managed to ensure fairness and consistency in the treatment of individual members of staff. It is also a way in which standards within the school can be adhered to and create a fair way to manage situations where these are not met.
- 2.2 The procedure is not just a means of imposing sanctions, but also a means of encouraging improvements in employees so that standards can be met.
- 2.3 This procedure applies to all employees. It does not apply to agency workers or self-employed contractors.
- 2.4 Where an employee has transferred into the Trust and has enhanced terms that are subject to TUPE then these terms will continue to apply.

3. Informal Disciplinary Process

Before any formal procedure is invoked, any unsatisfactory attendance, conduct or behaviour may be discussed informally with the individual concerned by their line manager or other senior member of staff.

A meeting should take place with the member of staff and their line manager or other appropriate senior member of staff at the earliest opportunity. There is no automatic right to representation at this meeting. Such discussions should be held in private and, where appropriate, a note of any informal discussion should be placed on the employee's personnel file. Any note taken should be marked

'informal' and should not form part of the employee's disciplinary record and should be ignored for the purposes of any future disciplinary hearings.

At the meeting there should be a discussion about the concerns that the manager has with examples that can provide the member of staff with some context. The member of staff should also have the opportunity to give any additional information that may be relevant.

Improvement should be monitored through one to one meetings with the Line Manager to ensure the appropriate support is in place and on-going feedback can be given. A review date should be set to do this.

Informal discussions to address conduct issues will not automatically result in a disciplinary hearing, or a warning without first conducting a formal disciplinary investigation under Stage One of the disciplinary procedure.

Employees may wish to seek advice or support from their trade union when notified of an informal disciplinary meeting.

4. Formal Disciplinary procedure – Stage One

Notifying the employee

Prior to starting any formal disciplinary process, the Headteacher/Principal should speak to the Trust HR Manager; It will be important to check that the issue or incident cannot be dealt with informally.

If the matter cannot be dealt with informally and an investigation is required, the employee should be informed as soon as possible. A letter should be given to the employee detailing the allegations against them and making them aware that they will be invited to an investigation meeting where they will be given the opportunity to respond to the allegations made.

Appointing an Investigating Manager

The Headteacher/Principal will first appoint someone of appropriate seniority and experience and who, where possible, has completed suitable, approved training (hereafter called the Investigating Manager) to establish the facts promptly before recollections fade and to obtain signed witnesses' statements without undue delay. The Investigating Manager must be neutral and independent, i.e. have had no previous involvement and will not be involved in deciding the outcome of the case.

The Investigating Manager could be someone employed within the school or another school within the Trust.

There may be rare circumstances where an external investigator may need to be appointed, this may be required where the investigation is of a specialist nature or it is impossible to resolve internal conflict of interest issues.

Conducting the investigation

Once the Investigating Manager is appointed, they will need to be given any existing evidence relating to the investigation.

They will need to meet with the member of staff being investigated. The member of staff should be

given formal notification of the investigation meeting with 10 days' notice.

The Investigating Manager can be supported at the investigation meeting by a member of the HR team or a note taker. Notes from investigation meetings will need to be viewed and signed by the employee interviewed, any comments or changes will be tracked against the original text. Notes from an investigation meeting will be made available to the employee within 10 working days.

Further investigation meetings may need to be conducted with other employees or external parties dependent on the nature of the incident. Witnesses must be advised of the purpose of the meeting and further advised that any information discussed should remain confidential and matters should not be discussed with any other member of staff. All statements taken should be dated and signed by the witness. If a witness wishes to remain confidential, the Investigating Manager should seek the reasons for this. No guarantee of complete anonymity can be provided to a witness.

It is advisable to hold a further investigation meeting with the employee to obtain a further statement once all the facts have been gathered.

Where statements from pupils are deemed necessary, these will be taken as soon as possible after the incident and in such a way as to avoid the risk of collusion between pupils. All interviews should be conducted with another senior member of staff present and (particularly where very young pupils are involved) consideration should be given to the presence of at least one parent/guardian.

