SCHOOLS

DISCIPLINARY POLICY & PROCEDURE
GUIDANCE
FOR
SCHOOL BASED STAFF

Adopted by Iveson Primary Governing Body on 15/07/25

To be reviewed by Governors Summer 2 2026

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APPENDIX 1

THE INVESTIGATING OFFICER

Nominating the Investigating Officer

All staff (except the Headteacher)

When the Headteacher becomes aware of a potential disciplinary matter he/she should nominate an investigating officer bearing in mind the following points:

1. He/she should be a person with no involvement whatsoever in the matter under investigation

2. The person nominated should wherever possible be a senior member of the school staff. This should normally not be the Headteacher.

3. In certain exceptional cases the Headteacher may choose to act as Investigating Officer. It is recommended that the Headteacher fulfils the role only in those cases where:

   a) a senior member of staff is the subject of the investigation;

   b) other senior members of staff may be called as a witness;

   c) where there is no senior member of staff available who does not have detailed prior knowledge of the case.

4. In exceptional cases the Headteacher may ask Leeds City Council HR Service to provide an Investigating Officer.

Concerns about the conduct of the Headteacher

The Chair of governors should determine who should act as Investigating Officer e.g. a member of the governing body or in exceptional circumstances an officer of Leeds City Council HR Service.

Role of the Investigating Officer

The Investigating Officer's role is:

To establish the facts of the case by gathering information
To remain neutral in the process
To produce a report outlining the findings
To reach a conclusion about the allegations based on the evidence gathered
To present their findings to a panel, where the investigation reaches the hearing stage
To undertake the investigation in the strictest confidence

The Investigating Officer should ensure the potential outcome of gross misconduct and possible dismissal is communicated throughout the process, in all formal letters to the

member of staff.

Advice should be sought from the Schools HR team before commencing a disciplinary investigation

Drafting Allegations

The Headteacher should frame the allegations, with advice from HR, or in the case of allegations against the Headteacher, the Chair of Governors should seek advice from HR before framing the allegations.

Allegations should be clear and concise and must relate to the specific incident/s or concerns.

The use of legal terms should be avoided

During the investigation, but not after the conclusion is reached, it may be necessary to change the allegations to reflect the findings of the investigation

If the matter under investigation involves an allegation(s) of physical/sexual abuse and the Police or child protection agencies are involved then the school's investigation may have to be held in abeyance until the external investigation has been completed. Advice on whether to proceed should be sought from the appropriate Leeds City Council HR.

Gathering evidence

The evidence to be collected may be in the form of:

- Receiving written accounts from witnesses which are signed and dated or by conducting interviews with anyone who may have knowledge of the case which is recorded in the form of Question and Answer but is not necessarily verbatim and should be verified by the person who has been interviewed.

- Obtaining any other relevant documents e.g. school and Local Authority guidelines and procedures, conditions of service, the job description, live warnings, IT records, DfE or other statutory guidance

Interviews

- When interviewing witnesses, under no circumstances should other potential witnesses be present in the interview.

- The interview will be tape recorded to provide an accurate record of the meeting. A transcript must be shared with the employee to sign.

- Interview questions should relate to specific incidents and/or concerns raised by the allegations. The Investigating Officer should prepare questions in advance of the interview but may ask additional questions for clarification.

- If the disciplinary investigation includes allegations that may need to obtain evidence

from a child or other child witnesses, please refer to the document Child Protection: Allegations Against Staff – Guidance on when and how to interview children.

Conclusion

The conclusion must be based on the evidence gathered by the Investigating Officer and the summary of their findings

The Investigating Officer must make a recommendation to the member of staff that they intend to:

a) Take no further action or;
b) Convene a disciplinary hearing before the Headteacher in cases of alleged misconduct or;
c) Convene a disciplinary hearing before a panel of Governors in cases of alleged gross misconduct, or cumulative misconduct or where the subject is the Headteacher in cases of misconduct, cumulative misconduct or gross misconduct.

For further information refer to the Schools Disciplinary Policy and Procedure.

APPENDIX 2

SUSPENSION

1. It may be appropriate, in some cases for the Headteacher, to suspend the employee to enable investigations to take place (see Section 7 of Policy). Where the subject of the investigation is the Headteacher the Chair of governors will decide whether it is appropriate to suspend to enable investigations to take place.

2. In all cases where suspension is being considered, the Headteacher/nominated person should advise the member of staff to seek assistance from his/her Trade Union.

3. Suspension is a very serious matter and the decision to suspend should not be taken lightly. In some cases it may be appropriate to grant paid leave of absence to a member of staff in order that preliminary investigations can take place to establish whether formal suspension is appropriate. Leave of absence should not normally exceed three working days.

4. Where the suspension of a member of staff is being considered an interview should take place as soon as possible. The Headteacher/nominated governor should ensure that an interview takes place. In cases of alleged child abuse, Leeds City Council HR must consult with the nominated Leeds City Council Designated Officer for Child Protection (Children's Services) as described in **Appendix 4** (Where the member of staff, including the Headteacher, is a trade union or safety representative, refer to **Appendix 5** From the outset it should be established that the action being taken is not an attack on the functions of a trade union.)

5. Leeds City Council HR Team must be consulted in all cases before a decision to suspend or leave of absence is granted.

6. Where the Police are involved in a criminal investigation, it may be appropriate to consult with the police officer in charge of the case, prior to arranging a meeting to consider suspension.

7. A member of staff called to a meeting to consider suspension should be advised by the Headteacher/nominated governor to seek the advice and support of his or her trade union/professional organisation. Another person of his/her choice may support a member of staff who is not a member of a trade union/professional organisation.

8. The member of staff should be informed at the outset of the meeting that an allegation has been made and that, at the conclusion of the meeting, suspension might occur. It should be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of putting forward a serious matter which may lead to suspension and further investigation.

9. 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 about the allegation. The member of staff should be given an opportunity to make representations concerning the suspension. A brief adjournment should be offered to the member of staff prior to response.

