

# Discipline Policy

*London Borough of Barnet*

**POLICY COVER SHEET**

<b>POLICY NAME</b>	Discipline Policy		
<b>Document Description</b>	Document which provides guidance on the Council's Discipline Policy		
<b>Document Author</b>	Graeme Lennon HR Director		
<b>Status</b>	Live	<b>Version</b>	V1
<b>Last Review Date</b>	February 2017	<b>Next Review Due Date</b>	April 2020
<b>Approval Chain:</b>	Workforce Board	<b>Date Approved</b>	

**Version Control**

<b>Version number</b>	<b>Date</b>	<b>Author</b>	<b>Reason for New Version</b>
V1	1 <sup>st</sup> June 2017	Graeme Lennon	Policy Review

## Contents

1.	General Principles.....	1
2.	Trade Union Representatives .....	1
3.	Senior Management.....	1
4.	Confidentiality .....	1
5.	Roles and Responsibilities .....	1
6.	Policy .....	2
7.	Scope.....	3
8.	Summary of Procedure .....	4
9.	Principles .....	5
10.	Informal Action.....	5
11.	Fair Blame Procedure .....	6
12.	Discipline Procedure – General Guidance .....	7
12.1.	Representation .....	7
12.2.	Qualifications and Registration of Professional Employees .....	8
12.3.	Referral to Professional Bodies .....	8
12.4.	Criminal Acts .....	8
12.5.	Gross Misconduct.....	8
13.	Discipline Procedure – Procedural Guidance.....	9
13.1.	Establish Facts of the Case.....	9
13.2.	Inform the Employee of the Problem .....	10
13.3.	Precautionary Measures .....	11
13.4.	Formal Meeting to Discuss the Problem.....	12
13.5.	Outcomes.....	13
13.6.	Appeal.....	14
14.	Annex A: Authority Levels – Up to and including a final written warning.....	16
15.	Annex B: Authority Levels- Dismissal or action short of dismissal .....	17
16.	Annex C: Authority Levels- Suspension.....	18
17.	Annex D: Retention of Warnings.....	19
18.	Annex E: Fair Blame Process .....	20
19.	Annex F: Fair Blame Panel .....	21

## 1. General Principles

The council expects a high standard of conduct from all its employees to ensure the delivery of high quality services to residents and other users of the council. This process provides a framework to support managers in dealing with cases fairly and consistently where an employee's conduct does not meet that standard.

## 2. Trade Union Representatives

Recognised staff representatives will be subject to the same standards of conduct as other employees but will have the right to be represented by their District or Regional Officer. Action beyond a verbal warning will not be taken until the circumstances of the case have been discussed with the District/Regional Officer. Following this notification, the process will be followed in the same way as detailed for employees generally.

## 3. Senior Management

The Chief Executive shall decide on Panel arrangements for various stages under this Code relating to any Senior Managers appointed on grades 1 to 8 reporting directly.

## 4. Confidentiality

Any person involved with this process is expected to maintain confidentiality at all stages except as required or permitted. If an employee breaches confidentiality they could be subject to separate disciplinary action depending on the nature of the breach.

## 5. Roles and Responsibilities

### Employees are responsible for:

- understanding the process and what the council expects from them in terms of their conduct, performance and behaviour at work;
- cooperating with investigations and submitting documentation as required;
- arranging their own representation as soon as possible to avoid causing undue delay when required; and
- liaising with the Investigating Officer promptly e.g. if they become unwell and are unable to attend interviews or if they wish to book annual leave

### Line Managers are responsible for:

- attending relevant training workshops on how to follow the process;
- seeking advice and guidance from Human Resources;
- ensuring their employees have access to the process;
- ensuring any action taken under the process is dealt with in a timely, fair, confidential and consistent manner avoiding any undue delays;
- ensuring employees are treated objectively and fairly;
- ensuring a note is taken of all meetings and hearings.

**Human Resources are responsible for:**

- ensuring that managers have the knowledge and information they need in order to follow the process by providing training, information, advice and support;
- providing managerial support and guidance when requested;
- ensuring the process and supporting materials are kept up to date and reflect best practice, including a review of the Policy with Trade Unions every 3 years and more frequently if necessary;
- monitoring the use of the process and outcomes on a corporate and departmental basis, including the provision of relevant management information;
- providing advice to employees on the application of the process.