The investigation stage is solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has taken place.

Once the investigation is complete, the Investigating Manager should complete a report detailing findings and information on how the investigation has been conducted, reviewing whether there is or is not evidence to substantiate each of the allegations and making recommendations on the next steps. The Investigating Manager should not recommend a possible sanction as this should be for the panel to consider at any subsequent disciplinary hearing. In the event of contested or contradictory evidence, the Investigating Manager should decide, on the balance of probabilities, which version of events to accept and explain the reasoning.

Please see Appendix 3 for the Investigation report template and Guidance notes.

Investigation outcomes & next steps

As a result of the investigation there may be a number of outcomes:

No formal hearing required

The investigation may find that there is no clear or strong evidence to support the allegations made and this would mean that further disciplinary action is unlikely to be appropriate. It may however mean that there are lessons to be learnt from the incident/s that took place and therefore the Investigating Manager may make recommendations to support this. In some cases a Professional Advisory Notice (PAN) may be issued to outline expectations in terms of conduct and to identify any actions points as a result of the investigation.

Disciplinary Hearing recommended (dismissal unlikely)

Where there is evidence to support some allegations but not all of them, the Principal/Headteacher and the Trust HR Manager, will need to assess the nature of the allegations with the Investigating Manager to determine if a hearing is required. If the hearing is unlikely to result in dismissal, then this

can be dealt with by the Headteacher/Principal with HR support. In some situations, there may be reasons why it is not appropriate for the Headteacher/Principal to Chair or attend a hearing, in these circumstances it is likely that a Governor will undertake this role.

Evidence to support allegations that could lead to dismissal

If there is clear evidence to support allegations that could be deemed as gross misconduct, then a formal hearing will be needed with the Staff Dismissal Committee for the School. In circumstances where the allegations and investigation have an impact for the wider Trust then members of the Trust Board may be asked to be a member of a disciplinary hearing. In some situations, there may be reasons why it is not appropriate for the Head/ Principal to Chair or attend a hearing, in these circumstances it is likely that a Governor will undertake this role.

Admission of misconduct

If during the investigation the employee admits to the misconduct being investigated this does not mean that the disciplinary process should end at that point. In some cases it will still be appropriate to proceed to a hearing, particularly in cases of gross misconduct.

Resignation during the investigation process

If the employee being investigated resigns before or during this process, again this does not mean that the disciplinary process should cease. Investigations relating to child protection or safeguarding of children, young people or vulnerable adults should continue even if the employee refuses to actively take part in the process or leaves the organisation. The employee needs to be aware that regardless of their resignation the matter may need to be referred to the Disclosure and Barring Service and/or the Teacher Regulation Agency.

In other circumstances the Headteacher/Principal and Trust HR Manager will need to assess whether the investigation should be continued, and any further action taken. In situations of theft, bribery or corruption it may be appropriate to refer the matter to the police.

Professional Advisory Notice

The outcome of an investigation may be that there is insufficient evidence or other reasons why formal disciplinary action is not appropriate at this point. However, there may be some need for a change or improvement in the member of staff's professional conduct and in this circumstance a professional advisory notice can be used (Appendix 2).

In order to enable the employee to improve or make changes appropriate guidance, supervision or training should be provided and time allowed for improvement to take place.

This should be monitored through one to one informal meetings with the line manager to ensure the appropriate support is in place and on-going feedback can be given. A review date should be set to do this.

When a Professional Advisory Notice is issued, this will be signed by both parties and copies retained on file. The Professional Advisory Notice should outline the standards required and give reasonable opportunity to achieve the required standards. In order to enable the employee to improve appropriate guidance, supervision and training should be provided. In the event of insufficient improvement, further steps may be taken under the formal procedure.