10. Where a decision to suspend has been taken, the employee will be advised of this verbally by the Headteacher and will receive written confirmation and reasons for the suspension, which will be despatched within one working day. The Headteacher will also notify the Governing Body and appropriate HR Adviser, Leeds City Council. Where a decision to suspend the Headteacher has been taken, he/she will be advised of this verbally by the Chair of Governors and will receive written confirmation which will be despatched within one working day. The Chair should report the matter to the governing body but provide no more than the minimum information necessary, as more than this would prejudice governors' impartiality in any subsequent disciplinary proceedings. The Chair will also notify the Head of HR Service, Leeds City Council.

11. Where the decision has been not to suspend, the Headteacher/Chair of governors should explain to the member of staff the circumstances that led to consideration of suspension and further explain any follow-up action that it is proposed to take which may included an investigation under the schools disciplinary procedures.

12. In the case of an allegation of a child protection nature the pupil or parent making the allegation should be confidentially informed of the suspension. Where the pupil making the allegation is under 18, his or her parents should normally be informed in confidence in so far as to do so is consistent with wider child protection considerations.

13. Staff should then be informed of the suspension. Senior staff should be informed of the reasons for the suspension so far as is necessary in the circumstances. The Headteacher should consider the extent to which it is necessary to make a statement to parents of children in the school, having considered the need to avoid unwelcome publicity. In the case of the suspension of a Headteacher, the acting Headteacher and Chair of governors should make these considerations. There may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues.

14. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. It is recommended that guidance should be sought from the Head of Service HR, Leeds City Council before any information is released into the public domain.

Support For The Member of Staff During The Period Of Suspension

The suspended member of staff should be given the name of a Leeds City Council HR Adviser as an information contact. The main role of the contact person is to provide clarity on the disciplinary procedure and information as to the progress of the investigation. Social contact with the member of staff's colleagues and friends at the school should not be precluded except where it is likely to be prejudicial to the gathering and presentation of evidence.

A member of staff should be designated to ensure contact is maintained with the member of staff to receive information about developments at the school in general, according to the needs and wishes of the member of staff to be kept informed. In the case of a member of staff being suspended this could be another member of staff or in the case of Headteacher, a member of Leeds City Council or the Acting Headteacher.

In cases involving a police investigation every effort should be made to contact the member of staff termly to inform them of any developments or otherwise.

In all cases, the member of staff would be provided with information and contact details of The Vivup

Provider - Vivup counselling service.

Where No Action is Taken to Suspend

According to the circumstances of the case, appropriate assistance or advice may be offered to the member of staff. The Headteacher/Chair of governors should seek to establish what support, if any, is required.

It may be appropriate to provide the member of staff with information and contact details of Vivup counselling service.

APPENDIX 3

CONDUCT OF DISCIPLINARY HEARINGS

1. DISCIPLINARY HEARING BEFORE A HEADTEACHER

1.1 The employee will be invited to a hearing at which the Headteacher will examine the facts of the alleged misconduct. The employee will be given at least 7 clear working days notice in writing of the arrangements, but not more than 20 working days. The letter inviting the employee to the hearing will contain a statement of the alleged misconduct, will give the names and status of any witnesses to be called and will be accompanied by copies of any document(s) which will be produced at the hearing.

1.2 The employee will be informed of his/her rights to be accompanied by trade union or other representative not acting in a legal capacity. He/she will also be informed that they may produce documents in his/her own support and/or call witnesses. He/she should provide copies of any documents he/she intends to produce at least 3 days in advance of the hearing. Should this prove impossible, full consideration will be given to accepting any late documentation produced at the hearing. He/She should provide the names and status of any witnesses to be called at the hearing in writing, including whether they themselves intend to be called as a witness.

1.3 At the outset, the Headteacher should satisfy himself/herself that the disciplinary procedures have been correctly followed in the stages leading up to the hearing. The Headteacher should have regard for the nature of the case and, with the agreement of all parties, should decide the degree of formality that is required for the hearing.

1.4 Where the evidence is accepted the parties can propose to the Headteacher that the case be heard in a less formal way. This should be agreed between both parties once the letter inviting the employee to the hearing has been sent out. In some cases the hearing should take the form of an interview by the Headteacher during which both the Headteacher and the employee concerned will be able to examine and question all the information submitted.

1.5 In most cases the school's case will be presented by an officer nominated by the Investigating Officer and the same order for conducting the hearing as set out at para. 2.4 below will be followed. The Headteacher should have regard for the nature of the case and, with the agreement of all parties, should decide the degree of formality that is required for the hearing.

1.6 Following the hearing the Headteacher wherever possible will convey his/her decision verbally and confirm the decision in writing to the employee not later than three working days after the hearing. This letter should advise the employee of his/her right to appeal against the decision to a panel of Governors and indicate the procedure to be followed.

2. DISCIPLINARY HEARING BEFORE A PANEL OF GOVERNORS

2.1 Three members of the Governing Body will form the panel of the disciplinary hearing.

2.2 The HR Adviser to the Panel will notify the employee in writing of the arrangements for the hearing, giving at least 7 clear working days in advance of the hearing, but not more than 20 working days. The employee will be provided with a written statement of the alleged misconduct, together with the names and status of any witnesses to be called and copies of any document(s) to be produced at the hearing.

2.3 The employee will be informed of his/her rights to be accompanied by trade union or other representative not acting in a legal capacity. He/she should provide copies of any documents he/she intends to produce at least three days in advance of the hearing. Should this prove impossible, full consideration will be given by the Panel to accepting late documents produced at the hearing. He/She should provide the names and status of any witnesses to be called at the hearing in writing, including whether they themselves intend to be called as a witness.

2.4 At the outset, only the panel of Governors and the HR Adviser to the panel will be in the room. The Governing Body may also arrange for someone to take notes at the hearing, or alternatively arrangements may be made for the hearing to be digitally recorded.

2.4.1 At the outset, the Chair of the panel should satisfy himself/herself that the disciplinary procedures have been correctly followed in the stages leading up to the hearing. The Chair will invite the parties representing the employee and the school to enter the room where the hearing is being conducted and all witnesses will remain outside the room until they are called. Each person will be introduced by name and the employee informed of the purpose of the hearing. The procedure intended to be followed will be outlined. The Chair will also ask whether there is any additional written evidence or documentation to be submitted to the hearing or any new witnesses to be called and where this is so, will, at the request of either party, adjourn the hearing for this to be considered. When the hearing is resumed, either party may request a longer adjournment or a rearranged date for the hearing. In cases where an employee is facing an allegation of racial or sexual harassment or discrimination, the order of proceedings will be augmented at appropriate stages by the provisions set out at paragraph 4.

