

Brynlllywarch Hall School



DISCIPLINARY PROCEDURE

HEADTEACHER

(Statutory, annual review cycle)

Signed	<i>SDROR</i>	Head Teacher
Signed	<i>Kath Ralews-Jones</i>	Chair of Governors.
Date:	<i>5th December 2017.</i>	
Date of Review:		

# **POWYS EDUCATION SERVICE**

## **DISCIPLINARY PROCEDURE**

### **HEADTEACHERS AND DEPUTY HEADTEACHERS**

#### **1. INTRODUCTION**

This procedure is designed to help and encourage staff to maintain professional standards of conduct and attendance.

Headteachers and Deputy Headteachers are responsible to their Governing Body for the management and discipline of their school. However, the Governing Body recognises also the responsibility of the Director of Education who is concerned with the management of the education service as a whole. The Director of Education therefore, has a role in respect of the monitoring of Headteachers and Deputy Headteachers performance and an involvement in any disciplinary action which might arise, and the Governing Body will call on the support of the Director of Education where indicated in this procedure

#### **2. INFORMAL STAGES**

Employees whose conduct gives cause for concern will be counselled in respect of the problem and be given reasonable opportunity to improve. Except in particularly serious cases or in cases of gross misconduct, the first occasion on which a problem is manifest will always be dealt with in a way designed to help the employee.

Where a minor matter of misconduct is brought to his /her attention the Chair of Governing Body, in consultation with the Director of Education will take action immediately to advise the headteacher of the way in which their conduct is failing to meet the required standard, make clear the required standard and advise the employee of the possible consequences of a failure to improve. Where the matter concerns a Deputy Headteacher this will be undertaken by the Headteacher in consultation with the Chair of Governors and Director of Education. Notes of these discussions and agreed actions should be kept and a copy of this record given to the employee. Agreed actions should include a review date, if appropriate, and a date when the record of the discussion will be destroyed (provided satisfactory standards have been achieved)

#### **3. FORMAL DISCIPLINARY PROCEDURE**

##### **i) General**

If the informal actions in respect of conduct matters do not succeed in achieving the required standards, in the event of misconduct of a more serious or a persistent nature, or in the event of gross misconduct, then the formal disciplinary procedure may be invoked.

The procedure may be entered at any stage depending on the severity of the alleged offence, the concept of 'reasonableness' must be applied in deciding on the appropriate level of entry to the procedure.

A full investigation of the alleged offence must be undertaken and each case considered separately on the basis of the evidence available.

No disciplinary action will be taken against a trade union representative until the circumstances of the case have been discussed with a full time official of the trade union concerned

## **ii) Role of Investigator/Supervisor**

It is inappropriate for any manager under this procedure to be required to undertake the role of investigation, support and supervision, and also to be required to determine the extent of any disciplinary action. Schools should therefore make every effort to ensure that these roles can be separated. For example, where the Headteacher may be involved in making a judgement and giving a formal warning under the procedure, he/she should not also investigate, support and supervise, but should delegate this role to another suitable member of staff. In small schools, where another suitable member of staff is not available within the school, Headteachers must request support from the LEA and the Director of Education will arrange for such support.

The LEA can offer support and guidance at all stages of the procedure and the advice of the Director of Education or his representative is available in the event of any query on the implementation of the procedure. For headteachers the Director of Education, acting on behalf of the Governing Body, will be actively involved in implementing the procedure.

## **STAGES OF THE FORMAL PROCEDURE**

### **a) ORAL WARNING**

An oral warning to a Deputy Headteacher may be given by the Headteacher. An oral warning to a Headteacher may be given by the Governing Body or by the Director of Education where authorised by the Governing Body.

Support and advice is available from the LEA and should be sought on each occasion.

The employee will be given a minimum of 5 working days' notice of the meeting, be advised in writing of the purpose and possible outcome of the meeting, and be advised that he/she may be accompanied by a representative of their choice.

At the meeting, representations from the manager who has undertaken any investigation will be heard, where appropriate, and the alleged misconduct will be drawn to the employees attention (See para 3ii above). The standard required will be clearly explained. The employee and/or the employee's representative will be allowed the opportunity to make representations and these will be carefully considered. The Director of Education/ Chair of Governing Body (or Headteacher in the case of a Deputy Headteacher) may then decide that no further action is necessary, or may consider that an oral warning should be given.

