



Renfrewshire Council Joint Negotiating Committee for Teaching Staff

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Dear Colleague

JNC/14

Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors.

Renfrewshire Council Joint Negotiating Committee for Teaching staff (JNC) has approved an agreement which deals with procedures and conduct of the disciplinary process for teachers, quality improvement officers, educational psychologists and music instructors.

The agreement is attached as an appendix and includes details of procedures, practical advice and guidance.

The agreement is consistent with SNCT / 18 (Revised Disciplinary Framework), the ACAS Code of Practice 1 (Discipline and Grievance Procedures) and comply with the provisions of the Employment Act 2002.

This agreement supersedes previous disciplinary procedures for teaching staff and renders them redundant.

Yours faithfully

Liz Jamieson (Education and Leisure Services)
Ian McCrone (Teachers' Panel)
Joint Secretaries

Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers Educational Psychologists and Music Instructors

Procedures, practical advice and guidance



Department of Education and Leisure Services
Personnel Services

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Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers and Educational Psychologists

1. Introduction

Where a teacher's performance or conduct is such as to give rise to serious concern, disciplinary action may be taken by the authority in accordance with its locally agreed disciplinary procedures. As the aim of the disciplinary process is to seek improvement in performance or conduct, assistance to enable improvement to occur is essential. These procedures should conform with the framework set out below.

2. Principles

- 2.1 Disciplinary rules and procedures are necessary for promoting orderly employment relations as well as fairness and consistency in the treatment of individuals. They enable organisations to influence the conduct of workers and deal with problems of poor performance and attendance thereby assisting organisations to operate effectively. Rules set standards of conduct and performance at work; procedures help ensure that the standards are adhered to and also provide a fair method of dealing with alleged failures to observe them.
- 2.2 All teachers should be made aware of the standard of conduct and performance expected of them. In particular teachers should be made aware of what constitutes gross misconduct for example sexual offences, assault or dishonesty.
- 2.3 All problems involving minor misconduct and poor performance should be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. It is essential that all problems of this nature are fully discussed and that support is provided with the objective of encouraging and helping the teacher improve. It is essential also that teachers are aware that support and counselling are available at all times even where it has been necessary to take disciplinary action under the procedures.

3. Investigatory Stage

- 3.1 In situations where a head teacher/manager is made aware of circumstances in which a teacher's conduct or performance could potentially require a disciplinary hearing every effort must be made to investigate the matter fully. An investigatory report form is attached at Appendix D(i)
- 3.2 The head teacher/manager will nominate a deputy head teacher to conduct an investigation (investigating officer). Where circumstances prevent a deputy head teacher from conducting the investigation, the head teacher/manager will inform the personnel services manager who will nominate an appropriately qualified senior officer to conduct the investigation.
- 3.3 The investigation should be conducted as speedily as possible and normally within 15 working days. If it appears that more time will be required, the teacher and/or his/her representative should be informed of this.

- 3.4 Head teachers/managers should inform education and leisure's personnel services manager immediately of any circumstance that has the potential for disciplinary action. The personnel services manager will nominate a personnel officer to advise the head teacher/manager on procedure and the appropriateness, or otherwise, of a precautionary suspension.
- 3.5 In more serious circumstances a precautionary suspension may be appropriate. The precautionary suspension is with full pay and should not be associated with any presumption of guilt. Precautionary suspensions should only be used in the most serious cases of misconduct or poor performance or where the teacher's presence at the normal place of work could prejudice the investigation. Consideration could be given to a temporary transfer pending the conclusion of the investigation and any subsequent disciplinary process. Where such a suspension has been effected, the appropriate trade union secretary and the personnel services manager will meet at the earliest opportunity to discuss the likely duration of the suspension and any possible alternatives. The suspension will be subject to a review after a maximum of 10 working days and at least every tenth working day thereafter.
- 3.6 Note.
- (i) There may be circumstances where a teacher should be asked to leave the establishment in their own best interest. In such cases the teacher should report to the head teacher no later than the next working day. This would not be deemed a precautionary suspension in terms of this policy.
- (ii) Where the subject of the investigation is a head teacher/manager the personnel services manager, following discussion with the director of education and leisure, or her/his nominee, will nominate a suitably qualified senior officer as the investigating officer, who will report back to the director, or her/his nominee, with their findings and recommendations.
- 3.7 Where an allegation has been made against a teacher and it has been determined that an investigation will take place, the teacher must be given a clear indication of the nature and purpose of the investigation and the procedures that will be followed at the interview, well in advance (normally within 5 - 10 working days) of any meeting with the investigating officer. In the first instance the investigating officer should focus on whether or not there is a case to answer. No conclusions should be reached until the investigation is concluded.
- 3.8 The investigating officer will inform the teacher against whom the allegations have been made, and/or the teacher's representative:-
- of the nature of the allegations,
 - of the intention to investigate the allegations,
 - that the outcome of the investigation may or may not lead to disciplinary action,
 - of the date on which the teacher's investigatory interview will take place and
 - make it clear to the teacher concerned of their right to be accompanied at any stage during the process.

- 3.9 It is the teacher's responsibility to arrange for either his/her trade union or other person of their choice to represent them. (Note: It may be necessary to agree a mutually acceptable date for this meeting to take place with the teacher's representative. Every effort should be made to avoid undue delay and also to keep the teacher informed of progress).
- 3.10 The investigating officer will follow the guidance notes contained at appendix A. Where possible all interested parties should be interviewed and if appropriate, the investigating officer should prepare statements to be signed and dated by witnesses themselves.
- 3.11 At the conclusion of the investigation, the investigating officer will normally be expected to make a recommendation as to whether disciplinary action should be considered or not. The decision as to whether a disciplinary hearing is appropriate or not is the responsibility of the head teacher/manager who initiated the investigation.
- 3.12 Once the investigation is completed the teacher should be advised of the outcome of the investigation. Where, following an investigation, no further action is to be taken in terms of the disciplinary procedures then all references to the investigation should be removed from the teacher's personal file and destroyed.

