

Staff disciplinary procedures: A guide for Governing Boards

Adopting a disciplinary procedure

Governing boards at all types of school, as the employer or the body exercising employer responsibility, are required to adopt disciplinary procedures that explains what happens when employee's conduct falls below the expected standard. In most cases the governing board will adopt the model policy/procedures of their local authority, trust or HR provider as appropriate, and adapt to their circumstances.

The adopted procedure should include a non-exhaustive list of what is defined as conduct and gross misconduct. Where necessary, specialist HR advice should be sought as to how the policy/procedure should be applied to a specific issue. Your HR providers may well be willing to attend any panels to offer advice as required. The [capability](#) and [performance](#) of staff should be dealt with under separate procedures.

Applying a disciplinary procedure

Disciplinary matters are dealt with at an operational level unless the subject of the disciplinary matter is the senior executive leader (i.e. headteacher/CEO), in which case it is likely that the matter will be dealt with by the chair or appropriate governor/trustee acting on behalf of the governing board. Most disciplinary matters are dealt with informally. The adopted procedure should set out what happens in circumstances where it is not possible to achieve an informal resolution; the issues are too serious to be resolved informally; there are multiple and repeated instances of misconduct; and/or there is gross misconduct. For such cases, the adopted policy/procedure will set out:

The process of investigation - Whereby the facts of the disciplinary issue are established in order to determine how it should move forward, for example whether there is a case for the employee to answer in a disciplinary hearing. This process can be carried out at line management level. In certain cases, it will be necessary to seek specialist HR support and appoint an independent investigating officer to establish the facts, gather evidence and make recommendations to the headteacher/CEO or governing board as appropriate.

The process followed when it is necessary to temporarily suspend a member of staff - For example, where there is suspected gross misconduct. Temporary suspension does not amount to guilt or constitute disciplinary action. In practice the headteacher/CEO will authorise the temporary suspension of a member of staff. Where it is necessary to temporarily suspend the headteacher/CEO then the chair of the governing or trust board will take this urgent decision. In all cases, specialist HR advice should be sought on whether the decision to temporarily suspend is proportionate and appropriate in the circumstances. It is also important to consider how the decision is notified and how it should be kept under review.

The conduct of disciplinary hearings convened under the adopted procedure - Legal principles of fairness should be applied to the conduct of disciplinary hearings, and fundamental to this is ensuring that members of the governing board's disciplinary panel do not have detailed preexisting knowledge of the case being heard. Most policies/procedures will contain guidance on the composition of the disciplinary panel, such as whether independent individuals are required.



The further disciplinary actions that may result from the hearing - Such as issuing a verbal or informal warning; a first written warning; a final written warning; or dismissal. Where dismissal is the outcome, and the school in question is a local authority maintained community or voluntary controlled school, the governing board will notify the local authority of its decision and the reasons for it, and the local authority must dismiss the member of staff within 14 days of the date of the notification. At foundation and voluntary aided schools, the power to dismiss rests with the governing board, and they will dismiss the member of staff with notice. At academies, the adopted procedure should set out who has the power to dismiss staff. This this may be stated in the funding agreement.

The process that should be followed to appeal any sanction - Again, legal principles of fairness should be applied meaning that appeals will be heard without unreasonable delay and dealt with impartially by governors/trustees who have not previously been involved in the case. Notes/minutes should be taken at all formal meetings and a copy sent to the member of staff. Appeals hearings are the most common reason for governors/trustees becoming involved in disciplinary hearings for staff other than the senior executive leader.

Further reading

[The Acas Code of Practice](#) on disciplinary and grievance procedures

[DfE staffing and employment advice for schools](#)