Any warning given will be confirmed in writing within 5 working days of the meeting, specifying the level of warning. The letter will indicate the length of time that the warning will be retained on file. (Generally an oral warning will be retained on file for 6 months unless exceptional circumstances indicate that a longer period is appropriate.) The letter will also indicate that the employee has a right to appeal to the Governing Body and that any such appeal must be lodged within 10 working days of the receipt of the confirmation of the warning.

Where the action is undertaken by the Headteacher a copy of the confirmation letter and any letter in respect of an appeal must be forwarded to the Director of Education, and the Chairman of Governors must be informed of the action taken.

## **b) WRITTEN WARNING**

A written warning to a Deputy Headteacher may be given by the Headteacher. A written warning to a Headteacher may be given by the Governing Body or by the Director of Education where authorised by the Governing Body.

Support and advice is available from the LEA and should be sought on each occasion.

A written warning may be given for second or subsequent misconduct of a similar nature, or for initial misconduct of a more serious nature.

The employee will be given a minimum of 5 working days' notice of the meeting, be advised in writing of the purpose and possible outcome of the meeting, and be advised that he/she may be accompanied by a representative.

At the meeting, representations from the manager who has undertaken any investigation will be heard, where appropriate, and the alleged misconduct will be drawn to the employee's attention. (See para 3ii above)

The standard required will be clearly explained. The employee and/or the employee's representative will be allowed the opportunity to make representations and these will be carefully considered. The Director of Education/ Chair of Governing Body (or Headteacher in the case of a Deputy Headteacher) may then decide that no further action is necessary, or may consider that a written warning should be given.

Any warning given will be confirmed in writing within 5 working days of the meeting, specifying the level of warning. The letter must indicate the length of time that the warning will be retained on file. (Generally a written warning will be retained on file for 9 months unless exceptional circumstances indicate that a longer period is appropriate.) The letter will also indicate that the employee has a right to appeal to the Governing Body and that any such appeal must be lodged within 10 working days of the receipt of the confirmation of the warning.

Where the action is undertaken by the Headteacher a copy of the confirmation letter and any letter in respect of an appeal must be forwarded to the Director of Education and the Chairman of Governors must be informed of the action taken.

## **c) FINAL WRITTEN WARNING**

A final written warning to a Deputy Headteacher may be given by the Headteacher. A written warning to a Headteacher may be given by the Governing Body or by the Director of Education where authorised by the Governing Body.

Support and advice is available from the LEA and should be sought on each occasion.

Where the disciplinary offence involves a Deputy Headteacher the Headteacher may request that the Director of Education or his representative attend the disciplinary hearing in order to give impartial advice on the conduct of the hearing.

A final written warning may be for repeated misconduct of a similar nature, or for initial misconduct of a serious nature

The employee will be given a minimum of 5 working days' notice of the meeting, be advised in writing of the purpose and possible outcome of the meeting, and be advised that he/she may be accompanied by a representative.

At the meeting, representations from the manager who has undertaken any investigation will be heard, where appropriate, and the alleged misconduct will be drawn to the employee's attention. The standard required will be clearly explained. The employee and/or the employee's representative will be allowed the opportunity to make representations and these will be carefully considered. The Director of Education/ Chair of Governing Body (or Headteacher in the case of a Deputy Headteacher) may then decide that no further action is necessary, or may consider that a final written warning should be given.

Any warning given must be confirmed in writing within 5 working days of the meeting, specifying the level of warning. The letter must indicate the length of time that the warning will be retained on file. (Generally a final written warning will be retained on file for 12 months unless exceptional circumstances indicate that a longer period is appropriate.) The letter will also indicate that the employee has a right to appeal to the Governing Body and that any such appeal must be lodged within 10 working days of the receipt of the confirmation of the warning.

Where the action is undertaken by the Headteacher a copy of the confirmation letter and any letter in respect of an appeal must be forwarded to the Director of Education and the Chairman of Governors must be informed of the action taken.

#### **d) DISMISSAL**

A disciplinary hearing which may lead to dismissal may be undertaken only by the Disciplinary Sub-Committee of the Governing Body which will comprise no less than three governors.

The Director of Education and/or his representative must be present at all stages when a dismissal is being considered and the Disciplinary Sub-committee must consider any advice they offer. Those persons fulfilling the role of advisor to the Disciplinary Sub-committee must not also be involved with the investigation or presentation of the case.

Dismissal may be considered for repeated misconduct of a similar nature where there has been no response to previous warnings, or for gross misconduct

The case against a Deputy Headteacher will normally be investigated by and presented by the Headteacher or the Headteacher's representative (see para 3ii above). The presentation will cover full details of the alleged offences, including details of previous hearings, and warnings, and may include written evidence and/or evidence from witnesses. The Headteacher or Headteacher's representative will arrange for the attendance of any witnesses he/she wishes to call.