**Trade Unions are responsible for:**

- providing advice, guidance and support to staff as appropriate;
- providing the Director of Human Resources with comments on the application of the process;
- Providing representation for employees as appropriate.

**Appropriate Managers are responsible for:**

- reviewing all relevant information submitted by the manager and the employee;
- liaising with HR to allocate appropriate sanction;
- informing the employee of the outcome in writing.

## 6. Policy

Barnet Council expects and requires high standards of conduct from its employees. The Council's Discipline Procedure applies to any misconduct or serious failure to meet the standards of performance.

The purpose of the Council's Discipline Policy and Procedure is to be corrective rather than punitive and it should be recognised that the existence of the Discipline Procedure is to help and encourage employees to achieve and maintain acceptable standards of conduct and to ensure consistent and fair treatment of all employees.

Decisions made within the procedure will be on the balance of probabilities. Therefore, where a decision is made, the decision-maker should be able to demonstrate a reasonable belief to support the decision made.

The above forms the Council's policy as at June 2017, it should be noted that: - the policy does not confer any contractual rights the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.

The policy will be updated by April 2020.

## **7. Scope**

- 7.1.** This policy applies to all Council employees, including Head Teachers, Teachers, school based support staff and Chief Officers.
- 7.2.** A Chief Officer is defined as a Senior Manager appointed on Grades 1 to 8.
- 7.3.** The policy excludes the Chief Executive.
- 7.4.** The policy excludes employees who are on probation. The Staff Induction and Probation Policy and Procedure will be applied.
- 7.5.** The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

## 8. Summary of Procedure

8.1. The Discipline Procedure contains the following stages:

Action	Action	Outcome
<b>Establish the facts of the case</b>	Alleged misconduct takes place. Seek initial explanation, if satisfactory take no further action. Witnesses and / or initial complainant interviewed. Facts established and initial evidence gathered. Precautionary measures considered (Para 13.1 refers).	Decision made whether there is, or is not, a case to answer.
<b>Inform the employee of the problem</b>	Employee informed, normally within 2 working days, of the allegation that a case is being Investigated (Para 13.2 refers)	Employee has the opportunity to prepare for the formal meeting.
<b>Formal Meeting to discuss the problem</b>	Employee invited to Formal Meeting, normally given 7 working days' notice and advised of right of Representation (Para 13.4 refers)	Employee given opportunity to see case papers of the evidence against them and given an opportunity to prepare their own evidence in support of their claim.
<b>Decision on appropriate action</b>	Formal meeting held and decision made. Right of appeal notified (Para 13.5 refers)	Outcome of the case is considered and made, from counselling, through to dismissal and action short of dismissal.
<b>Appeal</b>	Appeal lodged within 5 working days of notification of outcome. Employee given 7 working days' notice of appeal Hearing (Para 13.6 refers)	Final stage in procedure. Meeting held and case reviewed, not reheard.

## 9. Principles

- 9.1. Counselling will be offered, where appropriate, to resolve problems.
- 9.2. No disciplinary action will be taken against an employee until the case has been fully investigated.
- 9.3. At every stage in the procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- 9.4. Apart from the initial discussion seeking an explanation, at all stages of the procedure the employee will have the right to be accompanied by a recognised trade union representative or a Barnet work colleague.
- 9.5. No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, where the penalty may be dismissal without notice or payment in lieu of notice.
- 9.6. An employee will have the right of appeal against any formal discipline penalty imposed.
- 9.7. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- 9.8. Where reference is made to "working days" in this policy, the meaning of a "working day" for all establishments except Schools is Monday to Friday (excluding Bank and Public Holidays), irrespective of whether this is a normal working day for the employee. For Schools, "working day" means one of the 195 days in a School year; of which 190 days must be days on which the teacher may be required to teach pupils and perform other duties and 5 days must be days on which the teacher may only be required to perform other duties
- 9.9. Occasionally an employee who is subject to the Discipline Procedure may lodge grievances. Both processes will normally run at the same time, however, consideration may be given to suspending the Discipline Procedure whilst the grievance is investigated.

## 10. Informal Action

- 10.1. Good management practice requires that issues related to behaviour and conduct should be dealt with at the earliest opportunity. It is essential that all employees are aware of the standards of conduct and behaviour

expected of them as soon as they commence, and throughout their employment with the Council.

