

DISCIPLINARY POLICY AND PROCEDURE

**Including Suspensions Procedure and
Guidance**

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Contents page

Item	Title	Page number
1	Introduction	3
2	Powers	3
3	The Disciplinary Process	4
4	The Right to be Accompanied	5
5	Allegations against a Trade Union Representative	6
6	Suspension – Procedure and Guidance	6
7	Investigations	6
8	Criminal Charges	7
9	Procedure at Disciplinary Hearings	7
10	Levels of Disciplinary Sanction	9
11	Alternatives to dismissal	10
12	The Decision Letter	10
13	Right of Appeal	11
14	Notice Periods	12
15	Referring Teacher Misconduct to the NCTL	12
16	Linked Policies/Procedures	12
17	Appendix 1 – Examples of Misconduct and Gross Misconduct	13
18	Appendix 2 - Standard template for submitting a disciplinary appeal	15
19	Appendix 3 – Suspensions procedure and guidance	17

As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

1. Introduction

The main purpose of the disciplinary procedure is to address issues with an employee whose professional behaviour, attitude and conduct has fallen below the expected standard with an aim to improve this. The procedure serves to ensure that disciplinary procedures are conducted in a fair and consistent manner.

The disciplinary procedure is strictly confidential between the parties involved and others who need to know. All aspects including all documentation and records shall be treated as such in so far as this is possible and consistent with natural justice and other legislation that may be in force from time to time.

Principles of the Policy

- The disciplinary procedure is to be used where an employee is the subject of an allegation of misconduct.
- In minor cases of alleged misconduct, the manager should initially seek to resolve the matter informally by discussion with the employee and by providing them with the appropriate management advice and guidance.
- Each step and action under the procedure must be taken without unreasonable delay by either the Trust or the employee.
- The location and timing of meetings must be reasonable. Meetings will be held at an agreed location and normally within working hours unless by mutual consent.
- HR support will be available and provided as deemed necessary throughout any disciplinary or suspension proceedings.

Due consideration will be given to the ACAS Code of Practice on Disciplinary and Grievance Procedures when adhering to the Disciplinary Policy.

2. Powers

Table 1 describes how the Trust has delegated the following powers to the levels of staff managing and responding to disciplinary procedure.

In a case where the person who would normally be the disciplinary officer is compromised through existing circumstances or, will need to investigate the matter/be significantly involved in the investigation or, does not have the resource to deal with the matter at that time – the case will normally be dealt with by an alternative at the same level or a more senior level of management. Central Trust officers may also be requested to lead investigations, reporting to the Principal/Head of School or Chair of Governors. In cases where the Chief Executive is compromised, the matter will be discussed with the Chair or Vice Chair(s) of the Trust to determine the way forward. It is always preferable to deal with matters internally wherever possible.

Table 1

Role	Level One to Three		Level Four - Dismissal	
	Disciplinary Officer	Appeal Officer	Disciplinary Officer	Appeal Officer
CEO	Chair of Trust and nominated Trustee	A nominated Trustee	Chair and nominated Trustee	Panel of three drawn from Trustees
Executive Team	CEO and a nominated Trustee	A nominated Trustee	CEO and a nominated Trustee	Panel of three drawn from Trustees
Central Team	Line Manager	A nominated member of the Executive Team	CEO	Panel of three drawn from Trustees
Executive Head	Education Director and a nominated Chair of Governors	A nominated Trustee	CEO	Panel of three drawn from the Trustees
Head / Principal / Head of School	Education Director and a nominated Chair of Governors	A nominated Trustee	CEO	Panel of three drawn from the LGB / Trustees
SLT	Head / Principal / Head of School	A nominated Governor	Head / Principal / Head of School	Panel of three drawn from the LGB
Teachers	SLT	Head / Principal / Head of School	Head / Principal / Head of School	Panel of three drawn from the LGB
Support Staff	Line Manager	Head / Principal / Head of School	Head / Principal / Head of School	Panel of three drawn from the LGB

3. The Disciplinary Process

- This process applies when either management advice and guidance has not led to the required improvement in conduct or if the allegation is sufficiently serious to prompt a disciplinary investigation.
- For all meetings under this policy and procedures, notes will be taken and these will be shared with the employee to afford the employee the opportunity to make comment or correct any factual inaccuracies. Recordings may also be considered with agreement of all parties and may

serve as a reasonable additional adjustment. It is acknowledged that there shall be no obligation upon the employer to agree the amendments suggested by the employee or their representatives.

