



Snowflake School

***‘Improving the quality of family life’***

# Disciplinary, Dismissal and Capability Procedure

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# Introduction

Disciplinary procedures are necessary to support Snowflake School rules and regulations and to improve unacceptable performance by employees. The disciplinary sanctions are staged so that the school gives an appropriate response to both minor and more serious matters.

## 1. Low Level Concerns

There are occasions where an incident occurs, which doesn't meet the harms threshold but may be significant enough to warrant action. The Keeping Children Safe in Education guidance describes such occasions as low level concerns.

A low level concern is defined as any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school exhibits behaviour that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work,
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to the following:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

The school Safeguarding policy should set out the procedure for responding to reports of low level concerns. If the concern has been raised via a third party, the Head Teacher should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help the Head Teacher to categorise the type of behaviour and determine what further action may need to be taken. This needs to be recorded along with the rationale for the decisions and action taken.

## 2. Misconduct

Misconduct will generally fall into two categories, namely "ordinary" misconduct and "gross" misconduct which is of so serious a nature that it justifies instant dismissal for the first offence. Listed below are examples of conduct which would be gross misconduct. However, it should be recognised that the list should not be regarded as complete to meet every case and that action described as ordinary misconduct may amount to and be treated as gross misconduct if the circumstances or the manner of the conduct are such as to warrant serious disciplinary action. They should be regarded therefore as being illustrative rather than exhaustive.

Misconduct which is Gross:

- 'Gross negligence' – this means a serious lack of care to their duties or other people
- fraud
- dishonesty
- acts of violence
- impropriety or immoral conduct detrimental to and inconsistent with the school's business
- unauthorised possession of School property or unauthorised use of School stationery
- conduct of a criminal, dishonest or immoral nature inside or outside working hours which is detrimental to and inconsistent with School business affairs
- disorderly conduct which is detrimental to and inconsistent with School business
- use of abusive or threatening language
- refusal to obey a reasonable instruction from the Head Teacher
- being under the influence of drugs (other than medically prescribed drugs) or alcohol during working hours or any additional hours of work for the school or when otherwise engaged on School business
- falsification of any documents or material, including misleading completion of the school's self-certification form
- causing deliberate damage to any property belonging to the school or any employee of the school
- harassment of colleagues or any other person on the grounds of sex or marital status (including civil partnerships), sexual orientation, race, disability, age or religious belief.

Misconduct which is not Gross Misconduct:

- poor time keeping
- refusal to follow instructions
- breach of absence reporting procedures
- inappropriate use of social media
- disruptive behaviour
- negligence in the performance of duties
- inappropriate or
- offensive behaviour for example foul or abusive language
- minor breaches of School rules and regulations, including School policies which may be notified to you from time to time

### **Types of disciplinary sanction for misconduct**

It is important to attempt to resolve matters informally where it is appropriate. The Head Teacher will bring to the attention of the employee, through an informal discussion, issues or concerns about conduct and this may be enough for the employee to improve or prevent the issue from re-occurring. This discussion includes ensuring the promotion of health and wellbeing, taking account of the nature of the work undertaken by the employee and the requirements of the school. Notes will be taken of the conversation with the employee, and the outcome of the meeting, including any remedial action, will be recorded using a Record of Actions (ROA) form with a copy provided to the employee with 5 working days of the meeting. These forms will be retained locally by the Head Teacher/manager. The Head Teacher/manager should remove the ROA from local files six months from the last action/entry.

Where the issue is a more serious incident or informal steps have not succeeded in resolving matters, then the formal disciplinary procedure outlined below may be invoked.

### **Definitions**

- Throughout this policy the term "disciplining manager" refers to the Head Teacher, other manager or trustee.
- The term "investigating officer" refers to the individual responsible for carrying out the investigation. This may be the Head Teacher or manager who is conducting the disciplinary procedure, however, in some instances may be an independent investigator appointed to undertake the investigation
- "Working days" are defined as week days (Monday-Friday), excluding bank holidays and statutory holidays, regardless of the actual days worked by any employee
- At any stage of this procedure, if any underlying medical issues are suggested as contributing to the reasons for the misconduct, Head Teachers/managers may consider it appropriate to refer the employee to Occupational Health for advice. Employees who are absent from work due to sickness, may also be referred to Occupational Health for advice on assisting their return to work and/or their participation in this procedure including recommendations of reasonable adjustments if appropriate.