2.4.2 Where there is more than one representative attending for the employee and/or the school only one can take part in the hearing, as the principal representative.

2.4.3 At this stage any witnesses who are present to give evidence should wait outside until called. The Chair should ensure that everyone is introduced by name and should explain the procedure that is to be followed.

2.4.4 The Chair will invite the school's representative to present the school's case, during which the school's representative may produce documents, and put questions to the school's witnesses. At the conclusion of each witness's statement, the employee or his/her representative may question the witness, but not both. The school's representative may then re-examine the witness but only on matters arising out of the questions put. If the Investigating Officer presents the school's case, he/she may be questioned, but only on points of procedure. The Panel of Governors may then put questions to the witness.

2.4.5 In the interests of a fair hearing the Panel may ask questions of the school's

Investigative Officer, the employee or his/her representative and witnesses at any time during the case presentations.

2.4.6 The HR Adviser to the panel may, through the Chair, only seek to clarify points made in evidence.

2.4.7 At the conclusion of the school's case, the Chair will invite the employee or his/her representative to present his/her case. The same procedure will be followed as for the school's case.

2.4.8 At the conclusion of the employee's case the Chair will offer both sides a short adjournment before the concluding statements.

2.4.9 The Chair will invite the school's representative to make a concluding statement and will invite the employee or his/her representative to make a concluding statement. No new evidence should be introduced at this stage.

2.4.10 After hearing the case for both sides, the panel will ask the parties to leave, the only person remaining being the HR Adviser to the panel and note taker, if such a person has been present.

2.4.11 The panel should seek the guidance of the HR Adviser attending to advise on matters of law and procedure but not on matters of fact. The panel may recall the parties on points of clarification. However, on these occasions, care should be taken to ensure that both parties are recalled even though the panel may only wish to raise points with one side.

2.5 Wherever possible the decision of the panel will be conveyed verbally and confirmed in writing to the employee not later than three working days after the hearing, and will advise the employee of his/her right of appeal to the Appeals Panel of the Governing Body.

3. APPEAL HEARING BEFORE GOVERNORS' APPEAL PANEL

3.1 The employee will need to advise the HR Adviser to the disciplinary panel in writing of his/her intention to appeal within ten working days of receiving the written decision of the Headteacher/ disciplinary panel. The appellant must set out the specific grounds for the appeal by completing a Disciplinary Appeals Form.

3.2 The appellant and his/her representative can, in conjunction with the person presenting the school's case, seek to agree the information needed for the appeal and agree any information that is relevant to the matter under appeal to be submitted at the appeal hearing, taking particular care to ensure that the notes of the previous hearing are an accurate record, this will enable the Appeals Panel to conduct the appeal on the particular grounds that the appeal has been made or by the way of a complete rehearing. The notes of the hearing should be agreed and signed by both parties prior to the Appeal Hearing and any areas of disagreement should be noted. Where agreement cannot be reached, both versions should be provided. A schedule, together with copies of all relevant documents, should be provided at least five working days in advance of the appeal hearing. Both parties should provide names and status of any witnesses to be called at the same time. In the event that there is failure to agree, relevance shall be determined by the Panel at the start of the Appeal Hearing.

3.3 The Governing Body will invite the appellant to an appeal hearing to be held not later than twenty working days from the receipt of the notice of appeal, but giving at least 5

working days notice.

3.4 The Appeals Panel of the Governing Body will consist of three Governors none of whom shall have taken part in the initial disciplinary hearing, or have had any previous involvement in the case.

3.5 The hearing will be conducted in accordance with the procedures set out in paragraphs 2.3-2.5 above.

4. CASES INVOLVING HARASSMENT OR DISCRIMINATION

Definition - Harassment is any unwanted or unwelcome term, comment or behaviour such as looks, actions, suggestions or physical contact that is abusive, offensive, insulting or undermining to the recipient or as a result of which an intimidating environment is created.

Discrimination is any act that has the effect of treating a person less favourably on the grounds of race, creed, sex, marital status, sexual orientation, disability or age.

Support for witnesses - It is recommended that support for witnesses be provided as detailed below:

Representation - Witnesses shall be briefed by the Clerk to the Governors on their right to be accompanied by a Trade Union Official or by an outside representative and/or be provided with a support person (see below)

Support Person - A support person shall be provided from HR unless the offer is declined, in which case, the witness may select a support person of his/her own choice.

The role of this support person shall be to provide for the witnesses:

- an explanation of the procedure of the hearing beforehand
- encouragement and reassurance to help them provide evidence during the hearing
- request(s) during the hearing for a break or adjournment if necessary to relieve their distress
- counselling on a regular basis before/during/after the case as necessary

This role shall be explained to all present at the hearing by the HR Officer if such an officer is present, or if not, by the HR Adviser to the panel.

5. PRACTICAL PROTECTION AT THE HEARING FOR ALL WITNESSES

5.1 In all cases the seating of the room shall be arranged to allow witnesses to give evidence as fully as possible and in a manner which minimises the risk of intimidation, e.g. witnesses and defendant not facing each other.

5.2 All reasonable requests for breaks or adjournment should be allowed, e.g. toilet, severe distress.

APPENDIX 4

STAFF FACING AN ALLEGATION OF PROFESSIONAL ABUSE GUIDELINES ON PRACTICE AND PROCEDURE

1. THE GUIDELINES

1.1 These guidelines are based on ones agreed nationally by representatives of the local education authorities and the six teacher organisations in England and Wales. They have been amended locally by agreement between Leeds City Council and the trade unions recognised by Leeds City Council who represent all school based staff. In order to comply with the national guidelines these have been agreed in accordance with the Leeds Safeguarding Children Board (LSCB) (previously known as the Area Child Protection Committee)

1.2 These procedures are strongly recommended for use in controlled maintained and aided schools, and this advice accords with the advice at national level.