4. Preparation

- 4.1 A decision to proceed with a disciplinary hearing should be based on the evidence secured during the investigatory stage but should not be taken by the person who conducted the investigation. A disciplinary procedure record sheet is attached at Appendix D (2).
- 4.2 Where it is considered that there is a need for a formal disciplinary hearing, the following initial action should be taken:
- 4.2.1 The head teacher/officer hearing the case should prepare without delay ensuring that all the facts are to hand. The teacher should be advised in writing of the date and time of the disciplinary hearing. (Note: It may be necessary to agree a mutually acceptable date with the teacher's representative. Every effort should be made to avoid undue delay and also to keep the teacher informed of progress).
- 4.2.2 Once a decision has been taken to proceed to a disciplinary hearing, the teacher should be informed, in writing, about:
- details of the allegations
 - the date for the hearing
 - the procedures to be followed at the hearing
 - any rights under the disciplinary procedure, including the right to representation throughout the process.

- 4.3 The teacher should be provided with copies of the evidence that will be used during the disciplinary hearing including any written evidence and the names of any witnesses that will be called. The teacher should also provide the employer with similar evidence that will be led in his or her defence within a reasonable time before any hearing. It is essential that the teacher is given sufficient time to prepare a case for their defence therefore, at least 10 working days notice of the hearing should be given.
- 4.4 Where the teacher subject to the disciplinary process is a trade union representative, the personnel services manager should be informed immediately and he/she will in turn inform the appropriate trade union of this fact.
- 4.5 The object of a disciplinary hearing is to establish the facts as far as is reasonably possible. Where a teacher unreasonably refuses to attend a hearing, discussion should take place between the personnel services manager and the trade union officer in an effort to resolve this and agree a date for the hearing.
- 4.6 It should be noted that the statutory right to be accompanied applies to hearings which could result in:
- (i) The administration of a formal warning to an employee by his employer (i.e. a warning whether about conduct or capability that will be placed on the employee's record);
 - (ii) The taking of some other action in respect of the employee by his employer. Examples are contained in paragraph 5.2(d) of SNCT/18 (Appendix C).
 - (iii) The confirmation of a warning issued or some other action taken.
- 4.7 Additionally, in terms of this procedure, a teacher has the right to be accompanied at all stages of the process including the point at which he/she is informed of any allegation made. The teacher should be informed of this when arrangements are being made to meet to inform them of the allegations.

5. The Disciplinary Hearing

5.1 Conducting the hearing (general)

- The hearing will be conducted by the head teacher/manager (subsequently referred to as officer in this document).
- The teacher, his/her representative and the investigating officer (management representative) will be present at all times.

5.2 The officer hearing the case should:

- introduce all of those present
- explain the functions of all of those officers attending
- explain that the hearing is convened in terms of the disciplinary procedures for teachers and the procedure to be followed

- formally read the allegations
- establish if the employee accepts the factual basis of the allegations made. (If this is the case, the employee or his/her representative should be permitted to give a statement in mitigation if they so wish).

5.3 The hearing itself

5.3.1 Management Case

- The investigating officer (management representative) will put forward the management case, calling witnesses as required.
- The teacher / representative will be given the opportunity to cross examine.
- The officer hearing the case may question the investigating officer and any witnesses called (Note: The officer hearing the case should ensure the orderly management of the hearing. If necessary the officer may request clarification, but should avoid any disruption to the process of the hearing or presentation of the evidence).

5.3.2 Counter Evidence

The teacher (and/or representative) must be given every opportunity to present his/her case, to provide additional documents for the hearing, to call and question witnesses and to sum up his/her case.

- The teacher/representative will be given the opportunity to provide counter evidence, calling any witnesses that may be required.
- The investigating officer (management representative) will be given the opportunity to cross examine.
- The officer hearing the case may question the teacher and any witness called.
- The officer hearing the case may question the teacher/representative and any witnesses called (Note: The officer hearing the case should ensure the orderly management of the hearing. If necessary the officer may request clarification, but should avoid any disruption to the process of the hearing or presentation of the evidence).

5.3.3 Summing Up

- The investigating officer (management representative), followed by the teacher/representative, will have the opportunity, should they so wish, to sum up their case introducing no new material.

5.3.4 Conclusion

- The officer hearing the case may reach a conclusion immediately. This should be communicated to the teacher at that stage and confirmed in writing within 5 working days or otherwise by mutual agreement.

- Where the officer hearing the case wishes time to consider the evidence presented, the teacher should be given an indication of when a decision can be expected. In any event the decision should normally be given within 5 working days at a meeting convened for that purpose and subsequently confirmed in writing.
- If it is decided that no disciplinary action is to be taken, all references to the case shall be removed from the teacher's personal file and destroyed.
- Where any disciplinary sanction is applied the written statement should inform the teacher of the right to appeal, and to whom that appeal should be made.
- Where the decision is to dismiss, the teacher should be informed of the right to appeal. Any such appeal should be submitted, in writing, within 10 working days to the head of corporate personnel services, and will be heard by the Personnel Appeals and Applied Conditions of Service Appeals Panel.

6. Disciplinary Sanctions

6.1 All disciplinary sanctions shall be recorded in writing and shall remain in the teacher's personal file during the period of currency of the warning (see below). In being advised of the disciplinary sanction which is being applied, the teacher should be advised also of the improvements which will be expected of them and the availability of appropriate support to allow them to achieve and maintain the improvement.

6.2 The following disciplinary sanctions will be available.

(a) Formal oral warning (to be confirmed in writing) -

For minor breaches of discipline, misconduct or continued poor performance, the warning must include reference to the fact that any further breach may render the teacher open to further disciplinary action.

Duration: 6 months

(b) Written warning -

For more serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a formal oral warning, the teacher must be informed that a further breach may result in further disciplinary action being taken.

Duration: 9 months

(c) Final written warning -

For serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a written warning, the teacher must be warned that any further breach may result in dismissal.

Duration: 12 months

(d) Dismissal

(i) For serious repeated misconduct or poor performance during the currency of a final written warning or for gross misconduct for which no previous warning exists. The teacher must be informed in writing of the effective date of dismissal and whether the dismissal is summary or with notice.

(ii) Alternatives to dismissal

The following punitive sanctions are available in conjunction with a final written warning as an alternative to dismissal: Demotion, transfer or suspension of an increment. Where a teacher does not agree to the application of the punitive sanction then the Council will have no alternative but to dismiss the teacher.

- 6.3 It should be noted that the director of education and leisure will have the power to apply all forms of disciplinary sanction described in this section including dismissal.
- 6.3.1 The issuing of oral/written/final written warnings is normally progressive but is not necessarily so. Due consideration must be given to the seriousness of the issue, the weight of evidence submitted in each case together with any mitigating factors in determining the level of sanction to be applied.
- 6.3.2 It is possible in certain serious cases to recommend dismissal even if no prior disciplinary action has been taken against an individual. This is only applicable in cases of gross misconduct. Apart from gross misconduct, no teacher shall be dismissed for the first breach of discipline.
- 6.4 Gross misconduct are acts which are so serious as to justify possible dismissal, such as theft or fraud; physical violence or bullying; deliberately accessing internet sites containing pornographic, offensive or obscene material; serious insubordination; serious incapability at work brought on by alcohol or illegal drugs; a serious breach of health and safety rules; or a serious breach of confidence.
- 6.4.1 It should be noted that this list is not exhaustive.
- 6.5 The time limits for the various warnings that can be issued are as specified at section 6.2 Disciplinary Sanctions. At the expiry of this time limit, the warning will be expunged from the teacher's personal file

7. Appeals

- 7.1 Teachers will have the right of appeal against all disciplinary sanctions imposed by the authority. *Appeals must be lodged within 10 working days of receipt of written confirmation of the disciplinary action taken.* The table below outlines the appropriate level at which appeals should be heard.

Nature of Warning	Issued By	Appeal Heard By
Oral Warning	Head Teacher or nominee	Director of Education and Leisure or nominee
Written Warning	Head Teacher or nominee	Director of Education and Leisure or nominee
Final Written Warning	Director of Education and Leisure or nominee	Personnel Appeals and Applied Conditions of Service Appeals Panel

- 7.2 If an appeal is successful and the original disciplinary sanction withdrawn, any written reference shall be expunged from the teacher's personal file and the teacher notified accordingly.
- 7.3 **Appeals Procedure**
- 7.3.1 Officers hearing an appeal should arrange a date at the earliest opportunity, in consultation with the teacher and/or the teacher's representative, for the appeal to be heard. This date should be set giving reasonable notice so that each side has the opportunity to prepare their case. A date should also be set, at least 5 working days in advance, for the exchange of relevant papers. Procedures to be followed at the hearing are outlined in Appendix E.
- 7.3.2 Procedures to be followed at the hearing of an appeal to the Personnel Appeals and Applied Conditions of Service are those contained in Appendix E.

8. Child Protection

- 8.1 Any disciplinary sanction which has been imposed and which relates to a breach of the council's child protection policy can remain on a teacher's personal file for a longer period than defined above.
- 8.2 Where a warning is issued for a breach of the council's child protection policy, its removal from the teacher's file will be reviewed at the end of the normal time limited period. If agreement is not reached to expunge the warning at that time, the status of the warning will be reviewed again at 6 or 9 monthly intervals dependent on the level of warning issued. This review will normally be undertaken by the officer who issued the disciplinary warning, in consultation with the department's child protection officer, the teacher concerned and his/her representative.

Appendix A

**EDUCATION AND LEISURE SERVICES
GUIDANCE NOTES FOR INVESTIGATING OFFICERS**

1. The importance of your role:

- 1.1 When a matter arises that requires to be investigated which might subsequently result in a disciplinary hearing, investigatory report form Appendix D (1), should be completed in respect of the teacher's details, and details of the incident. Where the person completing part 1 of Appendix D(1) (Investigatory Report Form) is not the investigating officer, the document should be passed to him/her and it will form part of the management's case at a disciplinary hearing if it is decided that one is required.
- 1.2 Initially the investigation should focus on whether or not there is a case to answer and no conclusions should be reached.
- 1.3 The investigation is a crucial part of the disciplinary process. It is essential that the authority can show that as an employer it has acted 'reasonably' in all the known circumstances existing at the time and has given the employee concerned every opportunity to answer allegations made. It is your job, as the investigating officer, to gather evidence on background information, interview witnesses, obtain their statements and present this in a concise, logical and coherent report.
- 1.4 The investigating officer should if possible, interview all of the parties involved (including the teacher in question) and, if appropriate, prepare signed and detailed statements from all of these witnesses.
- 1.5 The investigating officer should then produce a report which will enable another representative of the employer to decide whether the matter should be further progressed through the formal disciplinary process. This decision will not be taken by the investigating officer and the investigating officer must not have any function at a future disciplinary hearing other than presenting the facts of the investigation to that hearing. The teacher involved must be advised at an early stage that a complaint or concern has been lodged, of the nature of any complaint, of the process which will be followed and of the right to be represented.

Your recommendation could cover one of three possible options;

- Disciplinary hearing
 - Informal solutions
 - No case to answer
- 1.6 You should note that in the disciplinary context it is not necessary to prove beyond reasonable doubt, but only on the balance of probabilities. When an investigation has been conducted, it may be decided that it is not necessary to proceed to a disciplinary hearing e.g. there may be mitigating circumstances, or the allegations may be unsubstantiated, or the allegations may not merit disciplinary procedures being initiated.

- 1.7 As the investigating officer, you are expected to be fair, objective and impartial. In gathering the facts, you must be thorough and meticulous and exercise a high degree of confidentiality in interviewing witnesses and obtaining their statements. Although investigations should be conducted as speedily as possible, and normally within 15 days, it is essential that thoroughness is not compromised.
Note: The employee against whom the allegation(s) has been made should be interviewed last.

2. Steps to be taken in obtaining witness statements

- 2.1 Advise witnesses, including the person against whom the allegations have been made, in writing that they are required to attend an investigatory interview and that they have a right to be accompanied if they wish. In the interests of confidentiality, correspondence should normally be sent to the individuals' home address unless this is not known. Where possible, witnesses and the employee against whom the allegation(s) has been made, should also be informed verbally that such invitations have been sent.
- 2.2 Give witnesses an appointment time contacting them at home if necessary. (Note: It may be necessary to agree a mutually acceptable date with the teacher's representative. Every effort should be made to avoid undue delay and also to keep the teacher informed of progress).
- 2.3 Inform any witness's manager that they should be given time to attend the interview.
- 2.4 Ensure that there is proper accommodation to allow for privacy.
- 2.5 Advise witnesses that they must not breach confidentiality by discussing the case with other witnesses or those not directly involved in the case. Contact between witnesses and accredited employee representatives including trade union representatives will be facilitated, recognising that it is a matter for the witness whether they choose to meet with the employee representative or not.
- 2.6 Advise witnesses that their statements should contain only facts, not opinions or assumptions.
- 2.7 Ask witnesses probing questions, to prompt recollection of relevant details. You should avoid leading questions.
- 2.8 Advise witnesses that their statement should concentrate on what was seen, what was heard, and what was said.
- 2.9 The investigating officer should prepare a written statement based on the interview which should be agreed and where possible signed and dated by the witness.
- 2.10 Pupils will not be called to give evidence at disciplinary hearings other than in exceptional circumstances.

3. The witness statement should contain:

- 3.1 Name, designation, place of work, date of statement.
Date and time of incident.
Where witness was at the time of the incident.
How he/she became aware of the incident.
Who else was present/involved
What happened i.e. Step by step, in chronological order e.g. What was seen/heard/said.

3.2 Statements:

must contain facts only (not opinions/judgements/assumptions);
once taken and drafted, should be typed;
should be signed and dated; and
should be concise with no irrelevant details.

4. Conducting the Investigation

- 4.1 Witnesses should be reminded that they have a duty, both to the organisation and the employee under investigation, to give an accurate account of what actually happened. This will ensure fair treatment for the individual as the manager will be able to make an informed decision based on all the facts.
- 4.2 Occasionally, witnesses may be reluctant to provide statements. You may need to explain that your job is to collect the facts as far as is reasonably practical. Problems you may encounter with witnesses are as follows:
- Witnesses don't want to 'get involved'.
 - Witnesses feel loyalty / personal liking for the person under investigation.
 - Witnesses are afraid of consequences of giving a statement.
 - Witnesses feel intimidated by the interview situation
 - Witnesses find difficulty expressing the facts verbally and in written statement.
 - Memories/recollections may have faded.
 - Conflicting evidence by different witnesses (this is not unusual).
 - Discrepancies in statements (e.g. Different times).
 - Statements are too short / lengthy
 - Personal liking may colour facts.
- 4.3 If witnesses are unable to remember, prompt them by asking specific but not leading questions about what they heard, what they saw, what was said etc.
- 4.4 Your role, as investigating officer, is to obtain the witnessed version of the event, as accurately as possible, without influencing the witnesses' recollections in any way.
- 4.5 After interviewing all the witnesses, examine their statements to check for discrepancies, inconsistencies, or conflicting evidence and that events are in chronological order.

- 4.6 During the course of the investigation, you may uncover background information or extenuating circumstances. This should be included in your report and considered when deciding if there is a case to answer.
- 4.7 It is important that you check the 'systems' in place, working procedures, custom and practice etc., so that it can be decided whether the employee's conduct was the 'norm', or of an acceptable standard e.g. Did any failure on the part of management or others contribute to this event? It may emerge that disciplinary action requires to be taken against others responsible. Where this proves to be the case action taken should be as specified in this guidance document including formally alerting individuals of the rights outlined and the process to be followed.
- 4.8 It is vital that the process is carried out as expeditiously as possible. It is crucial that the investigation is thorough and meticulous, to allow the employee under investigation the chance of a fair hearing. During the investigation, you may contact the nominated personnel officer for advice and guidance.
- 4.9 In the course of a disciplinary case the teacher might raise a grievance related to the case. Where this happens, and depending on the circumstances, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered. Depending on the nature of the grievance there may be a need to consider bringing in another officer to deal with the case.

Note:

- In the case of a small school with no depute head teacher, an investigation will normally be carried out by an adviser or depute head teacher from another school in the same sector.
- Where an allegation is made against a depute head teacher an investigation will normally be carried out by an adviser or head teacher from another school in the same sector.

5. The Investigatory Report should contain:

- Your name and designation. You must also sign and date your report.
- An opening statement which includes: name and designation of person being investigated, why the investigation was instigated, background to the event etc.
- Sequence of events, in chronological order i.e. what happened, step by step.
- Events supported by witness statements, numbered or appendixed.
- Statement of employee under investigation i.e. his/her account or explanation of the event.
- Background information including any extenuating or mitigating circumstances.
- Any other relevant information e.g. 'systems' in place, professional standards of conduct, working procedure, custom and practice etc.
- The report must contain facts only - do not make assumptions, judgements.
- Your recommendations, giving heed to the three possible options (see 1.5 Appendix A).

Your Ref.

My Ref. DPL2 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter intimating suspension on full pay during investigation

In terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I have to advise you that you (are/will be) suspended from work on full pay from . This is considered a precautionary suspension and is not associated with any presumption of guilt.

The reason for your suspension is to enable (me) to carry out an investigation concerning (incident).

Your suspension from duty with pay is a temporary measure which will not be recorded in your personal record, consequently you have no right of appeal.

The personnel services manager and appropriate trade union secretary will meet at the earliest opportunity to discuss the likely duration of your suspension and possible alternatives. The suspension will be subject to review within 10 working days.

Since your suspension is on full pay you are required to be available for recall to work at any time during your normal working hours. Accordingly, if you become ill during the period of suspension, you must report this to your (head teacher) in the normal manner providing medical certificates as appropriate.

You will be advised in due course of the outcome of the investigation and of any further proceedings which the council may wish to instigate.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DPL3 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter intimating extension of suspension on full pay during investigation

I refer to my letter dated confirming the decision to suspend you full pay from to enable an investigation to take place concerning (incident).

I have now to advise you that the investigation is not yet complete and consequently you will continue to be suspended from duty with pay from pending the outcome of the investigation.

Your suspension from work will be subject to further review within 10 working days.

Since your suspension is on full pay you are required to be available for recall to work at any time during your normal working hours. Accordingly if you become ill during the period of suspension you must report this to your (head teacher) in the normal manner providing medical certificates as appropriate.

You will be advised in due course of the outcome of the investigation and of any further proceedings which the council may wish to instigate.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DPL4 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter calling employee to disciplinary hearing

In accordance with the disciplinary procedures for teaching staff, "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", you are required to attend a disciplinary hearing at (time) on (date) at (location).

The reason(s) for the hearing is/are (detail).

You will be given the opportunity to explain your views on the allegations. If you wish, you may be accompanied by your trade union representative or other person of your choice.

Yours sincerely

Your Ref.

My Ref. **DPL1 - IM/LT**

Contact : *Ian Millar*

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter intimating oral warning

I refer to the disciplinary hearing which was held on _____ in terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors". I have to confirm that I issued you with an oral warning regarding (specify reason).

This warning will be noted in your personal record and will stand to be admissible against any further misdemeanour for a period of six months. Any future complaint I receive during this period about your conduct or work performance may result in more serious disciplinary action being taken against you.

At the conclusion of the 6 month duration of this warning it will be expunged from your personal file. You will be notified of this.

I have to advise you that the disciplinary procedure entitles you to appeal to the director of education and leisure within 10 working days of receipt of this letter if you believe the issuing of an oral warning to be unfair in the circumstances. If you do appeal, you will be given an opportunity to explain your reasons at an interview with the director of education and leisure or his/her nominee at which you may be represented by your trade union official or other person of your choice.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DPL5 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter intimating written warning

I refer to the disciplinary hearing which was held on . In terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I am issuing this written warning to you regarding (specify reason).

Optional paragraph if applicable:

(Your (conduct/work performance) has previously given cause for concern and resulted in a current oral warning being issued to you on (date)).

This written warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of nine months. Any future complaint I receive about your conduct or work performance during this period may result in more serious disciplinary action being taken against you.

At the conclusion of the 9 month duration of this warning it will be expunged from your personal file. You will be notified of this.

I have to advise you that the disciplinary procedure entitles you to appeal to the director of education and leisure within 10 working days of receipt of this letter if you believe the issuing of a written warning to be unfair in the circumstances. If you do appeal, you will be given an opportunity to explain your reasons at an interview with the director of education and leisure, or his/her nominee, at which you may be represented by your trade union official or other person of your choice.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. *DPL6 - IM/LT*

Contact : *Ian Millar*

Tel. *0141 842 5678*

Fax : *0141 842 5699*

Date :

Letter intimating final written warning

I refer to the disciplinary hearing which was held on . In terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I am issuing this final written warning to you regarding (specify reason).

Optional paragraph where applicable:

(Your (conduct/work performance) has previously given cause for concern and resulted in an current oral warning being issued to you on (date) (and/or) a current written warning being issued to you on (date)).

This final written warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of 12 months. Any future complaint I receive about your conduct or work performance during this period may result in more serious disciplinary action being taken against you which may be dismissal.

At the conclusion of the 12 month duration of this warning it will be expunged from your personal file. You will be notified of this.

I have to advise you that the disciplinary procedure entitles you to appeal to the personnel appeals and applied conditions of service appeals panel within 10 working days of receipt of this letter if you believe the issuing of a final written warning to be unfair in the circumstances. If you do appeal, you will be given the opportunity to explain your reasons to the personnel appeals and applied conditions of service appeals panel, at which you may be represented by your trade union official or other person of your choice.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. *DPL7 - IM/LT*

Contact : *Ian Millar*

Tel. *0141 842 5678*

Fax : *0141 842 5699*

Date :

Dear

Letter intimating dismissal with payment in lieu of notice

I refer to the disciplinary hearing which was held on (date). In terms of the disciplinary procedures for teaching staff, "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I write to advise you that your employment in the post of (insert designation) within the education and leisure service terminated with effect from (date).

You will receive a payment of (weeks) weeks salary in lieu of notice.

The reason(s) for your dismissal (detail).

Optional paragraph where applicable

(Your (conduct/work performance) has previously given cause for concern and resulted in an (oral warning/written warning/final written warning) being issued to you on (date).)

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your trade union, within 10 works days of receipt of this letter to the head of personnel services, Renfrewshire Council, North Building, Cotton Street, Paisley, PA1 1TS for consideration by the personnel appeals and applied conditions of service appeals panel.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. *DPL8 - IM/LT*

Contact : *Ian Millar*

Tel. *0141 842 5678*

Fax : *0141 842 5699*

Date :

Dear

Letter intimating dismissal (notice to be worked)

I refer to the disciplinary hearing which was held on (date). In terms of the disciplinary procedures for teaching staff, "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I hereby formally give notice that your employment in the post of (designation) within the education and leisure service will terminate from (date).

The reason(s) for your dismissal (detail).

Optional paragraph where applicable.

(Your (conduct/work performance) has previously given cause for concern and resulted in an (oral warning/written warning/final written warning) being issued to you on (date).)

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your trade union, within 10 works days of receipt of this letter to the head of personnel services, Renfrewshire Council, North Building, Cotton Street, Paisley, PA1 1TS for consideration by the personnel appeals and applied conditions of service appeals panel.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DPL9 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter of summary dismissal

I refer to the disciplinary hearing which was held on (date). In terms of the disciplinary procedures for teaching staff, "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I write to advise you that your employment in the post of (designation) within the education and leisure service terminated with effect from (date).

You will not be entitled to any payment in lieu of notice. The reason(s) for your summary dismissal (detail).

Optional paragraph where applicable.

(Your (conduct/work performance) has previously given rise for concern and resulted in an (oral warning/written warning/final written warning) being issued to you on (date).)

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your trade union, within 10 works days of receipt of this letter to the head of personnel services, Renfrewshire Council, North Building, Cotton Street, Paisley, PA1 1TS for consideration by the personnel appeals and applied conditions of service appeals panel.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. *DPL10 - IM/LT*

Contact : *Ian Millar*

Tel. *0141 842 5678*

Fax : *0141 842 5699*

Date :

Clause re addiction related problems (warning held in abeyance)

However, as you have indicated that you may have an (alcohol/drugs/gambling/solvent abuse) related problem and have accepted the offer of assistance offered by the council's policy, I am holding the above mentioned disciplinary action in abeyance pending the outcome of your attendance at an appropriate helping agency.

Dear

Letter calling employee to appeal hearing
(appeals against oral and written warnings)

I refer to your letter dated _____ appealing against the (oral/written) warning issued to you on _____.

I have to advise you that, in accordance with the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", an appeal hearing will be held at (time) on (date) at (location).

You will be given the opportunity to put forward your case for appeal. If you wish, you may be represented by your trade union representative or other person of your choice.

Yours sincerely

Your Ref.

My Ref. IDP15 -M/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

**Letter intimating the outcome of appeal against a warning
(appeal not upheld)**

I refer to the appeals hearing which was held on _____ in terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", to consider your appeal against the (oral/written) warning issued to you on _____ regarding (specify reason).

Following consideration of the case put forward by you (and/or your representative), I have to advise you that I have decided not to uphold the appeal. In terms of the disciplinary procedures for teaching staff, you have no further right of appeal against this decision.

Consequently, in accordance with the disciplinary procedures for teaching staff, the (oral/written) warning issued to you on _____ will stand and will continue to be admissible against any further misdemeanour for a period of (six/nine/twelve months) from that date.

At the conclusion of the 6/9/12 month period this warning will be expunged from your personal file. You will be informed of this.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DP13 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

**Letter intimating the outcome of appeal against a warning
(appeal partially upheld)**

I refer to the appeals hearing which was held on _____ in terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", to consider your appeal against the (oral/written) warning issued to you on _____ regarding (specify reason).

Following consideration of the case put forward by you and/or your representative, I have decided to partially uphold the appeal and amend the disciplinary sanction issued on _____.

The warning issued to you on _____ regarding (reason) will now be amended to an oral/written warning regarding (specify reason).

Consequently, in accordance with the disciplinary procedures for teaching staff, the (oral/written/final written) warning issued to you on (date) will be reduced to (oral/written warning) and will continue to be admissible against any further misdemeanour for a period of (six/nine months) from the date of the original hearing.

At the conclusion of the 6/9 month period this warning will be expunged from your personal file. You will be informed of this.

A copy of this letter has been forwarded to your trade union and to the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DP12 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

**Letter intimating the outcome of appeal against a warning
(appeal upheld)**

I refer to the appeals hearing which was held on _____ in terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", to consider your appeal against the (oral/written) warning issued to you on _____ regarding (specify reason).

Following consideration of the case put forward by you and/or your representative, I have decided to uphold your appeal.

The original disciplinary sanction has been withdrawn and any written reference shall be removed from your personal file and destroyed.

A copy of this letter has been forwarded to your trade union representative and the personnel services manager, education and leisure services.

Yours sincerely

Your Ref.

My Ref. DPL14 - IM/LT

Contact : Ian Millar

Tel. 0141 842 5678

Fax : 0141 842 5699

Date :

Dear

Letter confirming that no disciplinary action is to be taken

I refer to my letter dated in terms of the disciplinary procedures for teaching staff "Procedures and Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors", I have to confirm that no disciplinary action is to be taken against you.

All references to the case will be removed from your personal file and destroyed.

A copy of this letter has been forwarded to your trade union representative and to the personnel services manager, education and leisure services.

Yours sincerely

DISCIPLINARY FRAMEWORK FOR SCOTTISH TEACHERS

1. Introduction

- 1.1 Where a teacher's performance or conduct is such as to give rise to serious concern disciplinary action may be taken by the authority in accordance with its locally agreed disciplinary procedures. As the aim of the disciplinary process is to seek improvement in performance or conduct, assistance to enable improvement to occur is essential. These procedures should conform with the framework set out below.

2. Principles

- 2.1 Disciplinary rules and procedures are necessary for promoting orderly employment relations as well as fairness and consistency in the treatment of individuals. They enable organisations to influence the conduct of workers and deal with problems of poor performance and attendance thereby assisting organisations to operate effectively. Rules set standards of conduct and performance at work; procedures help ensure that the standards are adhered to and also provide a fair method of dealing with alleged failures to observe them.
- 2.2 All teachers should be made aware of the standards of conduct and performance expected of them. In particular teachers should be made aware of what constitutes gross misconduct for example sexual offences, assault or dishonesty. All problems involving minor misconduct or poor performance should be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. It is essential that all problems of this nature are fully discussed and that support is provided with the objective of encouraging and helping teachers to improve. It is essential also that teachers are aware that support and counselling are available at all times even where it has been necessary to take disciplinary action under the procedures.
- 2.3 Disciplinary procedures must comply with ACAS Code of Practice (No 1) "Disciplinary and Grievance Procedures". Where the concern relates to the performance of an individual in a teaching function the procedures must comply with the General Teaching Council Scotland Code of Practice on Competence. Where the concern relates to the performance of an administrative or managerial function of a promoted post the procedures must comply with similar principles and processes as contained in the current GTCS Code of Practice of Teacher Competence (copy attached as an appendix to this framework).
- 2.4 If formal disciplinary process is considered necessary, the agreed procedure will comply with the following principles.
- (a) The initiation of disciplinary actions/sanctions should be accompanied by appropriate support mechanisms

- (b) No disciplinary action will be taken until the matter has been fully investigated and a decision, thereafter, to impose a disciplinary sanction must not be taken by the person who conducted the initial investigation. In addition any appeal should not be heard by the same person who issued the disciplinary sanction.
- (c) Apart from gross misconduct, no teacher shall be dismissed for the first breach of discipline.
- (d) There shall be a right of appeal against all disciplinary sanctions.
- (e) No disciplinary action will be initiated against a trade union representative until the matter has been discussed with a full-time official of the union concerned.
- (f) A teacher shall have the right to be represented at all stages of the disciplinary process including investigatory meetings.

3. The Investigatory Stage

- 3.1 In situations where either a complaint has been received or where a teacher's conduct or performance has given cause for concern, the employer should appoint an investigatory officer. The investigating officer should, if possible, interview all of the parties involved (including the teacher in question) and, if appropriate, prepare signed and dated statements from all of these witnesses. The investigating officer should then produce a report which will enable another representative of the employer to decide whether the matter should be further progressed through the formal disciplinary process. It is preferable that this decision is not taken by the investigating officer and the investigating officer must not have any function at a future disciplinary hearing other than presenting the facts of the investigation to that hearing. The teacher involved must be advised at an early stage that a complaint or concern has been lodged, of the nature of any complaint, of the process which will be followed and of the right to be represented.
- 3.2 The investigatory process should be conducted as speedily as possible consistent with the principles of fairness and natural justice and time limits should be incorporated into the terms of the disciplinary procedure to ensure that, in most cases, the investigation takes no longer than, e.g. 15 working days.
- 3.3 All teachers should be entitled to be represented at all hearings and meetings as part of the disciplinary process including investigatory hearings. In addition, in most cases, the teacher whose conduct or performance has given rise to the investigation will be interviewed and must be given a clear indication of the nature and purpose of the investigation and the procedure that will be followed at the interview well in advance of any meeting with the investigatory officer.
- 3.4 Once the investigation is completed the teacher should be advised of the outcome of the investigation. Where following an investigation no further action is to be taken in terms of the disciplinary procedures then all references to the investigation should be removed from the teacher's personal file and destroyed.

- 3.5 Any procedure which includes "precautionary suspension" as part of the disciplinary procedure must also comply with the following principles.
- (a) The precautionary suspension must be on full pay and must not be associated with an assumption of guilt.
 - (b) Precautionary suspensions should only be used in the most serious cases of misconduct or poor performance or where the teacher's presence at the normal place of work could prejudice the investigation. Consideration could be given to a temporary transfer pending the conclusion of the investigation and any subsequent disciplinary process.
 - (c) All precautionary suspensions should be reviewed at agreed regular intervals.

4. **The Disciplinary Hearing**

- 4.1 A decision to proceed with a disciplinary hearing should be based on the evidence secured during the investigatory stage but should not be taken by the person who conducted the investigation.
- 4.2 Once a decision has been taken to proceed to a disciplinary hearing, the teacher should be informed, in writing, about:
- details of the allegations
 - the date for the hearing,
 - the procedures to be followed at the hearing
 - any rights under the disciplinary procedure, and
- provided with copies of the evidence that will be used during the disciplinary hearing including any written evidence and the names of any witnesses that will be called. The teacher should also provide the employer with similar evidence that will be led in his or her defence within a reasonable time before any hearing.
- 4.3 The teacher (and/or representative) must be given every opportunity to present his/her case, to provide additional documents for the hearing, to call and question witnesses and to sum up his/her case.
- 4.4 At the conclusion of the hearing, the disciplinary officer (see 5.3 and 5.4 below) shall either announce his/her decision (to be confirmed in writing thereafter) or indicate that the decision will be communicated in writing within the agreed time limits (see 7.1 below).
- 4.5 If it is decided that no disciplinary action is to be taken, all references to the case shall be removed from the teacher's personal file and destroyed.

5. **Disciplinary Sanctions**

- 5.1 All disciplinary sanctions shall be recorded in writing and shall remain in the teacher's personal file during the period of currency of the warning (see 7.2 below). In being advised of the disciplinary sanction which is being applied, the teacher should be advised also of the

improvements which will be expected of them and the availability of appropriate support to allow them to achieve and maintain the improvement.

5.2 The following disciplinary sanctions shall be available.

- (a) Formal Oral Warning. - For minor breaches of discipline, misconduct or continued poor performance, the warning must include reference to the fact that any further breach may render the teacher open to further disciplinary action.
- (b) Written Warning. - For more serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a formal oral warning, the teacher must be informed that a further breach may result in further disciplinary action being taken.
- (c) Final Written Warning. - For serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a written warning. The teacher must be warned that any further breach may result in dismissal.
- (d) Dismissal. -
 - (i) For serious repeated misconduct or poor performance during the currency of a final written warning or for gross misconduct for which no previous warning exists. The teacher must be informed in writing of the effective date of dismissal and whether the dismissal is summary or with notice.
 - (ii) The following punitive sanctions are available in conjunction with a final written warning as an alternative to dismissal: demotion, transfer or suspension of an increment. Where a teacher does not agree to the application of the punitive sanction then the council will have no alternative but to dismiss the teacher.

5.3 The Headteacher will have overall responsibility for the management of teachers within the school and will have the power to issue oral and written warnings.

5.4 The Director of Education will have the power to apply all forms of disciplinary sanctions described in this section and to dismiss a teacher under the agreed disciplinary procedures of the authority.

5.5 In cases involving performance issues the GTCS Code of Practice on Competence should be followed at all times. Before taking action for dismissal a Director of Education must ensure that the Code has been followed.

6. Appeals

- 6.1 Teachers will have the right of appeal against all disciplinary sanctions imposed by the authority. The table below outlines the appropriate level at which appeals should be heard.

Nature of Warning	Issued by	Appeal Heard By
Oral warning	Headteacher or nominee	Director of Education or nominee
Written warning	Headteacher or nominee	Director of Education or nominee
Final written warning	Director of Education or nominee	Appeals Sub-Committee or other appropriate sub-committee

- 6.2 Appeals procedures are devolved for determination to local negotiating committees. Appeal against dismissal will be to an appropriate sub-committee (or equivalent) of the Council set up for that purpose.

7. Time Limits

- 7.1 Appropriate time limits should be agreed within the local negotiating committee covering the following aspects of the disciplinary procedure. The suggestions included are for illustrative purposes only and refer to working days and must be agreed at local level. Any time limits set should not prejudice a teacher's rights in cases of dismissal to submit a claim to a Employment Tribunal.

Aspects of Disciplinary Procedure	Suggested Time Limit (Working Days)
Precautionary suspension	10 days until each review
Notification of decision to proceed to disciplinary hearing	10 days notice (minimum) but could be shorter by agreement in individual cases
Notification of decision of disciplinary hearing	5 days (maximum)
Time limit to lodge appeal	10 days (maximum) from date of notification of decision of disciplinary hearing
Date of notification of appeal hearing	No later than 20 days from receipt of notice of appeal
Notification of outcome of appeal hearing	5 days (maximum)

- 7.2 Time limits for the duration of warnings will have to be agreed as will what is to happen to warnings at the end of the agreed period of time. Warnings can either be expunged (i.e. removed from the teacher's personal file and destroyed) or disregarded after the appropriate length of time. The following suggested time limits must be agreed at local level.

Level of Warning	Time Limit (Months)
Oral warning	6 months
Written warning	9 months
Final written warning	12 months

- 7.3 If an appeal is successful and the original disciplinary sanction withdrawn, any written reference shall be expunged from the teacher's personal file and the teacher notified accordingly.
- 7.4 Any disciplinary sanction which has been imposed and which relates to a breach of the council's child protection policies can remain on a teacher's file for a longer period of time than defined in 7.2 above.

Disciplinary Procedures for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors

Investigatory Report Form

Guidance Notes on the conduct of an investigatory interview are contained as Appendix A to JNC/14 'Procedures for the Conduct of the Disciplinary Process for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors'. Section 5 of the Guidance Notes outlines what this Investigatory Report should contain.

Name of Employee

Subject to this report; _____

Designation; _____

Investigation Officer _____

Designation; _____

Was the employee advised that the investigation may lead to a disciplinary hearing and of their right to be accompanied? **Yes/No**

If the employee is a trade union representative has the appropriate trade union officer been informed? **Yes/No**

Reason for the investigation:-

Report:-

Continue on separate page if necessary

Recommendations:-

Signed _____

(Investigating Officer) Date _____

Disciplinary Procedures for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors

Disciplinary Procedure Record Sheet

This form sets out the steps that should be taken following receipt of the report and recommendations of the investigating officer.

Where the decision is not to proceed to a disciplinary hearing, the employee should be informed of this using the appropriate standard letter, and **all references to the investigation removed from his/her personal file and destroyed.**

If a decision is taken to call the employee to a disciplinary hearing he/she should be informed using the appropriate standard letter and the steps in this form followed. It may be necessary to arrange a mutually convenient date for a hearing with his/her representative.

Employee details:-

Name _____ Designation _____

School/Service _____ NI Number _____

Representative _____ Designation _____

Officer hearing case _____ Designation _____

Investigating Officer _____ Designation _____

Give details of the allegation and briefly outline the reasons for inviting the employee to a disciplinary hearing:-

Continue on separate sheet if necessary

Details of any live disciplinary sanctions (see Appendix C JNC/14 paragraph 7.2)			
Disciplinary action	tick	date issued	details
Oral warning			
Written warning			
Final written warning			
Final written warning with alternatives to dismissal			

Preparation for the Hearing:

1. If the teacher is a trade union representative has the appropriate union official been informed?
2. Has the teacher and his/her representative been sent the appropriate standard letter inviting them to the hearing?
3. Have management submissions and names of any witnesses to be called by management been provided to the teacher and their representative?
4. Have submissions by the teacher/representative and names of any witnesses to be called by the teacher or their representative been received?

Hearing:-

Date of the hearing _____

Officer presenting the management case (should be the investigating officer)

Name _____ Designation _____

Witnesses called by the management;

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Teacher's Representative (if appropriate)

Name _____ Designation _____

Witnesses called by teacher/representative:

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Name _____ Designation _____ Contact Address _____

Outline of the management case

Outline of the teacher's case

Outcome of the Hearing

(see section 5 of SNCT/18 and section 6 of JNC/14 for information on disciplinary sanctions);

No disciplinary action taken

☐

Oral Warning

☐

Written warning

☐

Final written warning

☐

Final written warning in conjunction

With punitive sanction as alternatives to dismissal

(e.g. demotion, or transfer or suspension of an increment)

☐

Dismissal

☐**Reasons for the decision**

If it is decided that no disciplinary action is to be taken, all references to the case should be removed from the teacher's personal file and destroyed.

Has the standard letter informing the employee of the decision been issued?

Signed _____ Date _____

Appeals Hearings

Running order

1. Appellant (or representative) states their case (calling any relevant witnesses with personal knowledge of the case).
2. Management representative may question appellant, his/her representative, or any witness.
3. The officer hearing the appeal / members of the Appeals Panel may question the appellant, his/her representative, or any witness to clarify areas of uncertainty (the witness(es) will then withdraw).
4. Management representative states the case on behalf of the management, calling any relevant witnesses.
5. Appellant (or representative)
May question the management representative or any witness.
6. The officer hearing the appeal / members of the Appeals Panel may question the management representative or any witness to clarify areas of uncertainty (the witness(es) will then withdraw).
7. The officer hearing the appeal / chairperson shall ensure that all questioning is completed before each side is given the opportunity to sum up its case.
(no further questioning or other contribution shall be allowed after summing up starts)
 - Management representative sums up the management case and may reply to any points raised at the hearing but not introduce fresh evidence
 - Appellant (or representative) sums up his/her case and may reply to any points in the course of the hearing but not introduce fresh evidence.
8. After summing up both parties withdraw.
9. If the officer hearing the case / members of the Appeals Panel need to ask further questions to help in their deliberations, both parties will be recalled, even if questions are to be asked of one party only.
10. The parties will not normally be called back to hear the outcome of the appeal / decision of the Appeals Panel, but will be informed in writing, by the Joint Secretary (Employers' Side) or the officer who heard the case whichever is appropriate, within 10 working days of the decision.

Decisions of the Appeals Panel

The Appeals Panel shall reach its decisions by voting, each member having one vote. Where the majority of the panel decide in favour of the appellant, the appeal shall be upheld. Where a majority of decide against the appellant, the appeal shall be rejected.

NOTE - Witnesses shall not normally speak except to answer questions.