- Employees will be advised of any allegations in advance of meetings and given an opportunity to state their case as part of the investigation and disciplinary process. However, receipt of the allegation (s) often occurs concurrently with, or after formal notification of a disciplinary process.
- Where appropriate or otherwise necessary, there may be a fact-finding process to determine if a disciplinary investigation is required. The Disciplinary Officer will determine who will lead the fact-finding. The person will at a higher level than the person(s) being investigated. Notes will be taken at all fact finding and investigation meetings which take place under the policy, and these will be shared with the employee, who will also be given the opportunity to confirm/or comment on their accuracy.
- The employee must make every effort to attend an investigative interview or disciplinary hearing and failure to attend, without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason, or if they are persistently unable to do so (for example for health reasons), the Trust may have to take a decision based on the available evidence in the absence of the employee. Employees will be entitled to be accompanied by a work colleague/trade union representative at all meetings under this procedure.
- The Trust will give a minimum of 5 working days' notice of a disciplinary hearing. Supporting documents (the investigation report and witness statements) will be provided at this time. The employee may submit written evidence no less than 48 hours prior to a hearing.
- At any disciplinary hearing or appeal hearing the employee will have the right to put forward their case. Any documentary evidence in support of this must be provided to the Trust at least 48 hours before the disciplinary hearing or appeal.
- The Trust shall be entitled to manage the time and resources allocated to a disciplinary matter including managing the time of a disciplinary hearing and allocating time within a disciplinary hearing. This may result in limiting the amount of time allocated to both parties to present their cases. Appendix 2 has been included to help facilitate smooth and concise hearings, which in turn will help to manage both sides' expectations.
- The decision and the reasons for it shall be communicated in writing to the employee within five working days. In exceptional circumstances this timeframe may be extended.
- An employee will be advised of their right of appeal within five working days, and how to exercise that right. This will be part of the decision letter which communicates the decision. Appendix 3 shows a standard format/template for submitting an appeal.
- HR support will be available and provided as deemed necessary throughout any disciplinary process.

4. The right to be accompanied.

The employee may bring a companion to any disciplinary or appeal hearing under this procedure. The companion may be either a trade union representative or a work colleague, providing the work colleague is not acting in a legal capacity. The employee must inform the disciplinary officer who their chosen work colleague is, at least two days before hearing.

A work colleague is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a work colleague if they do not wish to do so.

If the choice of work colleague is deemed to be inappropriate by the Trust, the Trust may ask for the employee to choose someone else. For example:

- if in the Trust opinion the employee's work colleague may have a conflict of interest or may prejudice the hearing; or
- if the work colleague is unavailable at the time a hearing is scheduled and will not be available for more than 5 working days afterwards.

The Trust may, at its absolute discretion, allow the employee to be accompanied by someone who is not a work colleague or union representative (for example a member of family) if this will help the employee overcome a disability.

At a hearing, the work colleague or trade union representative should not make representations to the Trust or answer questions on the employee's behalf. The employee may confer privately with their work colleague at any time during a hearing.

5. Allegations against a Trade Union Representative

Although normal disciplinary standards will apply to their conduct and performance as employees, if the allegations are in relation to the duties of the trade union representative role, then where possible, no disciplinary action or suspension will be taken until the circumstances of the case have been discussed with an appropriate official from their trade union.

6. Suspension – Procedure and Guidance

Our suspension guidance is designed to address serious behavioral concerns while upholding the fundamental principles of fairness and due process. It's crucial to understand that a suspension, when issued, is not a punitive measure taken lightly, nor does it automatically predetermine a final decision regarding any allegations. Instead, it serves as a necessary step to ensure the immediate safety and well-being of individuals within our school/trust community, create a conducive environment for investigation, and allow for a thorough and impartial review of the circumstances. We are committed to acting in the best interests of both the individuals and the school/trust as a whole, striving for resolution. The employee will continue to receive their full salary during a period of suspension. Further information can be found in **Appendix 3 – Suspensions Procedure and Guidance**.