2. DEFINITIONS

2.1 Designated Person / Designated Staff

A senior member of the staff of a school with specific responsibility for co-ordinating Child Protection / safeguarding action with the school and for liaising with Children's Social Care and other agencies over suspected child abuse. It may be appropriate for another senior teacher to be named as the alternative to the Headteacher if he/she is one of the Designated Staff.

2.2 Nominated governor

This person will be responsible for liaising with the Headteacher / senior Designated Person at the school over matters regarding child protection and safeguarding issues in line with Leeds LSCB procedures. Ideally this role would involve:-

a) ensuring, in liaison with the Headteacher / senior Designated Staff, that the school has Safeguarding policies and procedures in place; which are consistent with Leeds LSCB procedures;

b) ensuring that an annual item is placed on the governors' agenda to report on changes to child protection policy/procedures, training undertaken by the senior designated teacher, other staff and governors, the number of incidents/cases (without details or names) and the place of child protection issues in the school curriculum;

c) liaison (with due regard to issues of confidentiality) with the Headteacher / Designated Staff re allegations of child abuse;

d) attendance at training for nominated governors.

NB. Unless the Nominated Governor is also the Chair of Governors, s/he will **not** have responsibility in the event of an allegation being made against the Headteacher. The Chair of Governors will be responsible for the implementation of procedures relating to liaison with the education department, Children's Social Care and the police in relation to any allegations of child abuse against a Headteacher, including possible attendance at strategy group meetings; (NB: The Chair of Governors and the Nominated Governor will have no part in the actual investigation of a complaint against the Headteacher, nor will they be involved in any allegations of professional abuse made against any other member of staff or volunteer. He/she will be a liaison person ensuring good communication between all parties);

2.3 Senior Allegations Manager - Leeds City Council (to be known as Leeds City Council Schools' HR) has a senior nominated officer, with responsibility for liaising with the Local Authority Designated Officer (LADO) on allegations of professional abuse in Leeds schools and / or education services. The Senior Allegations Manager is involved in establishing local procedures, including arrangements for managing allegations against school staff, volunteers and those offering services to schools (eg contractors, commissioned services, etc), identifying trends / lessons to be learnt and responding to training needs as a result of specific cases.

3. INTRODUCTION

3.1 Members of staff within schools are well placed, as responsible adults outside pupils' family homes, to be able to detect signs of child abuse. Members of staff within schools have a positive role in child protection, being able to observe outward signs of abuse, changes of behaviour or failure to develop members of staff within schools have a particular responsibility to further the personal and social development of children. Where professionals have such interaction, the opportunity to abuse children exists and it is regrettably the case that, in rare instances, some members of the school staff have been found to have harmed a child or children. To that extent and because of their daily contact with children in a variety of situations, including the wider caring role, school based staff are vulnerable to accusations of abuse. Their relationships with the pupils may lead to allegations against them being made by pupils or parent (i.e. the person who has parental responsibility) or by others including colleagues, visiting professionals or the statutory services.

Those allegations may be false, malicious or misplaced, and may be either deliberate or innocent of such intent. The allegation may also be true. Schools need policies and procedures on the management of situations where there are allegations of abuse.

3.2 'Working Together to Safeguard Children' (DCSF 2010), the inter-agency guide to arrangements for protecting children from abuse, advises investigating agencies that the difficulties of assessing the risk of harm to a child should not be underestimated. Further, it is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Agencies are also warned that, although there is obvious need to act with speed and decisiveness in cases where there is reasonable cause for suspicion that a child may be in acute physical danger, the potential for damage to the long-term future of the child by precipitate action must always be considered. There must be confidence that all the agencies concerned will act in a careful, measured way when suspicions are brought to their attention.

3.3 In the same way, an over-hasty or ill-judged decision immediately to suspend a

member of staff (there may be other options) when an allegation is made, can have a substantial detrimental effect upon that member of staff's career. It can, at the very least, prove to be a traumatic experience for the member of staff concerned, for children at the school, their parents, and for other staff. A member of staff facing an allegation of abuse needs to have confidence that agencies will act in a careful measured way when allegations are brought to their attention.

4. USING THESE GUIDELINES

Local Safeguarding Children Boards and Children's Services departments have wide responsibilities in disseminating information on local child protection procedures.

4.1 Local procedures should be informed by these guidelines, which are intended to be complementary and supplementary to the guidance contained in 'Working Together 2010' and to LSCB procedures. Without in any way compromising the need for essential child protection, these guidelines are designed to be consistent with principles of natural justice.

4.2 Children Leeds will ensure effective means of disseminating information about child protection procedures to Headteachers, to the Designated Staff within schools with responsibility for safeguarding matters and to governing bodies. Headteachers, Designated Staff and chairs of governors are advised to be familiar with the provisions of 'Working Together', Leeds LSCB procedures and national / local education procedures which are the subject of these guidelines.

5. LISTENING TO CHILDREN

5.1 Children who report to a teacher (or other member of staff) that a member of staff has abused them must be listened to and heard, whatever form their attempts to communicate their worries take. Listened to means just that - on no account must suggestions be made to children as to alternative explanations for their worries. A written dated record must be made of the allegations as soon as practicable (and certainly within 24 hours).

5.2 Members of staff cannot promise confidentiality to pupils who make allegations. However, a member of staff hearing an allegation against another member of staff should aim to involve the child in any decision to take the allegation further, which could result in following formal procedures based on these guidelines. Where a child says he or she does not wish to take the matter further, consideration should be given to the age and understanding of the child and whether the child or others may be at risk of significant harm. The principles and issues implicit in the foregoing sentence should always be discussed at the local level with the Senior Allegations Manager (Schools' HR) and LADO. While acknowledging the need to create an environment conducive to speaking freely staff should make it clear to pupils who approach them asking for complete confidentiality that in some circumstances staff would be bound to pass on what they were told. Staff should take any further steps as may be necessary to ensure child protection under the local procedures agreed by Leeds LSCB. When a decision is made to take no further action, a written record should be made including the reason for the decision (see also section 15).

6. ACTION BY A MEMBER OF STAFF WHO HEARS AN ALLEGATION FROM A CHILD

All Staff (except the Headteacher)

A member of staff receiving an allegation of abuse against another member of staff should, following the consideration of 5.2 above report this immediately to the Headteacher, unless the Headteacher is the person against whom the allegation is made.