5. Disciplinary Hearing Procedure – Stage Two

Following an investigation, if there are grounds for disciplinary action, the employee will be invited to attend a disciplinary hearing which will be held as soon as reasonably practicable.

The guidance below details how a hearing should be conducted.

In situations where there is a potential of dismissal this will involve the same process, unless otherwise stated, but will involve the school's dismissal committee. The Headteacher/Principal or Governor may take on the role of Chair as deemed appropriate.

Invitation to hearing

Before any disciplinary sanction is imposed, the member of staff shall have the right to a hearing before the Principal/Headteacher, accompanied, if they so wish, by a trade union representative or colleague of their choice.

The disciplinary hearing panel should consist of three members who have not previously been involved in the case and are not staff governors and, ideally, not parent governors.

The employee will be given at least 10 working days' notice in writing of the time, date and place of the hearing, and of any allegations. The employee should be given a date by which they should submit any evidence that they think should be considered as part of the hearing. The employee has a right to put forward a statement to be considered by the disciplinary panel, this is in addition to notes from the investigation meeting.

If the trade union representative/colleague is unable to attend on the date proposed the employee can offer an alternative time and date. Such date must be reasonable and fall before the end of the period of five working days beginning with the first working day after the day proposed by the school. Normally only one postponement on these grounds will be permitted.

In proposing a new date, the member of staff shall have due regard to the availability of the Principal/ Headteacher and Governors where a Dismissal Committee is required.

Note: Failure to allow an employee to be accompanied, or to re-arrange the hearing to a reasonable date may result in the employee presenting a case to an employment tribunal.

Preparation for the hearing

Prior to the hearing taking place the employee should be:

- Sent two copies of all documents to be considered by the Principal/ Headteacher at the hearing, the second copy being provided for the use of the employees representative.
- Informed of the names and status of all witnesses that the employee proposes to call to the hearing to give evidence.
- Told that they have the right to submit a written statement prior to the hearing but are not compelled to do so.
- Asked to acknowledge receipt of the letter and say whether they will attend the hearing, accompanied or otherwise.

The disciplinary panel should ensure that they understand the procedure for the hearing itself and that they have read the documents or other evidence to be considered at the hearing.

Adjustments should be out in place to ensure that the employee and all parties are able to fully take part in the hearing and are not disadvantaged in any way.

Structure of the Hearing

The procedure to be followed at the hearing will be as follows:

- The Principal/Headteacher will explain the procedure to be followed during the hearing and introduce themselves. They will also introduce other parties attending the hearing.

Note:

It should be noted that while the employee's representative has the statutory right to address the hearing, they do not have the statutory right to answer questions on the employee's behalf.

Only those governors attending the whole meeting shall participate in the proceedings and the consideration of written comments from absent governors shall be inadmissible. The Dismissal Committee may recommend that a case be resolved other than by recommending a member of staff's dismissal.

At any time during the proceedings, either side may request an adjournment for a reasonable period to allow consultation.

- The Investigating Manager shall present their report.
- The Principal/Headteacher or Chair of the Dismissal committee will then question the employee regarding its contents and shall call as witnesses the persons named in the letter to the member of staff. Other members of the panel will also be able to ask questions.
- After each witness (including the Investigating Manager) has given evidence and/or been questioned by the Principal/Headteacher, the member of staff (or their representative) shall be offered the opportunity to question the witness.
- The member of staff (or representative) shall present their case and shall call as witnesses any other persons that they have previously notified shall be called to give evidence. After giving evidence to the governors, the witnesses shall be discharged, subject to the right to recall by any party.
- Upon completion of the employee's evidence the employee, their representative and the Investigating Manager will retire whilst the Headteacher/Principal or Dismissal Committee consider their decision.
- If the Principal/Headteacher or governors recall a witness, the member of staff (together with their representative) and Headteacher/Principal or other appropriate person shall be present during the further questioning.
- Once the deliberations have been concluded the employee and their representative will be invited to return to the hearing and the decision conveyed to them verbally. The

employee will also be reminded of their right to appeal.