7. Investigations

Prior to an investigation an initial fact-finding exercise will take place when a concern or allegation is raised. This isn't a full investigation, but rather a preliminary step to gather enough information to determine if a formal disciplinary investigation is warranted. The information gained during this fact-finding phase, including a preliminary understanding of the alleged disciplinary concern, will be crucial in deciding whether the matter is serious enough to progress to a more formal investigation or can be managed through other means. The assessment at this stage directly informs the subsequent course of action, ensuring that resources are appropriately allocated only when genuine need for a detailed investigation is identified.

The purpose of an investigation is for the Trust to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations

and will vary from case to case. It may involve interviewing and taking statements from the employee and any relevant witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until the investigation has been concluded.

An employee does not have the statutory right to bring a work colleague or trade union representative to an investigative interview. However, the Trust would normally allow an employee to bring a work colleague or trade union representative to attend.

The employee must co-operate fully and promptly in any investigation. This will include informing the Trust of the names of any relevant witnesses, disclosing any relevant documents to the Trust and attending investigative interviews if required. A failure to comply may lead to further disciplinary action.

8. Criminal Charges

Where the employee's conduct is the subject of a criminal investigation, charge or conviction the Trust will investigate the facts before deciding any course of action under this policy and procedure.

The Trust will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Trust may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Trust considers that it is relevant to the employee's employment.

The ACAS Code of Practice on Disciplinary and Grievance Procedures states that criminal charges or convictions outside employment should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. The employer, having considered the facts, will need to be seen to make a balanced judgement as to whether the conduct is sufficiently serious to warrant disciplinary proceedings including dismissal.

9. Procedure at Disciplinary Hearings

At the beginning of the hearing, the disciplinary officer will introduce those present, the purpose of the meeting, and details of the allegations against the employee. The employee will be reminded of their right to be accompanied (if the employee has not chosen to be accompanied by a trade union representative or a work colleague) and will be asked to confirm they have chosen not to be accompanied.

The investigating officer will present the evidence that has been gathered. The employee will have the opportunity to ask questions of the investigating officer. In exceptional circumstances where the investigating officer is not available to attend the meeting, then a management representative/a representative of the Trust HR function may attend to present on the investigating officer's behalf.

The employee will present their case. The disciplinary officer and the investigating officer will have the opportunity to ask questions of the employee.

Both parties may ask relevant witnesses to appear at the hearing. Witness to be called must be clearly stated in the meeting bundle¹. The meeting bundle will be compiled by the investigating officer with the support of the Trust HR function, and will be shared with all parties at least 5 school days in advance of the meeting. Cross-examination of witnesses by all parties must be conducted in a professional and courteous manner. The Chair of the meeting will ensure that this takes place and will intervene should they be concerned that this requirement is not being followed by any questioner and will advise on how future questioning will take place.

Should the employee wish to question the evidence provided by another witness in the investigation then this should be raised by the employee during the fact finding and investigation meeting(s), in advance of the hearing, or during the hearing.

The employee will be given a full opportunity to ask questions and put forward any mitigating factors which they believe are relevant to the allegations.

Once the employee has been afforded an opportunity to explain their case, the disciplinary officer will either:

- Adjourn the hearing to consider all the evidence presented. The disciplinary decision, including an explanation of the reasons for the decision, will then be confirmed in writing as soon as possible, and normally within five working days; or
- Deliver the decision at the hearing, explaining the disciplinary decision and the reasons for it. The decision will also be confirmed in writing as soon as possible, and normally within five working days.
- The disciplinary officer may adjourn the disciplinary hearing if the Trust needs to carry out any further investigations in light of any new points the employee has raised at the hearing. The employee will also have the opportunity to submit information/evidence, and call witnesses in response to this at least two days before the follow up hearing.

In summary:

Standard Procedure for Disciplinary Hearing

1. The investigating officer* to present the Trust's case and may call witnesses.
2. The employee or their representative to have the opportunity to question the investigating officer and any witnesses about the facts provided.
3. The Chair to have the opportunity to question the investigating officer* and any witnesses.
4. The employee or their representative to put their case and to call such witnesses as they wishes.

¹ A bundle is a comprehensive collection of all relevant documents and evidence related to a disciplinary matter.

5. The Chair to have the opportunity to ask questions of the employee or their representative and witnesses.
6. The investigating officer* to have the opportunity to ask questions of the employee or their representative, or the witnesses.
7. The investigating officer* to have the opportunity to sum up their case. (No new evidence should be submitted at this point)
8. The employee or their representative to have the opportunity to sum up their case. (No new evidence should be submitted at this point)
9. The Chair to check that all present are satisfied they have had a fair opportunity to present their case and make representation.
10. The investigating officer* and the employee and their representative to withdraw.
11. The Chair to consider the facts presented to them.

The hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if hearing panel feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

*** Management representative and a representative of the Trust HR function if necessary**

10. Levels of Disciplinary Sanction

There are five outcomes of a disciplinary and include four levels of sanctions reflecting the severity of the disciplinary case. The stages provide an appropriate sequence for persistent cases of misconduct. Where the allegation is of sufficient seriousness to use the procedure, disciplinary action will be taken at whatever stage appears appropriate to the circumstances.

No employee will normally be dismissed for a first breach of discipline, but dismissal may be considered, irrespective of previous disciplinary record, in the case of gross misconduct when the sanction may be dismissal without notice and without pay in lieu of notice. A list of examples of gross misconduct is included in appendix 2.

The following decisions will be confirmed in writing: -

1. **No action**
2. **Level 1 - A first written warning** may be given where the case is of sufficient seriousness to bring to the attention of the employee formally.
3. **Level 2 – A second written warning** may be given where the case has already involved a first warning and insufficient improvement has been made within the prescribed timescale, where further misconduct has occurred, or where the case is of sufficient seriousness.

4. **Level 3 - A final written warning** may be given where the case has already involved a written warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient seriousness. Also, where gross misconduct may not warrant dismissal, for example due to mitigating circumstances.
5. **Level 4 - Dismissal.** An employee is likely to be dismissed where the case has already involved the final warning and insufficient improvement has been made or where further misconduct has occurred or where the case is so serious as to constitute gross misconduct.

Warnings will be disregarded after the specified period of satisfactory conduct (detailed below) and will be removed from the employee's personnel file. The Trust GDPR Policies will be strictly adhered to throughout this process. Employee references will not refer to any expired warnings or to management advice and guidance.

Table 1 outlines who will act as the Disciplinary Officer and the Appeal Officer for cases at levels one to three, and for level four cases.

Timeframe of warnings

1. First written warning: The time limit shall be 6 working months from the date of the decision.
2. Second written warning: The time limit shall be 9 working months from the date of the decision.
3. Final written warning: The time limit shall be 12 working months from the date of the decision. However, in exceptional circumstances misconduct may be so serious that if repeated at any time in the future the likely consequence is dismissal. The person/s making the decision may impose a final written warning and specify that such a warning will remain in force for a longer period of time.

11. Alternatives to dismissal

In some cases, the Trust may at its discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- Demotion (providing the Trust has the contractual right to do so).
- transfer to another department, job or part of the Trust.

12. The Decision Letter

A letter detailing the decision will be given to the employee and a copy placed on their personnel file.

Following the outcome of the hearing the decision letter will state: -

- The decision i.e. that there is no case to answer or the findings and the appropriate level of disciplinary sanction.

- The reason for the decision.
- The course of action to be followed by the employee.
- Time scale in which improvement is required, if applicable.
- Where assistance is required, the assistance which will be made available to the employee (e.g. training and guidance).
- The date on which the warning will elapse.
- That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the timescale of the warning.
- The right of appeal against the decision and how to exercise that right.
- **If the warning is a final written warning** it will also state that if the employee's conduct continues to be unsatisfactory within the live period of the sanction or if there is further misconduct it may lead to dismissal.

13. Right of Appeal

All employees have the right of appeal against all warnings and dismissal.

Appeals must be lodged in writing to the Appeal Officer detailed in Table 1 within ten working days of the outcome letter being communicated to the employee

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity of pay.

If the employee raises any information or evidence in their appeal, the appeal officer may need to carry out further investigation. If any new information or evidence comes to light the appeal officer will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have five working days to consider this information before the hearing and submit evidence and names of witnesses to be considered at least two days before the hearing.

The Trust will give the employee written notice of the date, time and place of the appeal hearing at least five working days beforehand.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Trust's discretion depending on the circumstances of the case. The employee will be made aware of this accordingly. In any event the appeal will always be conducted impartially and by a more senior manager who has not been previously involved in the case. The employee may bring a companion to the appeal hearing.

The appeal officer may adjourn the appeal hearing if the Trust need to carry out any further investigations in the light of any new points the employee has raised at the hearing.