Headteacher

A member of staff receiving an allegation of abuse against a Headteacher should, following the consideration of 5.2 above, report this immediately to the Senior Designated Person who should inform the Chair of Governors and the school's HR adviser (Schools' HR). However, if the allegation is against the Headteacher and the Senior Designated Person is also the Headteacher, the allegation must be passed to the next alternative Designated Person (see section 2) and to the Chair of Governors.

Immediately an allegation is made, whoever actually receives it, as well as consulting that school's HR adviser (or, if the school does not have an SLA with Schools' HR, the Senior Allegations Manager, referred to in paragraph 2.3 above), the Headteacher or nominated governor should:-

a) Obtain details of the allegation in writing, signed and dated by the person who receives the allegation (not from the child who is the subject of allegation)

b) Record any information about times, dates, locations and names of potential witnesses.

7. URGENT INITIAL CONSIDERATION OF WHETHER THERE IS SUBSTANCE IN AN ALLEGATION

7.1 Where an allegation is made against a member of staff other than the Headteacher there should be an urgent initial consideration by the Headteacher and the HR adviser (Schools' HR) of whether or not there is sufficient substance in an allegation to warrant an investigation. Where an allegation is made against a Headteacher consideration should be given by the Chair of Governors and the HR adviser.

The Headteacher / Chair of governors must have previously established contact –- usually via the HR adviser - with the LADO and must consult that officer(s) as part of the initial consideration.

NB: In both cases the substantive decision on whether to investigate under local child protection procedures rests with the statutory agencies. There will be one of four possible outcome of that consideration:

a) an immediate referral under the local child protection procedure (see paragraphs 8.1 and 8.2);

b) there is reason to suppose abuse could have occurred and that referral under the local child protection procedure or under internal disciplinary procedures may be necessary (see paragraphs 9.1 and 9.2);

c) that the allegation is apparently without foundation (see section 12);

d) that the allegation was prompted by inappropriate behaviour which needs to be considered under the school's agreed disciplinary procedures (see paragraph 8.1 b) and there is no evidence of child abuse.

8. ALLEGATIONS WHICH CALL FOR IMMEDIATE REFERRAL TO CHILD PROTECTION AGENCIES

8.1 The immediate priority must be to determine whether a child or children are at risk of significant harm and in need of protection. If this appears to be the case there should be an urgent referral to Children's Social Care in accordance with the agreed procedures established by Leeds LSCB. In the case of all staff other than the Headteacher the responsibility lies with the Headteacher. In the case of an allegation against the Headteacher then the responsibility lies with the senior Designated Person in consultation with the Chair of Governors and the LADO. The Senior Allegations Manager (Schools' HR) may also be consulted. Where the Designated Person is the Headteacher then the Chair of Governors must report the matter to the appropriate agencies via their HR adviser. The Designated Person may have already made a referral to the appropriate agency under the LSCB procedures in consultation with the Senior Allegations Manager (Schools' HR) and / or the Child Protection coordinator (Education).

8.2 Where allegations of abuse are referred to Children's Social Care, or the police, subsequent action will be in accordance with the local child protection procedures. Early action to establish the nature of the allegation and consideration of whether it should be investigated should be undertaken in such a way that it does not prejudice any such subsequent action. There must be no interference with evidence.

9. ALLEGATIONS WHICH MAY OR MAY NOT CALL FOR URGENT REFERRAL TO CHILD PROTECTION AGENCIES

9.1 It is important for the Headteacher or, where appropriate, the Designated Staff or Chair of Governors to act quickly. It is also important to recognise that establishing whether an allegation warrants further investigation is not to form a view on whether the allegation itself is to be believed. The Headteacher / other relevant person should not investigate the allegation itself, or interview pupils, or discuss the allegation with the member of staff, but should consider, in consultation with the persons referred to in paragraph 7.1 above, whether the allegation requires further investigation and if so, by whom. Only if the allegation was trivial or demonstrably false, would a further investigation not be warranted.

9.2 In all cases, the HR adviser (or, if the school does not have an SLA with Schools' HR, the Senior Allegations Manager) will report the allegation or concern to the LADO, in line with national requirements. The LADO will advise whether inter-agency procedures are to be invoked.

9.3 Where it does not appear that the child or children is / are at risk of SIGNIFICANT harm, the LADO may advise the Headteacher to consider whether there is a need for disciplinary action.

10. INVESTIGATIONS

10.1 There will be two possible types of investigation:

- under Leeds LSCB procedures (by the police and / or Children's Social Care);
- under the school's agreed disciplinary procedures.

10.2 Any disciplinary process should be clearly separate from child protection investigations. Whilst the disciplinary process may be informed by child protection investigations and in some circumstances the statutory agencies might decide to make a recommendation about suspension or other protective action as a result of the strategy discussion (see section 11 below), the child protection process has different objectives from the disciplinary procedure and the two should not be confused. Decisions as to suspensions and/or disciplinary action are for the Headteacher / governing body.

10.3 Any investigation by the police or Children's Social Care will take priority over an internal investigation by the school. An internal investigation running alongside a police or child protection agency enquiry is not likely to be good practice and should be held in abeyance pending the completion of the external investigation.

10.4 Guidance on investigative procedures are contained in Appendix 1. If further evidence comes to light during the course of these investigations, then a re-referral to the LADO must be considered.

11. ACTION SUBSEQUENT TO REFERRAL TO THE LADO

11.1 When an allegation has been referred through the LSCB procedures to the LADO the investigation will be informed by the guidance in 'Working Together to Safeguard Children 2010' and 'Managing Allegations of Abuse 2007'. Under these procedures the LADO is required to consider whether a strategy meeting is required and determine who should attend. It is desirable that representatives of Schools' HR (which would include the Senior Allegations Manager and HR adviser), school, (Headteacher or in the event of an allegation against the Headteacher, the Chair of Governors) be involved as appropriate and contribute to such strategy meetings in cases of allegations against the member of staff. These meetings will be chaired by the LADO.

11.2 The strategy meeting should also consider whether any other children are likely to have been at risk in the light of the allegation and whether it may be necessary to review any previous allegations made against the member of staff to consider interviewing any other children including ex-pupils of the school or any other schools.