- Where deliberation is likely to take some time the Principal/Headteacher/Chair shall inform the employee and their representative of any decision within 24 hours.
- The decision will be conveyed in writing to the employee and will also indicate their right of appeal.
- Should any issues arise during the hearing, which the Headteacher/Principal warrants as sufficiently serious as to fall outside their consideration, then they may adjourn the hearing. In such cases the employee and their representative shall be advised that the matter would need to be considered by the Staff Dismissal Committee of the Governing Body.

Note: The Headteacher/Principal or Dismissal Committee may be accompanied at all times by a HR adviser.

6. Suspension

The Local Governing Body and the Headteacher/Principal shall both have power to suspend any person employed to work at the school. Suspension is not an assumption of guilt and should not be seen as a disciplinary sanction. A suspension risk assessment should be carried out prior to any suspension taking place (Appendix 4) and advice sought from the Trust HR Manager. All alternatives will be fully considered before deciding to suspend an employee.

The Governing Body or Headteacher/Principal then exercising that power, shall immediately inform the CEO for the Trust that this is planned and should seek further advice from the Trust HR Manager before further action is taken. In the event of the Headteacher/Principal exercising that power they will also advise the Chair of Governors.

The suspension of a Headteacher/Principal should be recommended by the local governing body to the Trust Board for agreement before any action is taken. The suspension of a Headteacher/Principal may only be ended again with agreement from the Trust Board through a recommendation from the local governing body.

In the event of a suspension under this paragraph, steps shall be taken normally to provide the member of staff with a hearing within 4 weeks so that the suspension may be ended by reinstatement, dismissal or otherwise as determined by the Governing Body. However, where this is not possible (e.g. in cases which require police investigation) the individual should be kept informed by a named liaison governor, who shall take no part in any hearing or appeal panel.

It is generally expected that suspension would be brief and kept under review.

If a member of staff is suspended after a verbal conversation with them this should then be confirmed in writing, confirming the reasons for the suspension, the expectations of the employee in term of contact going forward and if possible, time frames going forward. It should confirm that the suspension is not a disciplinary act and the individual will remain on full pay during this period. Any appropriate counselling or occupational health support should be offered. The letter should include a copy of the Trust Disciplinary policy.

The employee will be given an opportunity to respond to the allegations made against them during

the disciplinary process.

7. Disciplinary sanctions

The usual penalties for misconduct are set out below. Each case will be assessed on its own merits.

An employee will not normally be dismissed for a first act of misconduct unless it is decided the conduct amounts to gross misconduct.

Professional Advisory Notice (PAN)

A Professional Advisory Notice (PAN) can be issued under the informal section of the Trusts Disciplinary policy or as an outcome from a disciplinary investigation.

A PAN will remain active for six months.

First written warning

A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

A first written warning will remain active for six months.

Final written warning

A final written warning will usually be appropriate for:

Misconduct where there is already an active written warning on the employee's record; or

Misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the employee's record.

A final written warning will remain active for 12 months.

Dismissal

Dismissal will usually be appropriate for:

Further misconduct where there is an active final written warning on the employee's record; or

Any gross misconduct regardless of whether there are active warnings on the employee's record.

Gross misconduct will usually result in summary dismissal without notice or payment in lieu of notice.

Where dismissal takes place or where an employee leaves in circumstances where they might have been dismissed, the matter shall be reported to the appropriate persons or bodies as required by statute.

Any disciplinary sanction should be confirmed in writing to the individual and should make clear that a further offence might warrant further disciplinary action and higher-level disciplinary sanction.