- 10.2.** When in isolated cases of minor infringements of the expected standards of conduct occur, these should be dealt with outside of the formal procedure and discussed with the employee as part of everyday supervision with appropriate support being given to achieve the desired results/standards.
- 10.3.** Where a manager is uncertain about whether informal action is appropriate they should seek advice from Human Resources or refer to the guidance notes for more information on informal action

## **11. Fair Blame Procedure**

- 11.1.** The Fair blame process is for use when an employee acknowledges there is an issue with their performance which would ordinarily be taken up under the Capability Policy or that they are at fault for misconduct which would ordinarily be considered under the Disciplinary procedure.
- 11.2.** It aims for corrective action to be expedited without the need for an extensive investigation. It is normally only suitable for matters where dismissal would not be a possible sanction. More serious matters will continue to be managed under the appropriate policy.
- 11.3.** After initially becoming aware about an alleged incident or performance issue, a manager should normally discuss this at the earliest possible stage with an HR Adviser who will be able to advise how it could be managed and whether it might be appropriate to manage that case under the fair blame process instead of the relevant policy.
- 11.4.** If it is agreed that a fair blame process would be an appropriate course of action, then this should be put to the employee and their representative. If agreement is reached by all parties to manage the case under the fair blame process, then a manager will be identified to take the initial process forward. The fair blame process is summarised at annex E.
- 11.5.** This will involve reviewing the information that has been gathered so far and collecting additional information as necessary. The involvement of witnesses is not usually a part of the process which should take no more than 10 working days.

**11.6.** Once the information gathering and review stage of the process has been completed the manager will discuss their findings with their Head of Service and HR Adviser to agree if it is appropriate to move to the next stage of the process which would be to proceed to a Panel. This will be confirmed in writing to the employee

**11.7.** At this stage the employee will be informed about the range of sanctions or options available to the manager at the Panel. If the employee agrees to proceed to the Panel they will have five working days to provide any written comments for consideration. The Panel will meet to review the information and decide upon the appropriate action.

**11.8.** If agreement is not reached, then a formal investigation under the relevant procedure will be started.

**11.9.** The Fair Blame Panel is summarised at Annex F. The normal options available at the Panel include:

- to determine that no further action is required;
- to issue an oral warning;
- to issue a written warning;
- to make other recommendations considered appropriate such as training, mediation, changes to policies, etc;
- in the case of performance - transfer to another post of a lower grade (pay protection would not apply).

The employee will be informed of the outcome of the Panel in writing.

## **12. Discipline Procedure – General Guidance**

### **12.1. Representation**

12.1.1. Employees have the right to be accompanied by a Barnet Council colleague or by a recognised trade union representative where the disciplinary meeting could result in: formal warning being issued; or the taking of some other disciplinary action; or the confirmation of a warning or some other disciplinary action (appeal hearings).

12.1.2. Exceptionally, in cases where the nature of the allegation would lead to a referral to a professional body or Independent Safeguarding Authority, an employee may request a Legal Advisor in advance of the hearing. Such requests will be considered in the light of the allegation(s) and the employee advised of the outcome.

12.1.3. To exercise the right to be accompanied, employees must make a reasonable request. However, it would not normally be reasonable for employees to insist on being represented by a Barnet Council

Discipline Policy (June 2017)

colleague or by a recognised trade union representative whose presence would prejudice the hearing.

12.1.4. The Barnet Council colleague or recognised trade union representative should be allowed to address the hearing to put, and sum up, the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The Barnet Council colleague or recognised trade union representative does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Council from explaining their case.

## **12.2. Qualifications and Registration of Professional Employees**

12.2.1. Many posts within the Council require formal qualifications or registration with recognised professional bodies. It is the responsibility of all employees employed in such posts to ensure that they are appropriately qualified and registered for a statutory and / or contractual requirement. Failure to maintain this requirement, where it is not the fault of the registering body, may be treated as a disciplinary offence.

## **12.3. Referral to Professional Bodies**

12.3.1. As part of any action within the Discipline Procedure the Council will also refer the employee to their Professional / Regulatory Body, such as GTC, HCPC, in circumstances where that individual is found to have breached professional standards and practices, in accordance with the regulatory framework of the Professional Body.

## **12.4. Criminal Acts**

12.4.1. If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what affect the charge or conviction has on the employee's suitability to do the job and their relationship with the Council, work colleagues and customers.

12.4.2. Employees must immediately inform their line manager if they are convicted of any criminal offence, bound over to keep the peace and be of good behaviour, have accepted a caution from the Police or have been arrested and/ or charged with a criminal offence.

## **12.5. Gross Misconduct**

12.5.1. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for summary

dismissal (dismissal without notice) for a first offence. A fair disciplinary process should always be followed, before dismissing for gross misconduct.

12.5.2. The following list provides examples of offences that are normally regarded as gross misconduct:

theft, fraud, deliberate falsification of records fighting, assault on another person, deliberate damage to Council property discrimination, intentional or direct , incapability through alcohol or being under the influence of illegal drugs , negligence which causes unacceptable loss, damage or injury,, act of insubordination or wilful disobedience of a reasonable instruction or failure to follow procedure, a breakdown of trust and/ or confidence in the employee unauthorised entry to computer records.

12.5.3. This list gives illustrative examples and each case will be considered on its facts.

12.5.4. The above list is neither exclusive nor exhaustive. There are other offences of similar gravity, which are fundamentally damaging to the relationship of trust and confidence with the Council that could constitute gross misconduct.

## **13. Discipline Procedure – Procedural Guidance**

### **13.1. Establish Facts of the Case**

13.1.1. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In most cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In a minority of cases, the investigatory stage will be the collation of evidence by the Council for use at any disciplinary hearing, for example where an investigation into a grievance has concluded that there is a disciplinary case to answer.

13.1.2. If there is an investigatory meeting this should not, of itself, result in disciplinary action. The Council will offer the right of representation.

13.1.3. Where an allegation or suspicion is of a sexual nature relating to a child the investigating manager is recommended to speak to the Director of Children’s Services and HR, as appropriate.

13.1.4. In cases of allegations of a sexual nature involving pupils up to and including the age of 17 years the investigation will be undertaken in line with the Child Abuse Procedures.

13.1.5. In cases of alleged financial misconduct senior officers from CAFT must be informed. CAFT will liaise with the Investigating Manager in deciding how to proceed. This may involve notification to the Police to conduct a criminal investigation. Alternatively, CAFT may conduct the investigation.

13.1.6. Complaints and allegations should be obtained in writing, signed and dated. In the cases of allegations by young children and those with special educational needs or where the complainant declines to make a written complaint, it is acknowledged that a written account may not be possible. In such cases the Investigating Manager should make an account in writing of his / her discussions with the pupil / parent / complainant, which must be signed and dated.

13.1.7. Once a complaint or allegation is made in writing a meeting should be held with the complainant to discuss this in detail. These discussions should be confidential and conducted in a non-threatening and non-prejudicial manner, without witness's present.

13.1.8. Any witnesses who are likely to be in a position to give direct evidence about the alleged offence should be interviewed. The witnesses should be informed that they could be required to give evidence at a disciplinary hearing.

### **13.2. Inform the Employee of the Problem**

13.2.1. Where it is believed that there is sufficient substance in an allegation to warrant an investigation, and it is not one warranting urgent consideration of suspension, the employee must be informed, normally within 2 working days.

13.2.2. A fact-finding meeting should be arranged for the employee to respond to the allegations and to assist in establishing the facts. At this stage this is not a formal disciplinary hearing however the employee may be accompanied as per paragraph 11.1.

13.2.3. The substance of the allegation should be put to the employee and they should be given the opportunity to give their version of the incident or problem. The formal allegation and written evidence will not be supplied in writing at this stage, but will be released in advance of any formal hearing.

13.2.4. Following the investigation, if it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case

at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.

13.2.5. The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting. The employee must also be notified if no further action is to be taken

13.2.6. Following the investigation, it may be decided not to take formal action. A counselling session might be appropriate and this could provide guidance as to future conduct and / or support and reassurance. A summary of the counselling session should be sent in writing to the employee and a copy of the letter and any response to it will be held on the employee's personal file for a period of 12 months. Other outcomes of the fact-finding stage of the procedure could be to deal with the matter through the Capability Procedure or to take no further action whatsoever.

### **13.3. Precautionary Measures**

13.3.1. In cases where a period of suspension is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that the suspension is a neutral act and not disciplinary action. Annex C contains the authority levels who have the authority to suspend in line with this procedure.

13.3.2. An individual may request that a trade union representative is notified of his or her suspension, this should be done and a note kept of the request.

13.3.3. Alternatives to suspension may include:

- Placing the employee on limited duties;
- Temporarily transferring the employee to other duties and / or another workplace;
- Providing the employee with work to do at home;
- Where appropriate employees may be sent off duty for a cooling off period for the rest of the day the incident occurs and no more than one day in addition.

13.3.4. An employee who is subject to one of the above measures will continue to be on full contractual pay and allowances. Only where an employee is not believed to be legally working for the Council would suspension be without pay. All the terms of suspension will be provided in writing to the employee and will be regularly reviewed, on a minimum of a two-weekly basis.

- 13.3.5. During a period of suspension, the employee can still take annual leave with the approval of their line manager. However, they must be able to return to duty and attend investigative and formal meetings. The employee's Chief Officer as appropriate should only extend any suspension, which exceeds six weeks, following a review.
- 13.3.6. Where the investigation suggests that there might be a health problem, which is material to the alleged misconduct, it is important to obtain a report from the Occupational Health Service. In such cases the employee should be informed and asked to give written consent.

#### **13.4. Formal Meeting to Discuss the Problem**

- 13.4.1. The employee should be given a minimum of 7 working days' notice of the date, time and place of the interview.
- 13.4.2. Written details of the complaint, including any documentary evidence, in as much depth as possible to enable the employee to know what is being alleged about his / her conduct, should be provided with the interview notification. A copy of these procedures should also be supplied. In exceptional circumstances the manager hearing the case may allow additional documents to be presented at the hearing, if they could not have been reasonably presented within the stipulated time to the other party.
- 13.4.3. Both the Council and the employee have the right to call witnesses and / or rely on documentary evidence as appropriate.
- 13.4.4. A formal interview should proceed with the employee present, unless there is medical evidence that they are unfit to attend. Under these circumstances a postponement will be arranged for the interview, normally within ten working days of the original date. It is acceptable to proceed in the absence of the employee concerned where the employee fails to attend both interviews.
- 13.4.5. The interview may also be re-scheduled, on one occasion only, if the chosen representative or companion is not available at the time being proposed for the interview. This will be re-arranged within ten working days of the original date.
- 13.4.6. The name and authority of the manager hearing the case will be provided to the employee and the range of penalties that s/he may impose ahead of the meeting. Where appropriate the employee will be informed that the allegation(s) under consideration could result in

dismissal because: the allegation(s) could constitute gross misconduct; or the existence of a previous disciplinary record.

- 13.4.7. If relevant, a warning that recovery of any financial loss to the Council, usually by deductions from pay, will be made, should misconduct be proven, will be provided to the employee.
- 13.4.8. Where the manager believes that a witness has a reasonable belief that by giving evidence, there will be a detriment to the witness, the witness will be required to answer questions but reasonable steps will be taken to protect their anonymity.
- 13.4.9. Any evidence, gathered by either party as part of their investigations that will be presented as evidence at the interview, should be exchanged with the other party at least five working days before the meeting.

### **13.5. Outcomes**

#### 13.5.1. Counselling Note

If conduct does not meet acceptable standards the line manager will normally hold an informal counselling interview. A summary of that interview and agreed actions will be provided in the form of a counselling note. This will set out the conduct problem, the improvement that is required, the timescale and any help that may be given. The employee will be advised that it constitutes the first stage of the formal procedure. A record of the counselling note will be kept for 12 months, but will then be considered spent - subject to achievement and sustainment of satisfactory conduct.

#### 13.5.2. Written Warnings

If the conduct does not meet acceptable standards, the employee will normally be given a written warning. See Annex A for authority levels to issue a warning at this stage. This will set out the nature of the misconduct and the change in behaviour required; and their right of appeal. The warning should also inform the employee that a final written warning might be considered if there is no sustained satisfactory improvement or change. If the offence is sufficiently serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action leading to dismissal or some other action short of dismissal, and will refer to the right of appeal. A copy of this written warning will be kept by the line manager but will be

disregarded for disciplinary purposes after 12 months' subject to achievement and sustainment of satisfactory conduct.