The case against a Headteacher will be investigated by and presented by the Director of Education or his representative. Those persons investigating or presenting the case must not also be responsible for providing advice to the Disciplinary Sub-committee. The presentation will cover full details of the alleged offences, including details of previous hearings, and warnings, and may include written evidence and/or evidence from witnesses. The Director of Education or his representative will arrange for the attendance of any witnesses he/she wishes to call.

The employee must be given a minimum of 10 working days' notice of the hearing, be advised in writing of the purpose and possible outcome of the meeting, including full details of the alleged offences, and be advised that he/she may be accompanied by a representative. The employee must be advised that he/she may also call witnesses and that he/she is responsible for arranging the attendance of any such witnesses.

The employee must be sent a copy of the disciplinary procedure and copies of any written evidence which is to be considered at the hearing at least 4 working days in advance of the hearing. The employee must be advised that any written evidence which he/she intends to submit to the hearing must be forwarded to the Governing Body at least 4 working days in advance of the hearing.

Where the case is against a Deputy Headteacher and the Headteacher does not present the case he/she must also be present at all stages when a dismissal is being considered and the Disciplinary Sub-committee must consider any advice they offer.

The Disciplinary Sub-committee will hear the presentation of the case by the Director of Education/ Director of Education's Representative (or in the case of a Deputy Headteacher, the Headteacher or Headteacher's representative) including witness testimony. The Disciplinary Sub-committee members may ask questions, and give the employee and/or the employee's representative the opportunity to ask questions of either the presenting officer or the witnesses. Questions must be reasonable and concerned with establishing the facts of the case.

The Disciplinary Sub-committee will hear the submission by the employee and/or the employee's representative, including witness testimony. The Disciplinary Sub-committee members may ask questions, and give the presenting officer(s) the opportunity to ask questions of either the employee or the witnesses. Questions must be reasonable and concerned with establishing the facts of the case.

Both parties should be asked to sum up their case with the employee summing up last.

Both parties must withdraw while the Sub-committee consider the representations.

After careful consideration of all the evidence presented the Disciplinary Sub-committee has the option to:-

- exonerate the individual from blame for the indicated offence or
- find the individual to blame for the offence

If the individual is considered to be to blame for the offence then the Disciplinary Sub-committee may

- dismiss the individual or
- impose such sanctions in respect of payment as are permitted within the School Teacher's Pay and Conditions Document and/or
- give a further written/final warning

As soon as a decision is reached the employee must be advised verbally of the sub-committee's decision, advised that written confirmation of the action will be sent within 5 working days and that he/she has a right of appeal against the decision which must be exercised within 10 working days of receipt of the confirmation letter.

The Chairman of the Disciplinary Sub-committee must arrange for the decision of the sub-committee to be confirmed in writing within 5 working days of the hearing, specifying the

outcome of the hearing. The letter must indicate that the employee has a right to appeal to the Appeals Sub-committee of the Governing Body. Any such appeal must be lodged with the Clerk to the Governing Body within 10 working days of the receipt of the confirmation of the warning.

During the period permitted for appeal the employee will remain on full pay. Where appropriate the employee may be suspended from duty for this period.

A copy of the confirmation letter and any letter in respect of an appeal should be forwarded to the Director of Education

## **4. APPEALS**

### **i) Appeal against oral, written or final written warning**

Where an employee decides to exercise their right of appeal at any level of the disciplinary procedure except appeal against dismissal, then the appeal will be heard by the Appeals Sub-committee of the Governing Body which will comprise of at least three members who were not involved with the initial decision.

Support and advice is available from the LEA if required and should be sought on each occasion.

The presentation will cover full details of the alleged offences, including details of previous hearings, and warnings where appropriate.

The standard required will be clearly explained. The employee and/or the employee's representative will be allowed the opportunity to make representations and these will be carefully considered.

The teacher must be given a minimum of 10 working days' notice of the hearing, be advised of the purpose and possible outcome of the meeting, including full details of the alleged offences, and be advised that he/she may be accompanied by a representative.

At the meeting, the Disciplinary Sub-committee will hear representations from the officer who has undertaken any investigation and will hear the submission by the employee and/or employee's representative. The Disciplinary Sub-committee members may ask questions of all parties and will consider all representations carefully.

Those presenting the case, and the employee and employee's representative must withdraw while the Sub-committee consider the representations.