8. Appeals – Stage Three

Appeals against disciplinary action will involve either: -

- An appeal against a decision of the Headteacher/Principal; or
- An appeal against a decision of the Disciplinary Hearing panel or the Dismissal Committee of the Governing Body

The employee should submit their letter of appeal to the Clerk to the Governing Body within 10 working days of receiving written details of any warning/sanction. The appeal letter should detail the reasons for the appeal and identify any new evidence that should be considered. The appeal should be dealt with as promptly as possible, and wherever possible within 20 working days of the appeal being lodged.

A staff Dismissal Appeal Panel appointed by the local governing body and comprising at least three governors who have had no previous direct involvement in the particular case shall hear all appeals. The employee will be provided with at least five working days notice of the date, time and place of the appeal hearing, along with any relevant documentation.

The appeal hearing shall be similar to the disciplinary hearing set out above except that the appellant shall present the case for appeal first with the Headteacher/Principal or authorised representative following.

The provision and arrangements for witnesses shall be as for the original hearing.

The procedure to be followed during the appeal will be the same as that outlined earlier in this document.

Where an appeal is upheld, all appropriate persons shall be informed accordingly.

The decision reached by the staff Dismissal Appeal Committee will be final in respect of internal procedures.

9. Gross misconduct

Gross misconduct is a serious breach of contract and includes misconduct which is likely to prejudice the Trust or cause irreparable damage to the working relationship and level of trust we have in the individual concerned.

In cases of gross misconduct, the member of staff may be suspended on full pay pending an investigation. Gross misconduct can lead to dismissal without notice or pay in lieu of notice.

Examples of the type of conduct that *could* warrant summary dismissal (i.e. dismissal without the normal period of notice) are described below: -

- Theft, fraud or embezzlement in relation to their employment.
- Offences relating to Child Protection and the safeguarding of children.
- Fighting or offences involving violence against other people whilst at work. (A member of staff is entitled to use such force as is necessary and reasonable to defend him/herself where they did not initiate such action).

- Failure to disclose a sexual, familial or other significant relationship with another employee of the Trust in circumstances where there is the potential for corruption and/or control over promotion or reward for that employee.
- Serious bullying or harassment, insubordination, incapability whilst on duty brought on by consumption of alcohol or illegal drugs, breach of the Teacher Standards or other professional codes of conduct or violation of health and safety rules.
- Misuse of the school's property or name and/or bringing the school into serious disrepute. Serious negligence which causes or might cause unacceptable loss, damage or injury or a breach of confidence (subject to the Public Interest (Disclosure) Act 1998).
- Unauthorised removal of, or malicious damage to, the property of the Authority, of its employees or of persons in relation to whom the Authority and/or its employees are in a position of trust.
- Sexual offences and sexual misconduct while at work.
- Serious breaches of safety regulations endangering other persons, including deliberate damage to, neglect of, or misappropriate use of safety equipment.
- Accessing and/or distributing offensive, obscene or unauthorised sexually explicit material in the school environment using electronic or other means.
- Deliberate accessing of pornographic or offensive material on the internet or social media sites using Trust equipment.
- Carrying of or distribution of drugs, alcohol or other unauthorised toxic substances within a school environment.

The above list is neither exclusive nor exhaustive and, therefore, does not preclude the possibility of dismissal for other offences of similar gravity not specified.

The purpose of the list is to give a small number of examples of behaviours which would constitute, either implied or expressly, a repudiation of the fundamental terms of the contract. Inclusion on this list may not automatically make the act "gross misconduct" in the eyes of an employment tribunal.

10. Disciplinary records

Records of disciplinary action must be kept, and these will set out the nature of any unsatisfactory conduct, the actions taken and the reasons, whether an appeal was lodged, its outcome, and any relevant correspondence. It will be carefully safeguarded and kept confidential.

Any disciplinary action reconsidered and withdrawn, whether on appeal or otherwise, shall be disregarded for disciplinary record purposes and the member of staff notified accordingly.