### 13.5.3. Dismissal or action short of dismissal

If there is still a failure to improve the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer. Dismissal decisions can only be taken by the appropriate senior manager, see Annex B, and the employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which the employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

13.5.4. Summary Dismissal, that is dismissal without previous warning and without notice, will only apply in cases with a finding of gross misconduct that is where the conduct is of a sufficiently serious nature to bring the contract to an end without the need for notice or pay in lieu (see 11.5).

13.5.5. If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 24 months, subject to achievement and sustainment of satisfactory conduct.

## 13.6. Appeal

13.6.1. The employee can appeal against the manager's decision to issue a formal warning or against dismissal. The appeal must be made to the manager in writing within 5 working days of receiving the decision in writing.

13.6.2. The authorities listed in Annex B will hear the appeal.

13.6.3. The appeal should not be delegated to a manager or governor who has had any previous direct involvement or where there may be a conflict of interest.

13.6.4. The appeal is not a rehearing and is designed to review the decisions at the original hearing and decide whether they were reasonable in the circumstances.

13.6.5. The manager / panel hearing the appeal should give a decision about the outcome of the appeal within 10 working days. This decision is final within the Council and no further internal appeal is permitted.



**14. Annex A: Authority Levels – Up to and including a final written warning**

<b>Job Role</b>	<b>Authority Level</b>	<b>Appeal Stage</b>
Head Teacher – directly employed by the Council under Head Teachers’ pay and conditions	Governing Body, who should normally delegate this to the Chair of Governors	Panel of Governors
Head Teacher – employed by the Governors	Governing Body, who should normally delegate this to the Chair of Governors	Panel of Governors
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers’ pay and conditions School support staff	Head Teacher or Senior School Manager	Head Teacher, if not previously involved in case, or Panel of Governors
Teacher, including Deputy Head Teacher - employed by the Governors School support staff	Head Teacher, Senior School Manager or a nominated Governor.	Head Teacher, if not previously involved in case, or Panel of Governors
Trade Union Representative	Authority levels as per job role and a full-time union official should be made aware of the disciplinary action	As per job role
Chief Officer	Chief Executive or individual nominated by him/her	Chief Executive
All other employees, not listed above including Centrally Employed Teachers	Chief Officer and their named nominees	A more senior manager than the manager who conducted the original hearing

### 15. Annex B: Authority Levels- Dismissal or action short of dismissal

Job Role	Authority	Appeal - Dismissal
Head Teacher – directly employed by the Council under Head Teacher pay and conditions	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Head Teacher – employed by the Governors	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers’ pay and conditions School support staff	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy HT - employed by the Governors / School support staff	Governing Body, would recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Trade Union Representative	Authority level as per job role and a full-time union official should be made aware of the disciplinary action	As per job role
Chief Officer	Chief Executive or individual nominated by him/her	Chief Executive
All other employees, not listed above including Centrally Employed Teachers	Chief Officer and their named nominees	Appeal will only be considered by a Chief Officer, or more senior to this if the Chief Officer made the decision to dismiss