11.3 The Headteacher, governors and HR service should balance the welfare of the accused member of staff and the interests of the investigation taking account of the need to minimise the stress to anyone who may be wrongly accused.

11.4 All members of staff should be advised to contact their professional organisation if allegations are made against them.

11.5 Support may be needed for the child or the children making the allegations and their parents. 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 the alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. This should be discussed at the strategy meeting or advice may be sought from the LADO or Senior Allegations Manager at a later date.

12. POLICE INVOLVEMENT

12.1 In some cases the police might wish to interview the member of staff against whom the allegation is made before the Headteacher, or Senior Designated Person make any approach. The police may act independently of the school particularly where the alleged offence is unconnected with the member of staff's professional life. Police officers should be given every assistance with their enquiries but confidentiality about the enquiries should be maintained in the member of staff's interests.

12.2 When the police are involved it would not normally be expected that police interviews would be undertaken on school premises and it would be expected that appointments are made for interviews to occur at reasonable times wherever possible.

13. NOTIFICATION OF INTERESTED PERSONS

13.1 The police or LADO may decide that the investigation would be hindered by notification to parties at an early stage. The Headteacher in consultation with the HR adviser (or where relevant, the Senior Allegations Manager), must ensure there is no objection by the police before contacting any parties. Subject to there being no objection the Headteacher should:

a) inform the child, children or parent making the allegation and explain the likely course of action;

b) ensure that the parents of the child or children who are the subject of the allegation are informed of the likely course of action;

c) inform the member of staff against whom the allegation is made and explain the likely course of action advising them to contact their trade union representative or other person of their choice;

d) inform the chair of governors of the school, in the case of an allegation made against the Headteacher.

13.2 A written record of those factual matters should be made.

13.3 Where, in especially serious cases, the police or the strategy meeting decides that the investigation would be hindered by an approach to the member of staff before the police have had an opportunity to undertake an initial investigation or to interview the member of staff, then the Headteacher should be informed accordingly and arrangements made to enable him or her to contact the officer in charge of the case to be kept informed of progress.

14. WHERE FOLLOWING THE INITIAL CONSIDERATION THE HEADTEACHER (or in the case of an allegation made against the Headteacher, the Chair of Governors) BELIEVES THAT THE ALLEGATION IS WITHOUT FOUNDATION, HE OR SHE SHOULD: in consultation with the Senior Allegations Manager (Schools' HR) identified in 7.1 and the designated staff:

a) consider whether the child might have been abused by someone else and whether a referral should be made to the police or Children's Social Care under Leeds LSCB procedures;

b) inform the member of staff of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union/professional organisation or another person of their choice;

c) consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form that either might take;

d) inform the parents of the child or children of the allegation and the outcome;

e) consider appropriate counselling and support for the child or children who made the allegation(s) - if applicable - and, where appropriate their parents; in particular, taking into account a child's additional needs where a false or malicious allegation seems to have been made; and

f) consider whether it is appropriate to instigate a disciplinary investigation against the employee(s) who it is alleged made the false or malicious allegation(s);

g) prepare a report embodying a) to e) above and giving reasons for the conclusion that the allegation is without foundation.

15. CONSIDERING WHETHER SUSPENSION IS APPROPRIATE

A member of staff against whom an allegation is made should not be automatically suspended. In the case of an immediate referral to the statutory agencies (as under para 7(a)) immediate suspension is likely. In the case where immediate referral is not envisaged (as under sub-para 7(b) or para 7(d)) suspension may or may not be appropriate. In the case of unfounded allegations (as under para 7(c) suspension is unlikely. The Headteacher/n Chair of Governors should consult with the HR adviser who will seek advice from the Head of HR Children's Services and consider any recommendations which may be made by the LADO or police as a result of the strategy meeting before a decision to suspend is taken. Suspension may be considered at any stage of an investigation.

For further advice in relation to suspension refer to Appendix 2.

16. OUTCOME OF DISCIPLINARY INVESTIGATION

16.1 If a member of staff has been suspended and it is not intended to proceed with any form of disciplinary action, the suspension should be lifted immediately by the Headteacher / Governing Body. The Headteacher / Chair of Governors should meet the member of staff to discuss the member of staff's return to work.

16.2 On the conclusion of any investigation and any related disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome of the proceedings. This should be prior to a member of staff's return to school if he or she has been suspended. In some circumstances, consideration should be given to the broader disclosure of details of the outcome, together with reasons, for example, where the issues are of general importance and have become common knowledge or have been the subject of general gossip and there is a need to provide accurate details for public information. The Schools' HR service may be able to offer appropriate advice.

16.3 Appropriate counselling and support should be offered to the child or children who made the allegations (where relevant) and, where appropriate, their parents, by the time the member of staff returns to school. In particular, this should take into account a child's additional needs and where a false or malicious allegation has been made.

17. RECORDS

17.1 Documents relating to an investigation must be retained together with written record of the outcome of the investigation and where disciplinary action has been taken, retained on a member of staff's personal and confidential file in accordance with the school's disciplinary procedures. These records must be kept until the member of staff reaches retirement age or for ten years, whichever is the longer.

17.2 Where a pupil has made an allegation, a note of this should be made in the child's Child Protection file together with a written record of the outcome of the investigation and / or any actions taken to support the child such as referral to Children's Social Care. If there are criminal or civil proceedings, records may be subject to disclosure; and therefore, no assurances can be given of confidentiality.

18. POSTSCRIPT

The Headteacher, Governing body and HR adviser may find it helpful to consider at the conclusion of the investigation whether there are any general matters arising from it which should be brought to the attention of the Senior Allegations Manager (Schools' HR) who will consider whether any matters should also be brought to the attention of Leeds LSCB as perhaps warranting a review of local policy or procedures. Any training needs for staff should also be considered as part of such a review. The publication of any such information to managers or Leeds LSCB should preserve confidentiality about the member of staff and children involved in the investigation.

APPENDIX 5

GUIDANCE NOTES - GENERAL

1. CONFIDENTIALITY

All investigations will be strictly confidential and the employee and any other interviewees will be advised to treat the investigation as such.