Except in cases of dismissal or demotion, or in circumstances specified by the Governing Body, breaches of disciplinary rules shall be disregarded for disciplinary purposes after 6 months of satisfactory conduct and performance for a formal verbal warning (PAN) or first written warning and 12 months for a final written warning.

All records kept must be retained in accordance with the Data Protection Act 2018, which requires the release of certain data to individuals at their request.

Where dismissal takes place or where an employee leaves in circumstances where they might have been dismissed this will be reported to the appropriate persons or bodies as required by statute.

11. Miscellaneous

Disciplinary action against Trade Union Officials

All the foregoing disciplinary standards and procedures apply to the conduct and performance of all union officials, including school representatives, who are employees of the Trust. No disciplinary action beyond a formal oral warning shall be taken until a senior trade union representative or full-time official of the member of staff's trade union or association has been given an opportunity to discuss them with the Headteacher/Principal. In such cases the discussion must take place within seven working days of notification by the Headteacher/Principal.

Confidentiality

All proceedings described in this document shall be confidential. In circumstances where the matter becomes of public interest the Trust will respond as legally required and where appropriate to reduce any reputational damage.

Child Protection Issues

Where an allegation is made against a member of staff relating to child protection the matter will be dealt with under the local child protection procedures.

Criminal Charges or Convictions outside Employment

These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes workers unsuitable for their type of work. In all cases Headteachers/Principals (and/or Governors) having considered all the facts, will need to consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. In addition, staff should not be dismissed solely because a charge against them is pending or because they are absent as a result of being remanded in custody.

Appendices

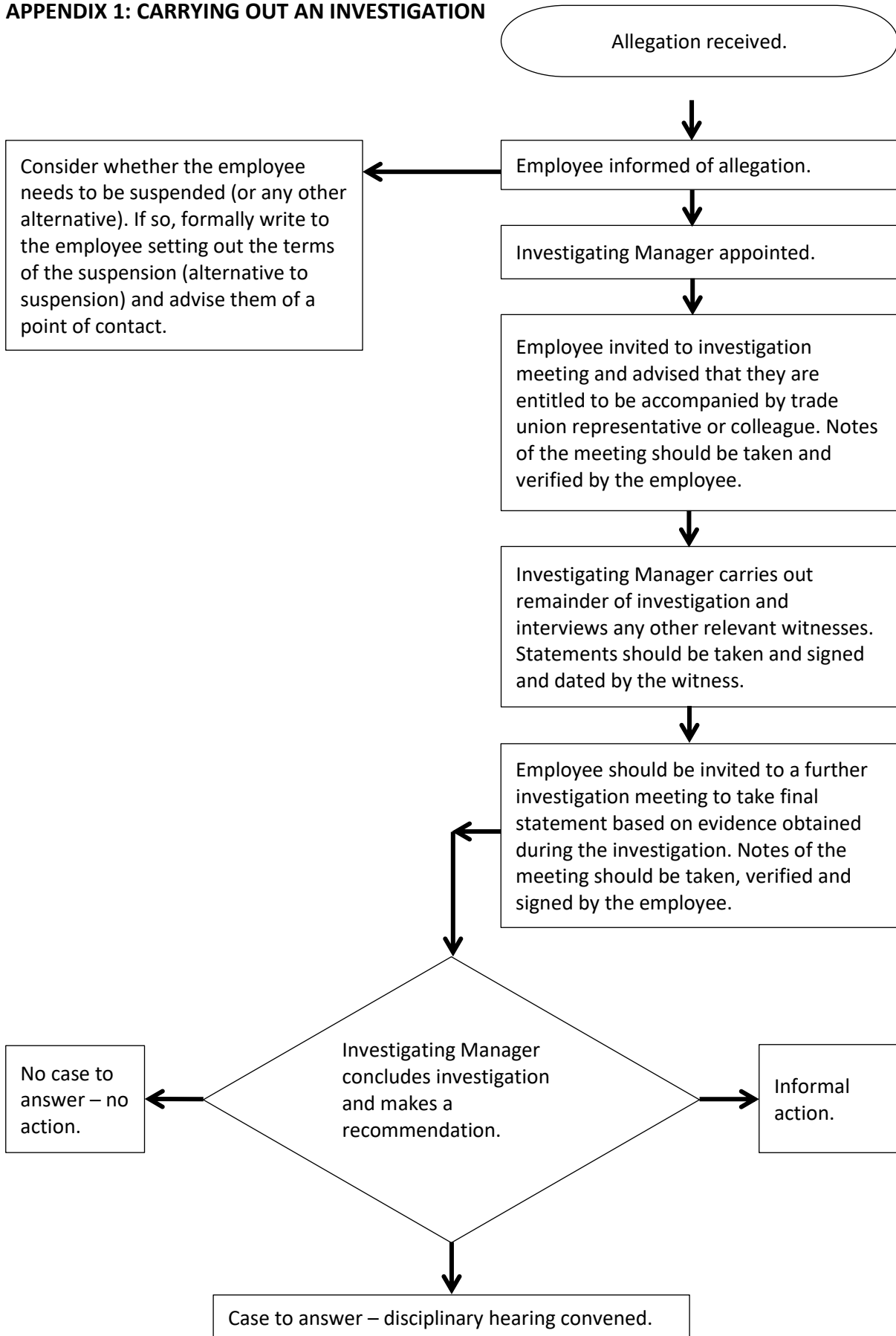
Appendix 1 – Carrying out an Investigation