## 16. Annex C: Authority Levels- Suspension

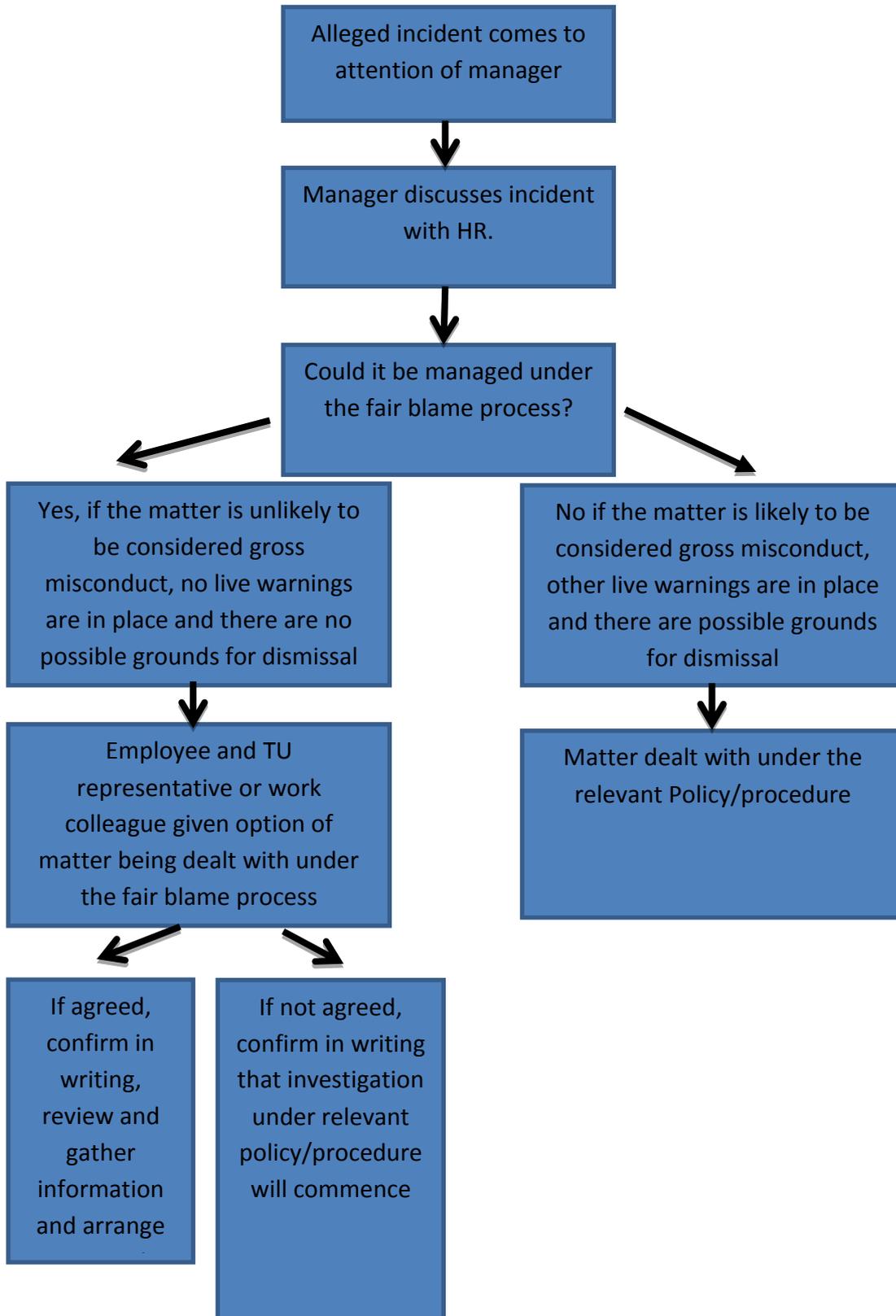
Job Role	Authority
Head Teacher – directly employed by the Council under Head Teachers’ pay and conditions	The Governing Body can suspend after discussion with HR / the Director Children’s’ Services. Chair of Governors and Director Children’s’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Head Teacher – employed by the Governors	The Governing Body can suspend after discussion with HR / the Director Children’s’ Services. Chair of Governors and Director Children’s’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Teacher, including Deputy Head Teacher - directly employed by the Council under Teachers’ pay and conditions School support staff	The Head Teacher and / or the Governing Body can suspend after discussion with HR / Director of Children’s’ Services. Chair of Governors and Director Children’s’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Teacher, including Deputy Head Teacher - employed by the Governors School support staff	The Head Teacher and / or the Governing Body can suspend after discussion with HR / Director of Children’s’ Services. Chair of Governors and Director Children’s’ Services to be formally advised in writing. The full Governing Body should be made aware the suspension has taken place but given no more details. Only the Governing Body can end the suspension.
Trade Union Representative	Authority is as per their job role however the case must be discussed with the Regional Officer or Regional Secretary.
Chief Officer	Chief Executive or individual nominated by him/her
All other employees, not listed above including Centrally Employed Teachers	Chief Officers and their Deputies can suspend. Line Managers can carry out the suspension pending approval. The Chief Officer must approve the suspension if it continues over 6 weeks.

## 17. Annex D: Retention of Warnings

Action	Period of time the Warning will remain on an employee’s personal record
Counselling Notes	12 months
First Written Warning	12 months
Final Written Warning	12 months
Action short of dismissal	24 months

Allegations involving Safeguarding will be retained indefinitely, as per statutory requirements.

### 18. Annex E: Fair Blame Process



**19. Annex F: Fair Blame Panel**