### **Investigations**

It is important to carry out necessary, reasonable and fair investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In most cases this will require the holding of a formal investigation before proceeding to any disciplinary hearing. In other cases, the investigatory stage will be the collation of evidence by the disciplining manager for use at any disciplinary hearing.

Prior to a formal investigation being commissioned, the Head Teacher/manager will undertake preliminary considerations, including talking to the employee(s) involved where this is relevant, to establish if there is a need for formal investigation.

If an employer investigation is to be carried out, an appropriate independent investigation will be undertaken, as soon as is practicable.

The Head Teacher/manager has the right to appoint an external investigator if it deems this appropriate due to the complexity, seriousness or detail of the issue, or where an external perspective would be of value NB: The Head Teacher may also be the investigator and the disciplining manager. Where an investigation is required into the conduct of a Head Teacher, the Chair of Trustees can assume the responsibility of investigator and disciplining manager.

The investigator will maintain a record of all investigatory meetings, and collate witness statements (see toolkit for template) where appropriate, which may be referred to in a disciplinary hearing. Disciplinary action may be taken if an interviewee is found to have deliberately provided false information or discussed the issue outside of the investigatory interview.

Through the investigation process, an employee may be accompanied by a work colleague or trade union representative or official to meetings, providing this does not delay the investigation. There is no statutory right to be accompanied to an investigatory interview. It is the employee's responsibility to request a representative and to make arrangements for them to be present.

The investigator will prepare a report of the investigation findings. Where the investigator is someone other than the Head Teacher, the report will be passed on to the disciplining manager (Head Teacher), who will then determine whether or not a formal disciplinary hearing is required. Where the Head Teacher is the investigator and disciplining manager, a report must still be produced before determining whether or not a formal disciplinary hearing is required.

### 3. Suspension

Whilst the alleged offence is being investigated or considered, the employee may be suspended on full pay pending the outcome of the investigation and any subsequent disciplinary hearing. The decision to suspend will be advised to the employee and confirmed in writing. Whilst suspended the employee must be available to be contacted during their normal working hours, and they should ensure that they do not engage in any other form of paid, unpaid or bank/casual work. Suspension should be used where there is a clear need for doing so, or where the continued presence of the individual subject to investigatory or disciplinary procedures, would impede any ongoing investigation or present a significant safeguarding risk.

Suspension should not be interpreted as any form of guilt or punishment. It is a step that is taken to enable a fair and thorough investigation or consideration of the case to take place, and whilst on suspension, the employee remains on full pay and employed by the school. Furthermore, the school should carefully consider whether suspension is appropriate, and it should be a last resort after concluding that there are no steps the school can take to avoid the suspension. Alternative steps the school could consider include temporary redeployment into a different role, or ensuring the individual is accompanied by a colleague whilst in the workplace.

Whilst employees will receive full contractual pay during a period of suspension from work, as defined in the letter of suspension, should the employee fall ill during the suspension from work and, but for the suspension, would be unable to work as normal by virtue of the ill health, the suspension from work will end the day before the start date of the period of sickness absence, as identified in the self-certification/Fit Note notification. The employee will then be regarded as being absent from work through sickness and the Schools sickness provisions, including normal contractual sick pay entitlements, will operate for this period. In such event, employees must comply with the School's sickness absence reporting procedures and may be referred to Occupational Health if this is felt appropriate.

Upon the period of sickness absence ending, should circumstances warrant the continuation of the suspension from work, this will be confirmed with the employee and will be effective from the day immediately following the ending of the period of sickness absence.

In respect of both suspension from work and sickness absence from work employees are required to be contactable and available to attend meetings during their normal working hours.

#### **Major/Serious Conduct Issues**

The school reserves the right to involve relevant teams in serious or major conduct issues to ensure appropriate and thorough investigations are carried out and to ensure appropriate outcomes and/or sanctions are applied, and lessons learned. This includes but is not limited to:

- a safeguarding issue;
- an issue that involves potential criminal activity, and/or includes multiple people or counter allegations;

- is fraud or theft, including misuse of school property

Examples of the teams or functions who may be involved within this procedure are:

- Local Authority Designated Officer (LADO)
- Legal Services
- Internal Aud

This list is not exhaustive and the school is committed to involving relevant and appropriate teams when deemed necessary.

**Disciplinary action will consist of one or more of the following:**

#### **Verbal Warning**

If conduct is unsatisfactory, you will be given a formal warning, which will be recorded in the school's files. The warning will be expunged from the disciplinary record after the completion of six months' satisfactory service from the date of confirmation of the warning. The employee should be informed of the potential consequences of further misconduct.

#### **Written Warning**

If the offence is serious or if there is no improvement in standards after the Verbal Warning is given, or if a further offence occurs within twelve months after a Verbal Warning, a Written Warning will be given. This Written Warning will include the reason for the warning and a note that, if there is no improvement after a specified period, a Final Written Warning will be given. A copy of the Written Warning will be given to you and a copy will keep in the school's files. The warning may be deleted at the discretion of the school after twelve months.

In limited circumstances, an expired warning may be taken into consideration in relation to further acts of misconduct, for example, a warning in relation to a safeguarding concern, will remain on file indefinitely and may be referred to if future safeguarding concerns arise.

#### **Final Written Warning**

Where there is a failure to change behaviour within the duration of a prior warning, or a further act of misconduct occurs, or where the offence is sufficiently serious, the employee may be given a final written warning. The employee will be advised of the reason for the warning being issued and this will be confirmed in writing. A copy of the written warning will be kept on the employee's personal file and will normally be disregarded for disciplinary purposes between 12 and 24 months, as determined at the Disciplinary Hearing. In limited circumstances, an expired warning may be taken into consideration in relation to further acts of misconduct, for example, a warning in relation to a safeguarding concern, will remain on file indefinitely and may be referred to if future safeguarding concerns arise.

#### **Dismissal**

If the employee's conduct still fails to improve, or another act of misconduct occurs during the life of a prior warning, the employee may be dismissed, with notice. Any of the above stages may be omitted and / or added to, depending on the seriousness of the misconduct. The decision to dismiss will normally be taken by the Head Teacher. However, the School will follow the Dismissal and Disciplinary Procedure before any such decision is taken.

### Summary Dismissal

In the case of gross misconduct only, the employee may be summarily dismissed without notice.

### Sanction outside of a hearing

If it is evident from the preliminary enquiries that there is misconduct at a level that would warrant a formal written warning; that a full investigation is unlikely to uncover any further misconduct or evidence; and the employee accepts the allegations, it may be in the interests of the school and the employee to save the time and distress of a full investigation and offer a formal written warning outside of hearing at this point. If accepted there will be no right of appeal. If the employee does not accept this then a full investigation will be undertaken.

Similarly, where an investigation takes place and the employee accepts its findings, the Head Teacher/manager may offer the employee a suitable disciplinary sanction without the need for a disciplinary hearing. Where the sanction is accepted by the employee, they will have no right of appeal.

In all instances of offering a disciplinary sanction outside of a hearing, the following will apply:

- The Head Teacher/Chair of Trustees will write to the employee to invite them to a meeting, and advise that they may be accompanied. The Head Teacher/Chair of trustee will arrange for a note taker to be present. The employee will be provided 9 with 10 working days' notice of the meeting, and will be advised it is to consider a sanction outside of a hearing;
- included with the letter will be any investigation report or any other relevant documentation or evidence to be relied on in the discussion;
- the employee can decline, and request that a full investigation or full hearing is carried out;
- at the meeting, the relevant facts and evidence will be discussed and the employee will be advised of the sanction being proposed to be issued, and the length of time it will be live. This will only be issued if the employee accepts this;
- where a sanction outside of a hearing is agreed, this will be confirmed in writing to the employee after the meeting within 5 working days. The employee will be required to confirm in writing that they accept and understand the sanction outside of a hearing;
- the ability to issue a sanction outside of a hearing or investigation does not apply in cases of potential dismissal – whether it is a gross misconduct allegation, or where a live warning is currently in place and the next sanction may be dismissal;
- there is no right of appeal against a sanction issued outside of a hearing.

### Extension of a live warning

If there are further allegations during this period, following investigation and with the employee's agreement, a Head Teacher/Chair of trustee may extend the period of a current live warning rather than issue a next stage warning or proceed to dismissal, if it is deemed this is an appropriate sanction in the circumstances. The period of extension can be:

- A written warning can be extended for a period of up to a further 6 months
- A final written warning can be extended for a period of up to a further 12 months

Live warnings will also be extended if an employee has had a lengthy period of absence during the life of an existing warning. This will only apply if the employee has been absent for 28 days (1 month) or more. This may apply for absences related to sickness, family leave or any other circumstance.

The period of extension must not exceed the length of the period of absence; and, the effect must not extend the warning for a live period of longer than the original life of the warning. For example, if an employee has a warning for 6 months, and after 4 months they are absent for a period of 3 months, the warning may be extended on their return for a period of 2 months so the cumulative effect is the warning is live, whilst the employee is in work, for a period of 6 months.

### **Some Other Substantial Reason**

The school has a number of procedures in place that deal with situations that could result in the dismissal of an employee. These are:

- Disciplinary
- Capability
- Managing Change (Redundancy)

There are occasions where a dismissal situation may occur, but the reason for this does not fall within the policies provided, or fall within the misconduct or gross misconduct categories outlined in this policy. Under the Employment Rights Act 1996, this is termed as dismissal for Some Other Substantial Reason (SOSR). An example of SOSR is imprisonment or other criminal conviction, which may affect the employee's ability to carry out normal duties.

### **Withholding Incremental Salary Progression**

For Support Staff only -in cases in which it is decided that a formal written warning (or dismissal with notice) is the appropriate sanction, any pay increment(s) due to the employee concerned during the live period of the warning or notice period, may be withheld.

### **Referrals To Statutory Bodies**

The school has a legal duty to refer information to statutory bodies where this is required. An example is to refer information to the Disclosure and Barring Service (DBS) where an individual has been removed from working or volunteering, or where there are concerns in respect of an individual's contact with children or vulnerable adults. For further information refer to the Recruitment and Vetting – Criminal Records Checks Policy. Other statutory bodies include The Teaching Regulation Agency, or the Health and Care Professions Council.

### **Appeals**

If an employee disagrees with the outcome of any disciplinary hearing, an appeal may be made in writing within 10 working days from the date that the disciplinary letter is deemed to have been received.

### **Employee Records**

The school is committed to the appropriate and relevant retention of disciplinary and conduct information, in accordance with relevant legal requirements. Key dates and outcome information concerning disciplinary matters will be held on the school's secure system for employee records, which will be accessible by the Head Teacher, during the live period of a warning, and for a following retention period. A scanned copy of any disciplinary papers will also be maintained in a secure



manner by HR on its relevant document management system, which is accessible only by HR, and which will be destroyed after the relevant retention period.

## 4. Capability

Capability is assessed by reference to an employee's skill, competence and performance, their aptitude for work, as well as their physical and mental ability to perform their work. It therefore covers both performance of work that is not up to the required standard and an inability to perform work through absence or illness.

### **Types of disciplinary sanction for capability**

- Where the School is not satisfied with your performance or capability you will be warned that if there is no improvement in work performance within a specified time you will be given a Written Warning.
- If there is no improvement within the time specified you will be warned by Head Teacher, in writing, that if there is no improvement in the specified areas of unacceptable performance within a further specified period you may be dismissed.
- If your performance/capability does not improve after a Final Written Warning you will be dismissed. However, the School will follow the Dismissal and Disciplinary Procedure before any such decision is taken.
- In the case of a serious lack of capability, you may be given a Final Written Warning by the Head Teacher without any previous warning.

## 5. Procedure where dismissal is not contemplated

- The school will carry out whatever investigation is necessary, appropriate and proportionate, before reaching a decision to hold a disciplinary meeting. You may be asked to attend an investigatory meeting.
- You will be advised of the nature of the complaint or concern and will be given the opportunity to attend a disciplinary meeting to state your case before any decision is reached or disciplinary sanction imposed.
- You have the right to be accompanied by a work colleague or a trade union representative (if you are a member of a trade union) during any disciplinary meeting under this procedure.
- You have the right to appeal against any disciplinary decision.
- Please note that you will not be dismissed for a first breach of discipline, except in the case of gross misconduct where the penalty may be summary dismissal without notice. However, in such a case the Dismissal and Disciplinary Procedure will be followed (please see below).

## 6. The dismissal and disciplinary procedure

The procedure outlined in this section will only be used when the school is contemplating dismissal or disciplinary action short of dismissal, other than the issue of warnings (whether oral or written). The school may suspend you with pay whilst the procedure is followed. The procedure will be used in respect of all dismissals (including dismissal by reason of redundancy), apart from dismissal for retirement.

### **Step 1: Statement of grounds for action and invitation to meeting**

- The school will set out in writing your alleged conduct, characteristics or poor performance, or other circumstances, which have led the school to contemplate dismissing or taking disciplinary action against you.
- The school will send the statement to you and invite you to attend a meeting to discuss the matter.

### **Step 2: Meeting**

- The meeting will take place before any action is taken, except in the case where you have been suspended.
- You may be accompanied to the meeting by a colleague or union representative, if you are a member of a union.
- The meeting will not take place until:
  - the school has informed you of the basis for the statement under Step 1 above, and the ground or grounds given in it; and
  - You have had a reasonable opportunity to consider your response to that information
  - You must take all reasonable steps to attend the meeting
  - After the meeting, the school will inform you of the school's decision/disciplinary action and will notify you of your right to appeal against the decision if you are not satisfied with it.

### **Step 3: Appeal**

- If you do wish to appeal, you must inform the school within five working days of being notified of the school's decision.
- You will be invited to attend a further meeting.
- You must take all reasonable steps to attend the meeting.
- You may be accompanied to the meeting by a colleague or union representative, if you are a member of a union.
- The appeal meeting needs to take place before the dismissal or disciplinary action takes effect.
- After the appeal meeting, the person conducting the appeal will inform you in writing of his or her final decision within 5 working days of the meeting unless that is not reasonably practicable.

## **7. Safeguarding and child protection allegations**

The school reserves the right to involve relevant teams in serious or major conduct issues to ensure appropriate and thorough investigations are carried out and to ensure appropriate outcomes and/or sanctions are applied, and lessons learned. Where the matter concerns a safeguarding issue, i.e. there is a concern regarding the conduct of an employee in respect of a child, the Head Teacher will ensure that the Local Authority Designated Officer (LADO) are made aware, if they are not already aware by other means.

Where an allegation against a member of staff relates to the sexual, physical or other abuse of a child the matter will be discussed as soon as possible with the LADO. No action should be taken until the LADO has offered advice. At this stage the employee should not be told that the matter has been raised in order to avoid the employee from discussing the issue with the child before the child has

been spoken to by the appropriate officers. It is important that hasty decisions to suspend an individual are not made before any assessment has been made as to the substance of an allegation. This can be a traumatic experience for the employee concerned and the child and must be managed carefully and efficiently.

Any safeguarding and employment investigations may run at the same time or jointly, where possible and appropriate. Employment investigations need not wait until after the resolution of any safeguarding concerns (unless there are on-going police enquiries in which case, the HR representative will advise the appropriate way to proceed). Safeguarding actions however, must take priority until risks are satisfactorily managed.

### **Alleged Criminal Activity**

An employment investigation may run in parallel to a police, audit and/or child protection or adult abuse investigation, and should not be held up by any such investigations unless considered prejudicial to those investigations to proceed. It is not always necessary to await the outcome of any court hearing before deciding on disciplinary action.

### **Role of the Trustees**

Trustees may have a specific role to play in the procedures and for this reason are advised not to enquire into or discuss any allegations concerning the conduct of an employee. Knowledge of a situation may not constitute prejudice, however, prior involvement in a case will normally exclude any Trustee from the decision or appeals process.

Where the procedure involves allegations against the Headteacher, the Chair of Trustees will ensure that there are sufficient Trustees available to carry out the functions of any disciplinary and appeals hearings with impartiality.

### **Disciplinary Hearings**

Once a decision is taken that a disciplinary hearing is required the employee should be invited in writing to the hearing and given at least ten working days' notice of the date of the hearing (or earlier by agreement.)

The disciplining manager will arrange for a note-taker to attend all formal disciplinary hearings.

The following will apply in disciplinary hearings:

- The employee will receive written notification of the requirement for them to attend a hearing. This notification will contain sufficient information about the alleged misconduct, and that disciplinary action may be taken as a result of the meeting, to enable the employee to prepare to answer the case at the meeting. Copies of any written evidence, including witness statements where appropriate, will be provided prior to the hearing by both parties to enable appropriate preparation. The documents provided prior to the hearing should include all documentation that will be relied on in the hearing to support or dispute the allegation.
- The disciplinary hearing notification will provide at least 10 working days' notice of the meeting, and will confirm the details of the time and venue. It will also advise the employee of their right to be accompanied at the meeting.
- Any documentation, that either the Head Teacher/manager or the employee wishes to be considered at the hearing, must be made available no later than 7 working days prior to the hearing to enable (where practicable) distribution of full documentation packs to all parties by 5 working

days prior to the hearing. If there is a late submission of evidence, the Head Teacher/manager will decide whether or not this will be accepted.

- The employee may bring a companion who is a trade union representative, a work colleague, or an official employed by a trade union. No other companions will be permitted to attend the hearing. Where there are grounds for a reasonable adjustment for a disabled employee to be made, to permit an alternative companion, the employee should discuss this with the disciplining manager. In all cases, the employee must tell the disciplining manager who their chosen companion is, at least 24 hours before the hearing.
- If the trade union official is not known to the school, they will be required to provide documentation from the trade union in question, stating that the companion is a union representative and is authorised by that union to represent employees.
- The companion, if employed by the school, is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If the employee or companion is unavailable at the time the hearing is scheduled, a request can be made to re-schedule it to take place within the following 5 days. Employees will be advised at that time that if they fail to attend the re-arranged hearing, and there is no justification for this, their case and/or representation may be considered by management in their absence, based on the written submissions.
- The companion will be allowed to address the hearing to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion 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 employer from explaining their case.
- The decision of the Panel or Head Teacher may be communicated to the employee at the end of the hearing, following an adjournment, or will be confirmed as soon as is reasonably possible following the hearing. The decision, together with the reasons for any warning, the duration of the warning, what will happen if further offences occur, and the right of appeal, will also be confirmed in writing to the employee as soon as reasonably practical.

This includes but is not limited to:

A safeguarding allegation is an allegation that an employee has:

- behaved in a way that has, or may have, harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child in a way that indicates that he/she is unsuitable to work with children
- behaved, or may have behaved, in a way that indicates they may not be suitable to work with children

This includes where an employee, agency worker or volunteer is involved in an incident outside of school which did not involve children but could have an impact on their suitability to work with children.

In some circumstances, the school will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency.

Whilst the School is not the employer of agency workers, we must ensure allegations are dealt with properly.

In no circumstances should a setting within the school cease to use an agency worker due to safeguarding concerns, without finding out the facts and liaising with the Local Authority Designated Officer (LADO) to determine a suitable outcome. The school will discuss with the agency whether it is appropriate to suspend the worker, or redeploy them to another part of the school, whilst an investigation is carried out. The school will give reasonable consideration, before taking any action, to making a referral to the Local Authority Designated Officer and whether there is an obligation, statutory or otherwise, to make an appropriate disclosure to any relevant bodies.

## 8. Points to consider during a safeguarding investigation

Where the harm test has been or is likely to be met, allegations concerning the safety and welfare of children must be investigated and the process completed in full. The employee can choose to resign during this process; however, the disciplinary process must continue and be heard post-employment. If the decision is that the member of staff would have been dismissed or a sanction imposed had they still been in employment, there is a legal duty to make the relevant referrals (i.e., DBS and/or Teacher Regulation Agency). No internal disciplinary investigation/procedures should be initiated in relation to child protection whilst the matter is being investigated by the police/Child Protection/Social Services, without authorisation being given to do so.

## 9. Retirement

The school has the right to terminate an employee's contract on the ground of retirement when the employee is 66. Whether the School chooses to do so will depend on the individual circumstances in each case.

Where the School decides to terminate a contract on the grounds of retirement, the following procedure will apply.

### **Step One: Making a request to work beyond retirement**

Every employee has the right to make a request to the school that he or she might continue working past their intended retirement date. The school will write to you and remind you of this right and the intended date of your retirement, no more than 12 months and no less than 6 months before your 66<sup>th</sup> birthday (or such later date as the school wishes you to retire). If you wish to do so, you should make a request no later than 6 weeks before the intended retirement date.

### **Step Two: Considering that request**

The school has a duty to consider any request. A meeting will be arranged at the earliest opportunity to discuss the request with you and a decision will be made in writing within 14 days of the meeting. The school will either agree to the request and fix a new date for your intended retirement or refuse the request, in which case your contract will terminate on the intended date of retirement.

### **Step Three: Appeal**

If the School does not agree to your request, you have the right to appeal. The appeal will be heard by someone other than the person who considered the request. A meeting will be arranged at the

earliest opportunity to hear the appeal, and a decision will be made in writing within 14 days of the meeting.

**Actions outside of work**

The school may consider your actions outside work (including use of social media) to be a form of misconduct or gross misconduct if they affect your ability to carry out your role or have a negative effect on the school's reputation.

## Revision

Version Update	November 2025
Review due	November 2026
Reviewed By	Sandra Wright
Approved by Board of Trustees on	November 2025