Appendix 2- Professional Advisory Notice (PAN)

Appendix 3- Investigation report template

Appendix 4 - Suspension risk assessment

APPENDIX 1: CARRYING OUT AN INVESTIGATION



APPENDIX 2: PROFESSIONAL ADVISORY NOTICE (PAN)

A professional advisory notice can be issued under the informal section of The Cam Academy Trusts Disciplinary policy or as an outcome from a disciplinary investigation. The purpose is to make the individual concerned aware of any work-related conduct or behaviour that raises concerns and needs improvement.

Employee name:	Employee job title:
Line Manager name:	Line Manager job title:
Date of improvement notice meeting:	

Reason/s for professional advisory notice being issued:

Expectations going forward and any specific actions that need to be taken:

Detail any on-going support and/or development agreed:

Employee comments:

Date for review meeting	
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Employee signature:	Date:
Line Manager signature:	Date:

APPENDIX 3: CONFIDENTIAL INVESTIGATION REPORT

CONFIDENTIAL INVESTIGATION REPORT- _____ School/ Village College	
Allegation/Issue	
Name/Designation of employee subject to investigation (if appropriate)	<Name, Job title>
Investigator(s)	<Name 1, Job title, Department>,
HR Support/Link	<Name, Job title, contact number>

****This template report format/content is for guidance purposes only, and may be changed to reflect the individual circumstances/needs of a case.***

Background
<ul style="list-style-type: none"> ▪ <i>Identify how the situation came to light (based on the factual information provided by the instigating manager); what actions have already been taken prior to the investigation commencing; what communications have taken place.</i> ▪ <i>Provide brief details of the 'subject' of the investigation, their employment history, current role and how long held etc.</i> ▪ <i>Note if employee suspended and when, whether redeployed 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.</i>
Executive Summary (Optional - delete if appropriate)
<ul style="list-style-type: none"> ▪ <i>This may be suitable for complex investigations and should provide a brief summary of the main findings/conclusions.</i>
Remit of Investigation
<ul style="list-style-type: none"> ▪ <i>Define remit of investigation, i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of all allegations, that will be expanded upon in "Findings" section).</i> ▪ <i>State policy under which the investigation was carried out (e.g. Disciplinary Policy, Grievance Policy etc.).</i>
Investigation Process
<p><i>Explain how the investigation progressed, including reasons for decisions which were made and the direction the investigation went including:</i></p> <ul style="list-style-type: none"> ▪ <i>A brief description of the method(s) used to gather information.</i> ▪ <i>Record what interviews/statements were undertaken,</i>