The appeal officer may:

- confirm the original decision.
- revoke the original decision.
- issue a different/lower/higher sanction

The appeal officer will inform the employee in writing of the final decision as soon as possible, and normally within five working days of the appeal.

There will be no further right of appeal.

14. Notice Periods

If an employee is dismissed for misconduct, they will receive their contractual notice pay, or payment in lieu of notice where applicable. However, in cases of gross misconduct, no notice pay will be issued.

15. Referring Teacher Misconduct to the NCTL

Allegations of serious professional misconduct by a teacher may be referred to the National College for Teaching and Leadership. A referral is appropriate if the alleged misconduct is so serious, it warrants a decision on whether a teacher should be prevented from teaching. Further guidance on referrals is available via [Teacher misconduct: referral form - GOV.UK](https://www.gov.uk/teacher-misconduct-referral-form).

16. Linked Policies/Procedures

The following should also be consulted where appropriate:

- ACAS Code of Conduct
- BDAT Equality and Diversity Policy (appropriate reasonable adjustments will be made to all stages and sanctions issued under this procedure to accommodate disability)
- BDAT Grievance Policy
- BDAT Attendance Management Policy (Staff)
- BDAT Managing Allegations of Abuse Policy
- BDAT Child Protection and Safeguarding Policy
- BDAT Whistleblowing Policy

Actions under this policy will not prejudice the outcome of any of these linked policies.

This Policy will follow the ACAS Code of Practice as a minimum.

Appendix 1

Examples of Misconduct

The following non-exhaustive list sets out examples of activities which may generally be construed as misconduct depending on the context of the action. Depending on the level of severity, these actions could meet the threshold for either misconduct or gross misconduct.

- 1.1 Persistent poor timekeeping.
- 1.2 Failure to comply with a reasonable management instruction.
- 1.3 Failure to comply with sickness absence procedures.
- 1.4 Acting in an aggressive or threatening manner or using foul or abusive language towards customers, colleagues or managers.
- 1.5 Misuse or unauthorised use of school facilities, equipment or resources.
- 1.6 Inappropriate use of school time, e.g. excessive use of time for personal conversations, correspondence, telephone calls, emails/internet use etc.
- 1.7 Knowingly being an accessory to, condoning or failing to report a serious disciplinary offence.
- 1.8 Dishonesty, deliberate misinterpretation of information or falsification of records.
- 1.9 Unauthorised use or disclosure of confidential information gained through employment with the school or failure to protect such information.
- 1.10 Being unfit for duty through use of illegal substances or alcohol.
- 1.11 Smoking in any school owned premises and grounds.
- 1.12 Use of e-cigarettes in any school owned premises.
- 1.13 Failure to observe Health and Safety rules by act or omission, or negligence that threatens health and safety.
- 1.14 General conduct in the workplace that has a negative impact on the work of the section, on colleagues, or on service delivery.
- 1.15 Failure to declare any other work undertaken while being employed by the school.
- 1.16 Damage to property.
- 1.17 Failure to comply with the companies' policies and procedures.
- 1.18 Deliberate failure to reach required standards of performance.
- 1.19 Deliberate failure to carry out duties and responsibilities.
- 1.20 Inappropriate behaviour/conduct towards management or colleagues.

Examples of Gross Misconduct

The following non exhaustive list sets out examples of activities that may generally be construed as gross misconduct. Depending on the level of severity, these actions could meet the threshold for either misconduct or gross misconduct. Negligent/grossly negligent/wilful/repeated/severe breaches will be dealt with under the Disciplinary Policy.

- 2.1** Dishonest acts and deliberate falsification of records which result in or could result in serious consequences.
- 2.2** Falsification of qualifications which are a stated requirement of employment or which resulted in financial gain.
- 2.3** Serious insubordination.
- 2.4** Conduct that is a serious abuse of position.
- 2.5** Bringing the school/MAT into serious disrepute or causing a serious loss of confidence in the school/MAT.
- 2.6** Theft or fraud.
- 2.7** Undertaking other paid employment whilst receiving sick pay or other benefits from the school during a period of sickness or unauthorised absence without prior management agreement.
- 2.8** Deliberate disregard of the MAT's financial procedures and rules.
- 2.9** Physical or verbal assault or violence.
- 2.10** Deliberate and serious damage to school property.
- 2.11** Unauthorised removal of school property.
- 2.12** Serious breach of Health and Safety rules and/or regulations.
- 2.13** Breach of Equal Opportunities Policy. Offensive or abusive behaviour towards others, including harassment, bullying or victimisation.
- 2.14** Making defamatory statements in the course of employment (e.g. making statements that are or could be slanderous or libellous). (A defamatory statement is a statement that will injure the reputation of another in the estimation of members of society generally).
- 2.15** Being unfit for duty through use of illegal substances or alcohol in circumstances where it could constitute a health and safety hazard or where it would be in breach of a position of responsibility and trust.
- 2.16** Loss of confidential or sensitive data through negligence, loss of important or expensive equipment through negligence.
- 2.17** Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- 2.18** Criminal offences committed at work.
- 2.19** Criminal offences and other conduct outside employment which would prevent an employee from continuing to do their job or which affects their suitability to perform their work or is liable to damage the school/MAT.
- 2.20** Serious negligence which causes or might cause unacceptable loss, damage or injury.
- 2.21** Serious breach of confidence subject to the Public Interest (Disclosure) Act.
- 2.22** Unauthorised absence from work.

Appendix 2

Standard template for submitting a disciplinary appeal

APPEAL AGAINST DISCIPLINARY PROCEEDINGS DECISION

This form will help you with your appeal and will speed up the process

Name				
Post Title				
School				
Date of decision letter				
I wish to be represented by a Trade Union (<i>tick as appropriate</i>)	☐	Yes	☐	No
My representative is				
Name of Trade Union				
I wish to appeal because (<i>tick as appropriate</i>)				
☐	The decision was too harsh			
☐	The proper procedures were not followed			
☐	New evidence has come to light			
☐	The decision was unsound			
☐	Other			
I intend to call witnesses (<i>tick as appropriate</i>)	☐	Yes	☐	No
Please provide the name(s) of any witness(es) that you wish to call in the space provided below (<i>if applicable</i>)				

Whatever your reason for appeal, you should give details to support it in the space provided on the back of this form. **Failure to complete this section could result in your appeal being dismissed in accordance with the provisions of the appeals process detailed in the Disciplinary Policy. You do not, however, have to state your entire case - a summary of the relevant arguments will suffice.**

Please provide detail of the grounds for the appeal in the space provided below;

Signature of Applicant (person raising appeal)

Date

Please return completed forms to:

(Insert name of person making decision / the Chair of the Governors for School Name)

This form should be returned within 3 working days of your receipt of the outcome.

Appendix 3 – Suspensions procedure and guidance

This procedure is not contractual and does not form part of any employee's contract of employment.

1. Considering whether Suspension is Appropriate

- 1.1 The provisions for any suspension of school-based staff are set out in Schedules 16 and 17 of the School Standards and Framework Act 1998. The decision to suspend may only be taken by those detailed in table 2. In the event of their unavailability the decision may be delegated to a nominated Senior Leader who must make every effort to contact the Executive Headteacher/Principal/Head of School or the Chief Executive to discuss the case and be authorised to make the decision.

Table 2.

Role	Decision to suspend.	Who to notify
CEO	Chair of Trust Board	Full Board of Directors.
Executive Team	CEO	Full board of Directors
Central Team	CEO	Chair of Trust Board
Executive Head	Chair of Governors or CEO	Full board of Directors
Head / Principal / Head of School	Chair of Governors or CEO	Full board of Directors
SLT	Headteacher / Principal / Head of School	CEO / Chair of Governors
Teachers	Headteacher / Principal / Head of School	CEO / Chair of Governors
Support Staff	Headteacher / Principal / Head of School	CEO / Chair of Governors

- 1.2 Staff against whom an allegation is made should not automatically be suspended (see 1.4). Suspension should be considered as a last resort rather than the first course of action.

The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation into the allegation.

Where the allegation is that a criminal offence may have been committed or a child is at risk of significant harm, immediate suspension is more likely to be appropriate. In the case where immediate referral to the Bradford Council Local Authority Designated Officer (LADO) is accompanied by consideration of disciplinary procedures, suspension may or may not be appropriate. The Headteacher or Chair of Governors should consult with LADO and consider any recommendation which may be made by the child protection agency/police or strategy meeting before a decision to suspend is taken. The school must inform the Trust as soon as possible but no later than within 24 hours that there has been allegation that may meet the harm threshold and that a referral to the LADO has been made. One of the CEO, Directors of

Education, Director of Corporate Affairs or the Head of Safeguarding are appropriate staff members to contact.

- 1.3 Our suspension guidance is designed to address serious behavioral concerns while upholding the fundamental principles of fairness and due process. It's crucial to understand that a suspension, when issued, is not a punitive measure taken lightly, nor does it automatically predetermine a final decision regarding any allegations. Instead, it serves as a necessary step to ensure the immediate safety and well-being of individuals within our school/trust communicate, create a conducive environment for investigation, and allow for a thorough and impartial review of the circumstances. We are committed to acting in the best interests of both the individuals and the school/trust as a whole, striving for resolution. The employee will continue to receive their full salary during a period of suspension.
- 1.4 Suspension should not be undertaken without good reason. Before suspending an employee, the employer should consider what the purpose of the suspension is, and whether there is an alternative to it. They should also take care to document the reasons for their actions, including evidence that they have considered alternatives, and this should not become a routine response. An over-hasty or ill-judged decision to immediately suspend a member of staff when an allegation of abuse is made can have a substantial, detrimental effect upon the person's career and their wellbeing. There may be other alternatives to suspension (see 1.3).
- 1.5 Alternatives to suspension include but are not limited to:
- Change of work pattern
 - Work in a different part of the Trust
 - Work from home
 - Alternative duties
 - Removal of contact with pupils
 - Paid leave of absence
 - Mutual agreement to refrain from work
- 1.6 In all cases where suspension is being considered the employee should be advised to seek assistance from their trade union representative.

2. An Interview to Consider Suspension of a Member of Staff

- 2.1 Where suspension is being considered, an interview should be arranged at the earliest practical opportunity.² The Executive Headteacher/Principal/Headteacher/Head of School/ or the Chief Executive should consult with and seek advice from HR and the LADO where appropriate. In cases where the allegation is against the Headteacher, the matter will be dealt with by the Trust and in the case of the CEO that matter will be dealt with by the Trustees.

² In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it should be established that the action being taken is not an attack on the functions of a trade union.

- 2.2 When called to an interview where suspension is a possible outcome the member of staff should be advised to seek the advice of their trade union representative. A person who is not a member of a trade union may be accompanied by a work colleague. The member of staff, where accompanied, should be offered the opportunity of a brief meeting with the representative or work colleague before the interview. The Trust will endeavour to contact the employees Union colleague to inform them about the meeting, however, an interview will not be delayed by the non-availability of a union representative.
- 2.3 The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
- 2.4 The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation into the allegation.

This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given. A brief adjournment should be offered to the member of staff prior to response.

- 2.5 If, as a result of the interview, it is considered by the Executive Headteacher/Principal/Headteacher/Head of School/ or the Chief Executive CEO/ Chair of Governors (in the case of a Headteacher suspension) that suspension is necessary, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within two working days, giving reasons for the suspension.
- 2.6 The suspension may be lifted prior to the completion of the investigation if appropriate. Employees may also make representation during the course of their suspension if they feel suspension is no longer appropriate.

3. After a Decision

- 3.1 Where a member of staff has been suspended, the Chair of Governors and Chief Executive Officer of BDAT (and relevant education phase Director for teaching staff) should be formally informed of the suspension. Where the Headteacher has been suspended, the implications for the management of the school will need to be considered including the arrangements for an Acting Headteacher. The Chair of the LGB and CEO must be fully involved in this decision.
- 3.2 In appropriate cases the Headteacher/Acting Headteacher should discuss with the Chair of Governors the extent to which it is necessary to make a statement to staff and / or parents of children in the school, having considered the need to avoid unwelcome publicity. This should be discussed with the Chair of Governors and CEO.

3.3 In respect of paragraphs 3.2, 3.3 and 3.4 guidance should be sought from the LADO and the Trust or, where relevant and appropriate, from Social Services or the Police.