After careful consideration of all the evidence presented the Disciplinary Sub-committee has the option to:-

- exonerate the individual from blame for the indicated offence and quash the disciplinary action
- find the individual to blame for the offence and confirm the disciplinary action taken
- impose a lesser or greater penalty

As soon as a decision is reached the employee must be advised verbally of the sub-committee's decision, and advised that written confirmation of the action will be sent within 5 working days.

The Chairman of the Disciplinary Sub-committee must arrange for the decision of the sub-committee to be confirmed in writing within 5 working days of the hearing, specifying the outcome of the hearing.

Where the decision is to impose a lesser or greater penalty than the level of warning given must be specified. The letter must indicate the length of time that the warning will be retained on file, (see appropriate stage of the procedure for currency of warnings) and any support/supervision to be given.

A copy of the confirmation letter must be forwarded to the Director of Education.

There is no further appeal right following the Sub-committee decision.

#### **ii) Appeal against dismissal**

Where an employee decides to exercise their right of appeal against dismissal then the appeal will be heard by the Appeals Sub-committee of the Governing Body which will comprise of at least the same number of governors as were present at the original disciplinary hearing. The members of the Appeals Sub-committee must not have taken part in the original disciplinary hearing.

The Director of Education and/or his representative must be present at all stages when an appeal against dismissal is being considered and the Appeals Sub-committee must consider any advice they offer. Those persons fulfilling the role of advisor to the Appeals Sub-committee must not also be involved with the investigation or presentation of the case.

The case against a Deputy Headteacher will normally be investigated by and presented by the Headteacher and/or the Headteacher's representative. The presentation will cover full details of the alleged offences, including details of previous hearings, and warnings, and may include written evidence or evidence from witnesses. The Headteacher or Headteacher's representative will arrange for the attendance of any witnesses he/she wishes to call.

The case against a Headteacher will be investigated by and presented by the Director of Education or his representative. Those persons investigating or presenting the case must not also be responsible for providing advice to the Appeals Sub-committee. The presentation will cover full details of the alleged offences, including details of previous hearings, and warnings, and may include written evidence or evidence from witnesses. The Director of Education or his representative will arrange for the attendance of any witnesses he/she wishes to call.

The employee must be given a minimum of 10 working days' notice of the hearing, be advised of the purpose and possible outcome of the meeting, including full details of the alleged offences, and be advised that he/she may be accompanied by a representative. The employee must be sent copies of any written evidence which is to be considered at the hearing at least 4 working days in advance of the hearing. The employee must be advised that any written evidence which he/she intends to submit to the hearing must be forwarded to the Governing Body at least 4 working days in advance of the hearing.

The employee must be advised that he/she may also call witnesses and that he/she is responsible for arranging the attendance of any such witnesses.

The Appeals Sub-committee will hear the presentation of the case against the employee, including any witness testimony. The Sub-committee members may ask questions, and must give the employee and/or their representative the opportunity to ask questions of either the



presenting officer or the witnesses. Questions must be reasonable and concerned with establishing the facts of the case.

The Appeals Sub-committee will hear the submission by the employee and/or employee's representative, including any witness testimony. The Appeals Sub-committee members may ask questions, and give the presenting officer the opportunity to ask questions of either the employee or the witnesses. Questions must be reasonable and concerned with establishing the facts of the case.

Both parties should be given the opportunity to sum up their case with the employee and/or representative summing up last.

Both parties must withdraw while the Sub-committee consider the representations.

After careful consideration of all the evidence presented the Appeals Sub-committee has the option to:-

- exonerate the individual from blame for the indicated offence and quash the disciplinary action
- find the individual to blame for the offence and confirm the disciplinary action taken
- impose a lesser penalty

As soon as a decision is reached the employee must be advised verbally of the sub-committee's decision, advised that written confirmation of the action will be sent within 5 working days.

The Chairman of the Appeals Sub-committee must arrange for the decision of the sub-committee to be confirmed in writing within 5 working days of the hearing, specifying the outcome of the hearing.

Where the decision is to impose a lesser penalty then the level of warning given must be specified. The letter must indicate the length of time that the warning will be retained on file (see appropriate stage of the procedure for currency of warnings) and any support/supervision to be given.

A copy of the confirmation letter must be forwarded to the Director of Education.

Where the decision of the Appeals Sub-committee is to dismiss, then the LEA must be requested, and is required, to issue a notice of dismissal within 14 days of receipt of the Governing body's decision.

The employee will remain on full pay, on their usual rate of pay until implementation of the decision of the Appeals Sub-committee.

The decision of the Governing Body Appeals Sub-committee is final.