- when, and their appendix number within the bundled of evidence*
- *If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section (including reasons e.g. character reference only).*
 - *A timetable of events. (Detailing any delays in the investigations).*
 - *What documents/evidence were reviewed*

Findings

Provide a summary of the findings and observations:

- *Present the findings separately for each point/allegation/issue of concern in turn, by confirming the facts established by the investigation, identifying the sequence of events, cross-referencing any documentation and highlighting any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation*
- *Avoid using vast extracts from statements - only quote directly from the statements where it is necessary. It is the investigator's responsibility to analyse all the statements and draw out all corroborative evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.*
- *If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. The instigating manager 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.*
- *Note any specific actions that demonstrate a breach of policy or standards of conduct/performance that did not meet those normally expected.*
- *Refer back to the agreed remit of investigation, ensuring that you cover all the points.*

Conclusion

NOTE: *When reviewing the evidence, investigators need to aim to demonstrate a reasonable belief as to what happened, based on their assessment of the evidence available. The standard of proof for internal investigations and any subsequent disciplinary hearing or grievance meeting is based on the "balance of probabilities", i.e. that on the basis of the evidence it was more probable than not that the alleged misconduct was committed. Investigators are not required to demonstrate beyond reasonable doubt, unlike in criminal investigations, but do need to act reasonably on behalf of the employer.*

- *For each allegation/concern/issue provide an overall fact-based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.*
- *Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.*
- *Identify to the reader the strengths and weaknesses in the evidence - emphasising the importance of any issues and where evidence can be open to different interpretation / scenarios.*
- *Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Harassment, Financial Regulations, service policies & procedures etc.*
- *If there are any special circumstances/mitigating factors, ensure that they are clear within the conclusions and it is important to explain their significance.*

Recommendations

Dependent on the nature of the investigation and findings there maybe a number of recommendations that need to be made.

- *The investigating manager will need make a recommendation on whether there are grounds for a formal hearing.*
- *They may also make recommendation on other steps that could be taken to resolve issues identified. This could include mediation, counselling support, training or on-going managerial support for an individual or parties involved in the incident or investigation.*

Appendices

- *Chronology of events; witness statements; investigatory interview notes; about the Job documents; organisational structure; medical advice etc.*

Signed by Investigatory Manager

Date

APPENDIX 4: RISK ASSESSMENT FOR SUSPENSION

Suspension should only be considered if one or more of the following apply:

- A child or children are or could be at risk of significant harm
- The allegation warrants investigation by the police
- The allegation is so serious that dismissal / gross misconduct is a strong possibility
- There is a potential risk to the person concerned if they remain onsite (it may be appropriate this is classed as garden leave)
- Evidence that would form part of the investigation could be tampered with and there is no means of managing this

A plan to manage risk may be a suitable alternative; the police/social care/LADO view should be taken into account where involved

The following factors need to be considered:

<p>CONTENT OF ALLEGED INCIDENT: Duration and frequency of alleged abuse Degree of threat or cohesion Extent of premeditation Degree and nature of alleged harm</p>	
<p>INFORMATION RE ACCUSED ADULT: Previous concerns Previous allegations Attitude to allegation Contact with child</p>	
<p>INFORMATION RE CHILD: Age and level of understanding Special needs and vulnerability Impact on health and development Previous allegations</p>	
<p>INFORMATION RE PARENT / CARER: Attitude to allegation Expectations Previous allegations</p>	
<p>ESTABLISHMENT/AGENCY PROCEDURES AND POLICY: Are there clear policy/procedures in place?</p>	

Any other factors that need to be considered:

Risk identified and action plan:

Decision to suspend: YES/NO

Date of decision:

Name and signature of Headteacher/ Principal: