

NORTH LINCOLNSHIRE COUNCIL
DISCIPLINARY PROCEDURE
(WHOLE SCHOOL)
FOR SCHOOLS WITH DELEGATED POWERS

DISCIPLINARY PROCEDURE FOR MESSINGHAM PRIMARY SCHOOL

INTRODUCTION

1. This document sets out the disciplinary procedure to be followed by the governing body and the head teacher in the maintenance of acceptable standards of conduct and behaviour of employees in the school.
2. Articles of Government and the Conditions of Service for Teachers and Support Staff should be considered in conjunction with this document.
3. This procedure will remain in force until amended or withdrawn by the governing body after reasonable notice and consultation with the relevant trade unions.
4. The governing body is responsible for the conduct and discipline of all staff in the school although most disciplinary matters will, in the first instance, be dealt with by the head teacher.
5. This procedure applies to all employees of the school, whether teaching or non-teaching and whatever their level of responsibility. The procedure will be applied in a consistent and non-discriminatory manner at all times.

INITIAL CONSIDERATIONS

Allegations involving child protection issues

6. Where an allegation is made against a member of staff that by its nature suggests there may be child protection concerns, contact should be made with the Local Authority designated officer (LADO) for child protection issues, in accordance with Appendix 3. If the Police undertake a Child Protection Investigation it may be necessary to suspend any internal procedure until such a time as that investigation is concluded.

Informal process

7. Before taking action under the formal disciplinary procedure, the head teacher or delegated senior member of staff, should wherever possible make every effort to resolve the matter by informal process. Minor cases

of misconduct should be dealt with by informal advice, coaching and counselling except where there is evidence that such an approach has proved ineffective already, or there are child protection concerns.

THE PROCEDURE

Representation

8. An employee whose conduct is in question will be informed of the right to be accompanied by a trade union representative, employee representative or workplace colleague and be offered confidential support and counselling. The trade union representative, employee representative or workplace colleague must not be otherwise involved in the particular case. If the employee is a trade union representative see paragraph 15.
9. At all stages of the formal procedure the employee will be asked whether or not he/she will be represented by a trade union and be asked to confirm the name of the trade union representative as soon as possible. Thereafter, unless the employee objects, all correspondence and other papers will be copied to the named trade union representative. If the named trade union representative changes, the onus will be on the employee whose conduct is in question to notify the investigating officer.

Precautionary suspension

10. Where appropriate, the head teacher or, as a matter of urgency the chair of governors may suspend any employee from work pending investigation of alleged misconduct which is sufficiently serious or the situation is such that harm to the employer, children, colleagues or property may result; or where the presence of the employee at work would be an obstacle to proper and thorough investigation. Precautionary suspension will be implemented where allegations of gross misconduct are made.
11. The chair of governors or head teacher should immediately inform the LA of the suspension. The governing body should be informed of the suspension **but not the details of the incident or allegation** at the earliest opportunity.
12. Employees will be suspended on normal pay (i.e. without loss of earnings). **Such precautionary suspension is not disciplinary action.** The investigation will be undertaken as soon as possible.
13. Precautionary suspensions will be kept under review at all times and will not continue for any longer than is necessary. Advice and guidance will be available from a representative of the LA at all times, but only the governing body of the school may elect to terminate a period of suspension.

Disciplinary action against a head teacher

14. Disciplinary action against a head teacher will not be initiated without the involvement of the chair of the governing body. The LA will undertake the role which would normally be ascribed to the head teacher with regard to the investigation and any subsequent disciplinary proceedings.

Disciplinary action against trade union representatives

15. Although normal disciplinary action must be taken when appropriate against trade union representatives, no such action should be taken until the circumstances of the case have been discussed by the head teacher with a senior trade union/professional association official.

Welfare support

16. At all stages of the procedure the employee whose conduct is in question and witnesses who are also employees of the school should be reminded of the availability of the LA's confidential staff welfare and counselling service.

Investigation

17. When a disciplinary matter arises, the head teacher or delegated senior member of staff (from here on in referred to as the **investigating officer**), should first talk to those directly involved to establish the main facts of the case promptly, before recollections fade or distort.
18. If on the basis of the allegation it is possible that the head teacher will hear the disciplinary case (see paragraph 24.3) should one prove necessary, he/she should not undertake the investigation and a senior member of staff should be appointed to act as the investigating officer.
19. In some circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school, to ensure objectivity. Where appropriate the chair of governors can delegate an HR representative to lead as investigating officer or request them to offer support and guidance to a senior member of staff from the school.
20. Once initial enquiries have confirmed that there is likely to be some validity to the allegation, the employee will be informed that their conduct or behaviour is in question and the detail of the allegations surrounding any incident, as is known at this stage. The confidentiality of the matter must be stressed. The employee should be given a copy of the school's agreed disciplinary procedure and made aware of the availability of support and assistance from the LA's Confidential Staff Welfare and Counselling Service and/or a nominated HR officer.

21. The investigating officer should identify and interview all witnesses required to establish the facts. A written statement should be taken from all persons interviewed. All such statements should be typed and then agreed by the person interviewed who will be required to sign and date each page. Each witness interviewed must be advised that they may be required to attend a subsequent disciplinary hearing at the request of either party and in the event of a disciplinary hearing statements will be made available to the employee whose conduct is in question. Witnesses should be advised that the matter is confidential and must not be discussed with anyone. Documentary and other evidence should also be gathered at this stage.
22. If the employee whose conduct is in question is to be interviewed during the investigation, it should be made absolutely clear that the interview is for investigation purposes and is **not** the disciplinary hearing.
23. The employee must be given reasonable time to prepare and the opportunity to seek union advice before making a statement and/or be accompanied by a trade union representative, employee representative or workplace colleague. The investigating officer should take notes of the meeting.
24. The matter having been thoroughly investigated, the investigating officer will recommend on the basis of the evidence obtained what course of action should be followed. This may be that:
 - 24.1 There is no case to answer.
 - 24.2 The employee should be formally counselled as to his/her future conduct.
 - 24.3 A formal disciplinary hearing should be convened in accordance with the school's delegated powers, to be heard by:
 - i) the head teacher for less serious offences where the potential outcome is an oral or first written warning;
 - ii) the designated committee of the governing body, for more serious offences where the potential outcome is a final written warning or dismissal or when the head teacher has investigated the matter.

These outcomes to be notified to the employee in writing.

Timescales

25. It is recognised that the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. Furthermore, progress will inevitably be affected by police investigations and other external factors beyond the

control of the investigating officer. If the police undertake a child protection investigation it may be necessary to suspend any disciplinary action until such a time as that investigation is concluded.

26. In such circumstances the employee whose conduct is in question and their representative should be kept informed of progress on a regular basis.
27. Whilst every effort will be made to conduct cases without unnecessary delay this will not be at the expense of a fair, consistent and thorough investigation, in line with the procedure.
28. If at any stage in the formal procedure an employee is off sick and advises that he/she is unable to attend a fact-finding interview/disciplinary hearing the investigating officer should seek to agree an alternative date so long as it is within a reasonable timescale. Failing this, advice should be sought from the LA's Occupational Health Nurse on the employee's fitness to attend and/or any Disability Discrimination Act implications.
29. If the employee fails to attend a disciplinary hearing having been deemed fit to do so, after seeking advice from the HR service team the hearing may be conducted in his/her absence.

Resignations

30. The fact that an employee tenders his or her resignation must not prevent an allegation being followed up in accordance with this procedure, particularly in cases where there have been child protection concerns. Wherever possible, the individual should be provided with an opportunity to answer the allegation and give an account of it.
31. The process of documenting the allegation and any corroborating evidence, and reaching a decision about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate.
32. It may be difficult to reach a decision in those circumstances, and it may not be possible to apply any disciplinary sanctions if an employee's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

DISCIPLINARY HEARING

33. The head teacher or designated committee of the governing body should, as soon as practicable, hold a disciplinary hearing. The employee will be requested in writing (with at least 10 working days notice) to attend the hearing. He/she will be informed of the allegation(s) to be considered and be provided with copies of the disciplinary

procedure and all the written evidence to be presented and be advised of the names of witnesses to be called. The employee will also be reminded of the right to be represented.

34. When the hearing is to be conducted by a committee of the governing body, the investigating officer or clerk to the committee should notify the employee, the governors and any witnesses of the date of the hearing. The information circulated should be as detailed in 33. above. The agenda for the hearing is given in Appendix 1.
35. At the hearing the investigating officer will present the findings of the investigation to the panel. This may include witness statements which may be supported by the presentation of oral evidence by the witnesses themselves and other written evidence. The employee and/or his representative will have the opportunity to state their case, ask questions, present evidence and call witnesses.
36. Should the employee wish to submit written evidence and/or witness statements then these should be sent to the investigating officer no later than five working days in advance of the hearing. In addition names of any witnesses should be notified within the same timescale. In exceptional circumstances it may be possible to request a postponement of the hearing by negotiation with the chair of the hearing.
37. No documentary evidence will be permitted outside the timescales outlined in paragraphs 33 and 36 unless a postponement has been accepted by the chair.
38. At the hearing, having heard all the evidence, the panel will adjourn to decide what action to take and will then inform the employee and their representative accordingly. The decision will be confirmed in writing as soon as possible.
39. If the allegation(s) are considered to be unfounded, the employee will be so informed. Confirmation will be given in writing and no further action will be taken.
40. Whilst the Service Director for Learning, Schools & Communities or his representative is entitled to attend all proceedings where dismissal is a potential outcome, it is recommended that an officer of the LA be invited to attend all disciplinary hearings in an advisory capacity.
41. No disciplinary action should be taken without a formal hearing. It is recommended that the person or persons hearing the case should take into account any advice offered to them. In cases of alleged abuse of children this procedure should be read in conjunction with the school's established Child Protection procedure.
42. It is recommended as good practice for the designated officer of the LA together with the person/(s) hearing the allegations to hold a pre-

meeting. The purpose of such a meeting will be to discuss the procedures to be followed. This is especially important for complex cases or where dismissal may be the outcome. **No discussion concerning the evidence submitted will be permitted.**

POSSIBLE OUTCOMES OF DISCIPLINARY INVESTIGATION/HEARING WHERE THERE IS NO DISCIPLINARY SANCTION

No further action

43. This should be communicated to the employee in writing with a copy provided for their representative.

Formal management counselling

44. Where conduct or behaviour is lower than the standard normally accepted but is of a relatively minor nature or is considered out of character, management counselling rather than a formal disciplinary sanction may be recommended.
45. Formal management counselling will normally take the form of a meeting at which the employee will be informed of what improvement in conduct or behaviour is expected and for how long this will be kept under review. This will not normally exceed a period of one year.
46. The employee will be advised of the areas of concern and the improvement required. The concerns should be explained in detail in a constructive manner with clear examples given where possible. The employee should be left in no doubt of the improvement required and strategies for support, monitoring and a timescale should be agreed. This should be confirmed in writing to the employee with a copy provided for his/her representative.

POSSIBLE OUTCOMES OF DISCIPLINARY HEARINGS WHERE THERE IS A DISCIPLINARY SANCTION

Oral warning

47. Where conduct does not meet acceptable standards, the employee will normally be given a formal **ORAL WARNING**. He/she will be advised orally and in writing of the reason for the warning, and of their right of appeal. A brief note of the oral warning will be kept on the employee's personal file, but it will be disregarded for disciplinary purposes after 26 weeks, subject to satisfactory conduct and performance.

Written warning

48. Where the offence is a serious one or if a further offence occurs within 26 weeks of the issue of an oral warning, a **WRITTEN WARNING** will be given to the employee. This will be in writing and give details of the complaint, the improvement required and the timescale. It will warn that further action will be taken if there is no satisfactory improvement and will advise of the right of appeal. A copy of the written warning will be placed on the employee's file, but it will be disregarded for disciplinary purposes after 26 weeks, subject to satisfactory conduct.

Final written warning

49. Where the offence is a substantial breach of conduct which warrants only one warning but is insufficient to justify dismissal or where further misconduct occurs within 26 weeks of the issue of a written warning, a **FINAL WRITTEN WARNING** will be issued to the employee. This final written warning is the last stage of the procedure before dismissal and that a failure to improve or any further misconduct may result in dismissal. It will also advise the employee of their right to appeal. A copy of the final written warning will be held on the employee's personal file but will be disregarded for disciplinary purposes after 52 weeks, subject to satisfactory conduct and performance.

Dismissal

50. Where the offence constitutes gross misconduct or conduct is still unsatisfactory and the employee still fails to meet the prescribed standards following a final written warning, **DISMISSAL** will result. Except where gross misconduct is found, this will normally be dismissal with notice or pay in lieu of notice. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date of which employment will terminate and the right of appeal.

Gross misconduct

51. The following list provides examples of offences which the school will normally regard as gross misconduct:
 - Inappropriate behaviour towards children
 - Theft of the school's or council's property or assets
 - Fighting, assault on another person
 - Wilful damage to school or council property
 - Fraud or deliberate falsification of records
 - Serious negligence which causes unacceptable loss, damage or injury
 - Serious incapability and/or unacceptable conduct due to alcohol or other substances
 - Serious acts of insubordination
 - Serious acts of discrimination or harassment.

52. The list of disciplinary offences is not to be regarded as exhaustive. Acts of misconduct not falling within one or more of the above offences may also give rise to dismissal.
53. If, after completion of the investigation, and following a hearing, the head/designated committee of the governing body are satisfied that gross misconduct has occurred, the result will be **SUMMARY DISMISSAL** without notice or payment in lieu of notice.

AUTHORITY TO DISMISS

54. Head teachers and the governing body have the authority to dismiss an employee. However in the majority of schools, head teachers have opted that in cases where dismissal may be the appropriate course of action, the case is heard by the designated committee of the governing body.
55. Where the head teacher, in the course of hearing a disciplinary case, considers that dismissal may be the appropriate course of action, the hearing should be adjourned and the employee informed that the case will be referred to a hearing of the designated committee of the governing body. The employee will be requested in writing to attend the meeting of committee and will be reminded of his/her right to be accompanied as described in paragraph 8 above.
56. The Service Director for Learning, Schools & Communities or his representative, as joint employer, is entitled to attend all proceedings relating to a potential dismissal from employment.
57. The governing body committee meeting will constitute a full hearing of the case.
 - 57.1 The investigating officer will normally present the case to the designated committee and the employee and/or their representative will be able to respond.
 - 57.2 The designated committee of the governing body will decide whether or not to dismiss the employee, impose a lesser penalty or reject the allegations entirely or in part.
 - 57.3 The designated committee of the governing body is obliged to consider any advice given by or on behalf of the Service Director for Learning, Schools & Communities. The LA is obliged to accept and carry out any recommendation to dismiss made by the governing body.

Right of appeal

58. Employees have the right of appeal to the Appeals Committee of the governing body against decisions of the designated committee or the head teacher. The appeal may be against the decision taken, the sanction imposed or the procedure adopted.
59. Unless otherwise directed by the delegated committee, appeals must be notified in writing to the clerk to the governing body within ten working days from the date of written notification of the decision. A copy should be sent to the head teacher.
60. Employees have no right of appeal beyond the Appeals Committee but may have recourse to an employment tribunal.

Holding an appeal

61. Having established a committee to deal with disciplinary issues, a separate committee will be set up to hear appeals. The Appeals Committee will have the authority to uphold the original decision or to substitute a lesser penalty or to reject the original decision. The minutes of the Appeals Committee will be circulated to the governing body.

No member of the Appeals Committee (including nominated substitutes) will be involved in any preceding disciplinary action.

62. The appeal hearing should be convened as quickly as possible, normally within four working weeks of receipt of the appeal but allowing sufficient time for the employee to prepare for the hearing.
63. The Service Director for Learning, Schools & Communities or a nominee is entitled to attend meetings of the Appeals Committee and the committee is obliged to consider any advice given by or on behalf of the Service Director for Learning, Schools & Communities.
64. An appeal will be conducted in accordance with the agenda shown in Appendix 1 (with the exception of 13.(b)). As it is a rehearing, both parties may introduce new evidence. Such evidence must be submitted within five working days of the appeal hearing date.
65. If, however, the notification of appeal specifies a particular issue, such as the severity of the sanction imposed or the procedure adopted, and it is clear that the appeal will not involve the re-examination of witness or the submission of new evidence, the agenda shown at Appendix 2 may be followed.
66. It is essential that the appropriate agenda is selected by the chair, advised by an officer of the LA and circulated before the hearing so that all concerned fully understand the procedure to be followed. The agenda at Appendix 2 should not be used when considering a dismissal.

Referral to regulatory bodies

67. Where dismissal occurs on the grounds of misconduct or where an employee in the school resigns in circumstances where dismissal was a possibility, the LA has a statutory right to inform the Department for Children, Schools and Families (DCSF) and in the case of registered teachers the General Teaching Council (GTC). Supply and temporary teachers must also be referred when their employment ceases in similar circumstances.
68. In cases which relate to the safety and welfare of children, the police may inform the DCSF prior to any dismissal action by the governing body, particularly in circumstances where a relevant criminal conviction has occurred or is likely. Where referral has not occurred already and the dismissal relates to the safety and welfare of children the LA will notify the DCSF directly.
69. In circumstances where a registered teacher is dismissed for incompetence or leaves in circumstances where dismissal was a possibility, the LA will refer the matter directly to the GTC. Dismissals on this basis should only occur following the exhaustion of the school's agreed Capability procedure.
70. All employees who are subject to referral in accordance with the above paragraphs should be given confirmation of this action in writing.

Retention of records

71. Where disciplinary action relates to children, the relevant documentation will be permanently retained on the employee's personal file, for reference purposes. Such documentation will not, however, form part of any subsequent disciplinary action if it is time-expired.
72. All other disciplinary records will be removed from the employee's personal file and be disregarded for further disciplinary action immediately after the currency of the penalty expires, with the exception of the letter to the employee that confirms the outcome of the disciplinary hearing. This letter will not, however, form part of any subsequent disciplinary action if it is time-expired.
73. Copies of all documents notifying disciplinary decisions must be sent to the Service Director for Learning, Schools & Communities.
74. All papers, once removed from personal files, including hand written notes and documentary evidence together with a record of any appeal or other developments must be retained and kept confidentially for a period of 6 years, before being destroyed.

75. Computer records retained will only contain information necessary to fulfil obligations to provide factual information for employment references, particularly in cases where employees have left employment and personal files are not immediately accessible.

PROCEDURE FOR HEARING CASES BY THE COMMITTEE OF THE GOVERNING BODY DESIGNATED TO CONSIDER DISCIPLINARY MATTERS

1. Introduction by the chair of the committee and a reminder to all present of:
 - (a) the Disciplinary procedure under which the meeting has been called;
 - (b) the manner in which the meeting will be conducted as set out below in paragraphs 2-11;
 - (c) the degree of confidentiality;
 - (d) those present and the purpose of the hearing;
 - (e) the nature of the complaint;
 - (f) the supporting evidence.
2. Presentation of the case by the investigating officer to the committee, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the governors and the member of staff and/or his/her representative on the evidence.
4. Statement(s) by the member of staff and/or their representative, including evidence from witnesses (where appropriate). Witnesses should leave the room once they have given evidence and answered all questions put to them.
5. Questions by the governors and/or the investigating officer on the evidence.
6. Opportunity for the investigating officer to make a final statement.
7. Opportunity for the member of staff and /or representative to make a final statement.
8. Withdrawal by the member of staff and representative(s) and the investigating officer whilst the committee considers the matter.
9. Consideration of the matter by the committee of governors. The Service Director for Learning, Schools & Communities or his nominee, together with the clerk to the meeting, will be present during the deliberations. In the event that further information or clarification is needed from any of the persons who have left the meeting, then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.

10. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the **balance of probability** what version of the facts they accept. As outlined in paragraph 31.4 the governing body is obliged to consider any advice given by or on behalf of the Service Director for Learning, Schools & Communities.
11. If any new facts emerge during the presentation of either statements at stages (2) or (4) of the procedure, the governing body should:
 - (a) decide whether further investigation is required;
 - (b) if so, adjourn the hearing and reconvene when the investigation is completed.
12. Before deciding upon any penalty, the governors should consider:
 - (a) the gravity of the offence and whether further guidance is needed;
 - (b) the penalty applied in similar cases in the past;
 - (c) the member of staff's disciplinary record and general service;
 - (d) any mitigating circumstances;
 - (e) whether the penalty to be imposed is reasonable in all the circumstances.
13. Recall of parties concerned to hear the decision of the committee orally. The chair of the committee should:
 - (a) clearly inform the employee of the decision and the penalty, if any;
 - (b) explain the right of appeal and how the appeal mechanism operates;
 - (c) in the case of a warning, explain what improvement is expected, how long the warning will last and what the consequences of a failure to attain the required improvement may be.
14. Confirmation of the decision of the committee **in writing** to all parties concerned. If the penalty is an oral warning, this must be confirmed in writing to the employee. A copy of the written decision in all cases must be sent to the HR service team for retention on file.

Appeals hearing

15. The Appeal will be heard by an Appeals Committee of the governing body which will not include any member of the committee involved in the original hearing. For a general, non specific appeal the procedure will be as above, with the exception of 13.(b) and will constitute a full rehearing of the case. If the appeal is against a specific issue and it is clear that witnesses need not be recalled and new evidence will not be submitted, the procedure detailed at Appendix 2 may be used.

**PROCEDURE OF HEARING LIMITED APPEALS BY THE APPEALS
COMMITTEE OF THE GOVERNING BODY**

1. Introduction by the chair of the committee and a reminder to all present of:
 - (a) the Disciplinary procedure under which the meeting has been called and the limited nature of the appeal;
 - (b) the manner in which the meeting will be conducted as set out below in paragraphs 2 - 11
 - (c) the degree of confidentiality;
 - (d) those present and the purpose of the hearing;
 - (e) the nature of the complaint;
 - (f) the supporting evidence.
2. Statement(s) by the member of staff and/or his/her representative indicating specific issue of appeal.
3. Questions by the governors and/or the investigating officer on the case.
4. Statement by the investigating officer to the committee.
5. Questions by the governors and the member of staff and/or his/her representative on the evidence.
6. Opportunity for the member of staff and/or representative to make a final statement.
7. Opportunity for the investigating officer to make a final statement.
8. Withdrawal by the member of staff and representative(s) and the investigating officer whilst the committee considers the matter.
9. Consideration of the matter by the committee of governors. The Service Director for Learning, Schools & Communities or his nominee, together with the clerk to the meeting, will be present during the deliberations. In the event that further information or clarification is needed from any of the persons who have left the meeting, then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
10. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the **balance of probability** what version of the facts they accept.
11. If no new facts emerge during the presentation of either statements at stages (2) or (4) of the procedure, the governing body should:
 - (a) decide whether further investigation is required;

- (b) if so, adjourn the hearing and reconvene when the investigation is completed.
12. Before deciding upon any penalty the governors should consider:
- (a) the gravity of the offence and whether further guidance is needed;
 - (b) the penalty applied in similar cases in the past;
 - (c) the member of staff's disciplinary record and general service;
 - (d) any mitigating circumstances;
 - (e) whether the penalty to be imposed is reasonable in all the circumstances.
13. Recall of parties concerned to hear the decision of the committee orally. The chair of the Appeals Committee should:
- (a) clearly inform the employee of the decision and the penalty, if any;
 - (b) in the case of a warning, explain what improvement is expected, how long the warning will last and what the consequences of a failure to attain the required improvement may be.
14. Confirmation of the decision of the committee **in writing** to all parties concerned. If the penalty is an oral warning, this must be confirmed in writing to the employee. A copy of the written decision in all cases must be sent to the HR service team for retention on file.

ALLEGATIONS INVOLVING CHILD PROTECTION ISSUES

1. When an allegation is received within the school (anonymous or otherwise), which indicates that an employee may be unsuitable to continue to work with children in their present position or in any capacity, disciplinary action may not be the priority.
2. The following course of action should be used in respect of all cases in which it is alleged that an employee of the school has:
 - Behaved in a way that has harmed a child, or may have harmed a child;
 - Possibly committed a criminal offence against or related to a child;
 - Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.
3. Whilst not subject to any formal disciplinary action the principles outlined in this appendix should similarly be applied to volunteers working on behalf of the school.
4. On receipt of an allegation it should be reported to the senior manager (child protection coordinator) identified in the school's child protection procedure immediately, unless that person is the subject of the allegation, in which case it should be reported directly to the Local Authority designated officer (LADO) for child protection issues.
5. The child protection coordinator in the school **should not** investigate the incident by interviewing either those directly involved or any witnesses, but should take steps:
 - to establish when and where the incident is alleged to have occurred and;
 - what led up to it, and who was involved, including whether anyone else was present.
6. If initial enquiries confirm the allegation is likely to meet any of the criteria set out in paragraph 2 above, the school should report it to the LADO at the earliest opportunity, at the latest within one working day.

Multi-agency involvement

7. The LADO and in most circumstances a HR representative will discuss the matter with the school and, where necessary, obtain further details of the allegation and the circumstances in which it was made.
8. Initial discussions with the LADO should take place in advance of an employee being informed of an allegation, in order for agreement to be reached on what information can be disclosed to the individual. The

discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

9. If the allegation appears to be with some foundation, discussions will take place which determine whether there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, and appropriately refer the matter to children's social care and ask for a 'strategy meeting' to be convened straightaway.
10. If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed.

Strategy meeting

11. The strategy meeting will include as appropriate, children's social care and/or the police. The strategy meeting will also normally involve the LADO, a senior member of the HR service team, a representative of the school and any other agencies involved with the child.
12. The purpose of the strategy meeting will be to evaluate the allegation and decide how it should be dealt with. Available information about the allegation, the child and the person against whom the allegation has been made, will be shared to consider whether a children's social care/police investigation is needed and, if so, agree the timing and conduct of that.
13. Strategy meeting discussions will also inform the consideration of any recommendation for a disciplinary suspension, although the decision to suspend can only be made by the school.
14. In circumstances where the parents/carers of the child are not aware of the allegation, the strategy discussion will decide how and by whom they should be informed.
15. In cases where a police investigation is necessary, discussions will also consider whether there are matters that can be taken forward in accordance with the disciplinary procedure, in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

Action following initial consideration

16. Where initial evaluation or the strategy meeting indicates an allegation does not appear to warrant police investigation or enquiries by children's social care, but professional misconduct may still have occurred the initial joint evaluation will also consider whether the allegation is more appropriately dealt with through the formal disciplinary procedure.

17. Where further investigation is required to inform consideration of disciplinary action, this should be conducted in accordance with the formal disciplinary procedure. The LADO in consultation with the HR representative and the school should discuss who will conduct the disciplinary investigation and how to proceed.
18. If the nature of the allegation does not require formal disciplinary action, appropriate action should be implemented without delay. If a disciplinary hearing is required and can be held without further investigation, the employee should be provided with the appropriate notice and be invited to attend a hearing in accordance with disciplinary procedure,
19. The LADO will continue to liaise with the HR representative and the school to provide support and guidance as necessary. Any relevant information obtained in the course of enquiries by children's social care or the police will be made available where possible, to assist disciplinary action.
20. Whilst volunteers will not be subject to any formal disciplinary action it is vital that every effort is made to achieve a conclusion in all cases of allegations bearing on the safety or welfare of children.