All staff (except the Headteacher)
The Headteacher should not discuss a case with anyone other than the HR representative, especially with members of the Governing Body. Headteachers are strongly advised not to involve Governors in the early stages of any possible disciplinary action. If Governors have prior knowledge of a case, that could prejudice their judgement and therefore render them ineligible to participate in a disciplinary hearing or appeal.

Chairs of Governors should ensure that no discussion of any case which could result in disciplinary action takes place at meetings of the Governing Body or elsewhere. Any issue of this kind, which causes concern, should be referred to an investigating officer.

Concerns about the Headteacher
The Chair of Governors should not discuss a case with anyone other than an appropriate officer of Leeds City Council, especially at meetings of the governing body. Any issue of this kind, which causes concern, should be referred to an Investigating Officer.

Governors should not be involved in the early stages of any possible disciplinary action unless a governor has been nominated to deal with the matter. If governors have prior knowledge of a case, that could prejudice their judgement and therefore render them ineligible to participate in a disciplinary hearing or appeal.

At the conclusion of a case, the Chief Executive of Leeds City Council ,and/ or his/her representative will agree a statement, which may be read out to members of the Governing Body informing them briefly of the outcome of the disciplinary hearing. No discussion of the case should be allowed.

2. FACTORS TO CONSIDER WHEN DECIDING THE ACTION

The Headteacher, Governors' Disciplinary Panel or Appeals Panel should take into consideration the points listed below before deciding what form of disciplinary action is appropriate. Only factors to which reference has been made during the disciplinary hearing may be taken into account.

- the employee's disciplinary record and whether he/she is aware of the standards required;
- the employee's age, nature of employment, length of service and general performance;
- any circumstances, for example, domestic problems, which make it more

appropriate to lessen the severity of the action. Whether the action taken is similar to cases in the past whether the proposed action is reasonable in all the circumstances any factors in mitigation advanced on the employee's behalf.

3. ACTION IN PARTICULAR CASES

Special consideration should be given to the way in which disciplinary procedures are to operate in particular cases. For example:

3.1 Employees to whom the full procedure is not immediately available

Special provision may have to be made for the handling of disciplinary matters among nightshift workers, weekend or Sunday workers, workers in isolated locations or depots or others e.g. staff away on residential visits who may pose particular problems for example because no-one is present with the necessary authority to take disciplinary action or no trade union official is immediately available. If the Headteacher or deputy Headteacher is not present, then advice should be sought from the appropriate HR Adviser, regarding the short-term arrangements.

3.2 Trade Union Officials

Disciplinary action against a trade union official can lead to a serious dispute if it is seen as an attack on the union's function. Normal disciplinary standards should apply to officials' conduct as employees but no disciplinary action or decision to suspend should be taken until the circumstances of the case have been discussed with a senior trade union representative or full-time official. A trade union official includes any employee elected or selected under trade union rules to represent other members.

3.3 Misuse of Alcohol and Drugs by Employees

Care should be taken to distinguish between misconduct and illness when dealing with matters under this heading.

If it can be clearly demonstrated that an employee is suffering from alcoholism or drug addiction, and the employee acknowledges that fact and seeks medical help, he/she should be treated in a positive and supportive way and given every assistance to overcome the problem and return to his/her employment.

Employees who do not acknowledge or accept that they are suffering from an alcohol or drug related condition and refuse support and/or medical assistance will be dealt with as a disciplinary matter.

However, instances of gross misconduct will be subject to the school’s disciplinary policy and procedures

3.4 Criminal Offences

3.4.1 Where the case requires prompt attention, the employer need not await the outcome of the police investigation or the prosecution before taking fair and reasonable action, in accordance with the Disciplinary Policy and Procedure.

3.4.2 The ACAS Code of Practice 1 – Disciplinary and Grievance Procedures 2009, gives the following advice on how management should deal with employees where criminal offences are involved:

"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 effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers."

4. TAKING NOTES AT HEARINGS

It is essential that an accurate record is kept of the evidence given at a hearing and an appeal, and a digital recorder may be used for that purpose. In the cases where a digital recorder has been used a copy of the transcript will be made available to both parties. Where there are differences of opinion a disc of the recording will be made available. In the event of the case going to the Appeals Panel these notes should be made available to the appellant when statements are exchanged by the two parties, before the hearing. Both parties should attempt to produce an agreed set of signed minutes prior to them being sent out for a hearing and any areas of disagreement should be noted. Where agreement cannot be reached both versions should be provided.

5. WORKING DAYS

A working day shall exclude Saturday, Sunday, Public and Statutory Holidays and any extra Statutory Holidays or additional days granted by the Council. The agreed school calendar shall be the basis for determining working days.

6. REPRESENTATION

An employee may be represented by only one principal representative who will speak on his/her behalf, either a trade union representative or a work colleague (not acting in a legal capacity).

An employee may also be accompanied by one other person in a support capacity if required. The person presenting the case on behalf of the school may also be accompanied by one other person to provide support. These support persons must take no part in the proceedings.

7. CUMULATIVE MISCONDUCT

Where a member of staff has been given a final written warning and subsequently, while the warning is still 'live', is guilty of further misconduct, the cumulative nature of the offence(s) will be taken into consideration before a decision is reached on what action should be taken. Depending upon the circumstances of the case it may be appropriate to issue a further written warning rather than to proceed directly to dismissal.

8. WRITTEN WARNINGS

The written warning should specify:-

a) an indication of whether misconduct or gross misconduct has been proven;

b) a full and detailed reason for issuing the warning;

c) any period of time given for improvement and the improvement expected and give some indication that where appropriate, counselling may be available with a nominated person;

d) any other recommendations made by the Headteacher or panel of Governors;

e) the disciplinary penalty and how long it will remain on file;

f) the likely consequence of further misconduct which must include, in the case of final warning, that this warning is a serious reprimand and indicate that further misconduct could lead to dismissal;.

g) timescale and procedure for lodging an appeal.

9. FINAL WARNING

A `final' warning will be interpreted as a very serious reprimand and will indicate that further misconduct could lead to dismissal. Second and subsequent warnings need not be final warnings.

10. DEMOTION OR TRANSFER

In some cases it may be appropriate to consider demotion or transfer to another post or job, but if this course of action is contemplated, it should only be implemented with the consent of the employee. Demotion or transfer is included in the disciplinary procedure as an alternative to dismissal and if the employee refuses the offer a decision to dismiss has to be reached. The decision-maker must be satisfied that the case for dismissal has been clearly proven.