3.4 The Headteacher/Acting Headteacher in consultation with the Chair of Governors and CEO should consider, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an appropriate statement for public information. Advice should be taken from the Trust (CEO and Chair of LGB)

4. Support for Staff during the Period of Suspension

4.1 During the period of suspension, the suspended member of staff is generally not permitted to visit the Academy or contact students, parents, governors, the Chair of Governors, Trust Directors, Members, or colleagues, unless expressly authorised by the Principal/Head of School. However the suspended member of staff should be given the name of a wellbeing contact (who will have received appropriate training). The main role of the contact person is to provide information as to the progress of the investigation, and to also keep the member of staff informed about relevant school/work matters. Employees are advised not to discuss the reasons for suspension with work colleagues during a period of suspension. However, social contact outside work is not precluded. Any contact with the Academy community for reasons other than wellbeing or authorised purposes must be approved in advance by the Principal/Head of School.

4.2 Following a suspension the wellbeing contact person will make immediate contact on the same day to ensure that the member of staff has arrived home safely.

4.4 During the period of an employees' suspension, the school/trust may release interim statements regarding the situation. These statements will be issued only when deemed necessary and appropriate by the school/trust administration, primarily to address immediate operational concerns, clarify misinformation, or maintain the safety and well-being of the school Community. Where possible these will be shared with the employee in advance.

It's important to understand that these interim statements are not final determinations of facts or guilt. Their purpose is to provide relevant and timely information and prevent gossip while respecting the ongoing investigative process and the privacy of all individuals involved. The content of any interim statement will be carefully considered to ensure it doesn't prejudice the outcome of the investigation or violate any applicable privacy regulations. We are committed to transparency while upholding the principles of fairness and due for all parties.

4.5 Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, arrangements should be made (by negotiation) for the individual, or his or her representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude him/her,

or his or her representative, contacting those conducting the investigation at any time.

- 4.6 According to the needs and wishes of the member of staff to be kept informed, a colleague contact should also be in a position to provide information about developments at the school in general.
- 4.7 In some cases, it may be appropriate to ask whether welfare counselling or the support of the Occupational Health Advisor, would be helpful, or to respond to a request for such further support.

5. Support for Others Concerned

- 5.1 If a child or children have made the allegation/s they and their parents may need support. Consideration should be given to the form such support should take. Consideration should also be given to what support may be needed for others at the school, both staff and pupils, according to the circumstances of any alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained from the BDAT Head of Safeguarding.

6. Where no Action is Taken to Suspend

- 6.1 In certain circumstances, following an initial assessment of allegations, the school/trust may decide not to suspend an employee. This decision is made when, in the judgement of the commissioning manager, the continued presence of the employee does not pose an immediate and unacceptable risk to the safety, well-being, or operational integrity of the school community, and where a thorough investigation can proceed without disruption.

It's important to understand that such a decision is not a final determination of the allegations' validity or an indication that disciplinary action will not follow. This status is subject to continuous review. Should new information emerge, or if the circumstances change in a way that alters the initial assessment of risk, the school/trust reserves the right to review and alter the decision not to suspend at any time, initiating a suspension if it becomes necessary. This ensures the school/trust can always act in the best interests of its students, staff and overall environment.

7. Lifting Suspension

- 7.1 Once a suspension comes to an end, the employee should return to work immediately. An employee may sometimes feel aggrieved about the suspension and/or worried about returning to work. Therefore, The Trust or Academy as appropriate should arrange a return-to-work meeting on the employee's first day back, or as early as possible. It can provide an opportunity to discuss and resolve any concerns. The meeting could be arranged away from the workplace or somewhere at work in private.
- 7.2 A suspension will end either when an investigation is complete and there is no case to answer or an investigation leads to disciplinary action and a sanction, or where a review determines it is no longer appropriate

- 7.3 Lifting of a suspension must be carried out by the Headteacher, having first discussed the action with the Chair of LGB and CEO. For Headteacher this would be the CEO and Chair of Governors, informing the full board and for the CEO this would be the Chair of the Trust Board, informing the full board.
- 7.4 Any documentation relating to suspension which is lifted at the end of an investigation from which no case to answer is found is to be retained in an employee's personal file in accordance with the Trust Data Retention Policy but is to be discounted in the event of any future processes/reference requests.
- 8. Options if an employee believes their suspension has not been handled fairly**
 - 8.1 An employee with concerns about how their suspension has been handled should try to resolve the matter informally first. Many issues can be resolved quickly by having an informal conversation with a manager or HR.
 - 8.2 If the matter cannot be resolved informally, an employee could raise a formal grievance. A grievance should be made in writing and set out the issue in accordance with the Trust's Staff Complaints and Grievance Procedure. Raising a complaint or grievance will not prevent or delay a decision of suspension being made.