11. CAPABILITY

Where an employee's performance capability is in question Leeds City Council has a separate procedure (Schools Model Capability Policy and Procedure) which is recommended to Governing Bodies for adoption. For further advice on this issue please consult HR.

12. WITNESSES

There will be cases when witnesses from both sides are present to give evidence. In such circumstances it is advisable that witnesses are placed in separate rooms, in order to prevent any comments or intimidation which may take place. The member of staff and his/her representative should also be allowed a room in which he/she can wait and discuss the case in private.

Occasionally, it may not be possible to confirm in advance the names of witnesses who will appear. To ensure that the full facts of the case are presented, either side may call witnesses up to the start of the hearing, or in exceptional circumstances during the course of the hearing. Should witnesses be called when prior notice has not been given, either side has the right to request and be granted a short adjournment. On the resumption of the hearing, either party may request a longer adjournment or a re-arrangement of the hearing.

13. ROLE OF CHAIR

The Chair at any disciplinary hearing is responsible for ensuring that the basic principles of the disciplinary procedures are followed.

Although guidance is available from the HR Adviser to the panel, the Chair will decide whether late witnesses may be heard, the length of any adjournment, or whether a hearing should be rearranged within any specific hearing, the decision of the Chair relating to procedural matters, is final.

14. REMEDY OF EARLIER PROCEDURAL DEFECTS ON APPEAL

A fair appeal hearing can act as a remedy for earlier procedural defects that might otherwise render a dismissal unfair. The appeal hearing will be held as outlined in Appendix 3.

Any fresh evidence may be considered at an appeal hearing.

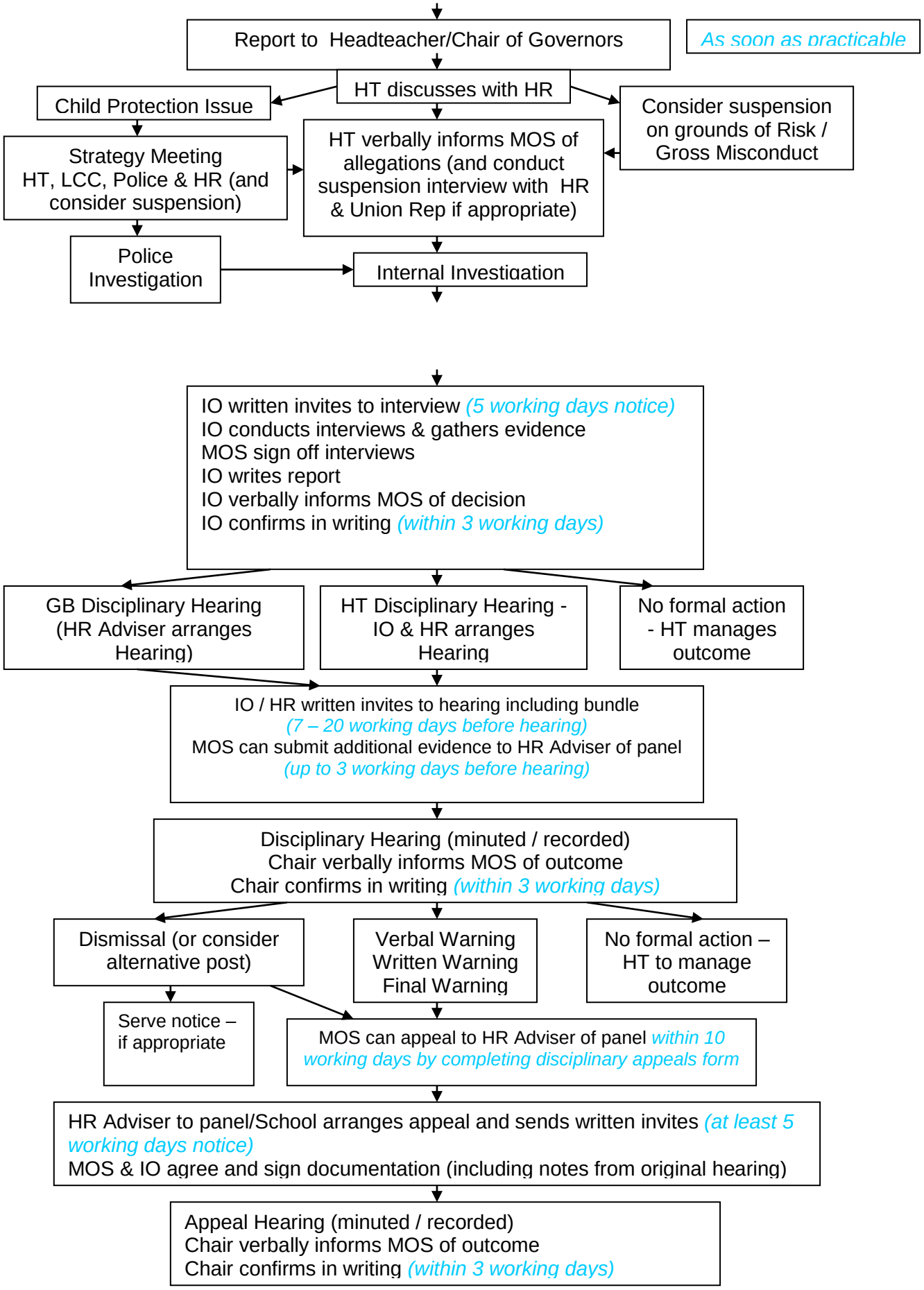
15. ATTENDANCE OF THE CHIEF EXECUTIVE, LEEDS CITY COUNCIL REPRESENTATIVE AND HEADTEACHER AT DISCIPLINARY HEARINGS

The Chief Executive, Leeds City Council or his/her representative and Headteacher (except where he or she is the person involved) are entitled to attend and give advice at all proceedings of the Governing Body where the removal of an employee from the school is considered.

However, at the start of the Hearing the employee or their representative can request that the Headteacher waives his/ her right to attend the Hearing.

DISCIPLINARY FLOWCHART APPENDIX 6

Incident of concern



N.B. HR can be consulted at any point of the process