



**Catholic Education Service**

# **ST JOHN LLOYD CATHOLIC COMPREHENSIVE SCHOOL**

## *School Mission Statement*

**“Learning and Growing Together in Christ”**

*“As a Catholic School we aim to develop a Christian Community which believes in and affirms the dignity and value of the individual and encourages its members to develop their potential in terms of knowledge, understanding, spiritual, moral, cultural and physical awareness”.*

ST JOHN LLOYD  
CATHOLIC SCHOOL



## **DISCIPLINARY POLICY AND PROCEDURE**

Reviewed by Governors OCTOBER 2023

**ST JOHN LLOYD CATHOLIC COMPREHENSIVE SCHOOL**  
**DISCIPLINARY POLICY AND PROCEDURE**

**DEFINITIONS**

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- ii. 'Chair' means the Chair of the Governing Body appointed from time to time.
- iii. 'Clerk' means the Clerk of the Governing Body appointed from time to time.
- iv. 'Companion' means a willing work colleague not involved in the subject matter of the disciplinary proceedings against an employee under this Disciplinary Policy and Procedure, or an accredited Trade Union representative or an official employed by a trade union who will be expected to make themselves available for periods of time necessary to meet the timescales under this Disciplinary Policy and Procedure.
- v. 'Governing Body' means the governing body of the School.
- vi. 'Governors' means the governors appointed or elected to the Governing Body of the School, from time to time.
- vii. 'Headteacher' means the substantive headteacher who is the person with overall responsibility for the day to day management of the school.
- viii. 'School' means the school or college named at the beginning of this Disciplinary Policy and Procedure and includes all sites upon which the school undertaking is, from time to time, being carried out.
- ix. 'Vice-Chair' means the Vice-Chair of the Governing Body appointed from time to time.

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- x. Misconduct means any action or inaction which contravenes the contractual obligations of the employee, the rules laid down by the Governing Body and/or any Professional Code of Conduct and Practice. In such cases this Disciplinary Policy will apply and the Capability Policy and Procedure may also apply.
- xi. In this policy “working day” means any day on which you would ordinarily work if you were a full time employee. In other words “working day” will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this policy and procedures.

**1. SCOPE OF PROCEDURE**

- 1.1 The Governing Body and any other person or persons operating this Disciplinary Policy and Procedure must also have regard to the current version of the Welsh Government’s guidance on disciplinary and dismissal procedures for school staff.
- 1.2 This Disciplinary Policy and Procedure applies to you if you are an employee or worker contracted by the Governing Body to work at the School (hereinafter referred to as an “employee” or “you”).
- 1.3 The purpose of the procedure is to provide a structure to address any issues or concerns that the Governing Body/School may have relating to an employee’s conduct.
- 1.4 An employee is entitled to have access to by arrangement to their personal file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR).
- 1.5 The Governors delegate their authority in the manner set out in this procedure.
- 4.6 There may be some occasions where an employee’s lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the School’s Capability Policy and Procedure may be used concurrently whilst the School endeavours to ascertain if the lack of capability is misconduct or due to lack of competence.
- 1.7 There may be occasions where an employee’s conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the School’s Sickness Absence Policy and Procedure. In particular, if an employee is absent from School on sick leave following this Disciplinary Policy and Procedure being invoked, the School may use its Sickness Absence Policy and Procedure depending on the specific circumstances.
- 1.8 Subject to Paragraph 1.2(a) and (b) of the School’s Grievance Resolution Policy and Procedure, there may be occasions when an employee attempts to use the School’s

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Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any delay or pause in the conduct of any matters under this Disciplinary Policy and Procedure.

- 1.9 There will be occasions, for example in relation to child protection allegations, where this procedure needs to be modified to comply with the requirements of the Welsh Government regulations and guidance including the appointment of an independent investigator and the inclusion of an independent person on both the Governors' Disciplinary Panel and the Governors' Appeal Panel.
- 1.10 The School Governing Body is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the school community.
- 1.11 This Disciplinary Policy and Procedure offers the opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personnel growth and openness.
- 1.12 The Appraisal Policy does not form part of any other procedure but relevant information from the appraisal process, including the Appraisal Report, may be taken into account in the School's Capability Policy and Procedure and/or this Disciplinary Policy and Procedure.
- 1.13 There will be a record of all interviews and reviews during the application of this Disciplinary Policy and Procedure which will be retained for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between relevant parties when appropriate and where there is an applicable lawful basis in accordance with the GDPR.
- 1.14 All matters of managing disciplinary issues and related investigations will be treated in confidence as far as possible by all parties involved throughout all stages of this Disciplinary Policy and Procedure.

## **2. INFORMAL ACTION**

- 2.1 Sometimes potential disciplinary issues can be resolved informally in the workplace. This involves drawing the employee's attention to the perceived unsatisfactory conduct.
- 2.2 Your line manager may give you an informal statement of concern at any time about any conduct or performance falling short of the standard expected and in many cases the right word at the right time and in the right way may be all that is needed.

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- 2.3 A statement of concern may be verbal or recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach. Written statements of concern will not normally be kept on record for longer than 3 months depending on the circumstances and should not be regarded as disciplinary sanctions.
- 2.4 Failure to comply with informal action should not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

**3. SUSPENSION**

- 3.1 In cases where the Investigating Manager, appointed in accordance with Paragraph 4.1, considers that it is appropriate the Headteacher or the Chair may suspend you for a period of up to ten working days.
- 3.2 Depending on the specific circumstances; the employee should be given the opportunity to attend a suspension meeting to comment on the perceived necessity to suspend within the context of the investigatory purpose before a decision is taken to suspend. The employee may be accompanied by a Companion during the suspension meeting where practicable.
- 3.3 A record should be kept of the determined purpose of suspension for a period of up to 12 months and of any alternatives to suspension that were considered.
- 3.4 The Headteacher must inform the Chair of the suspension, or in the event of suspension by the Chair, the Chair must inform the Governing Body (excluding staff Governors)
- 3.5 This period of suspension may be extended subject to review by the Chair every 10 working days. The reason(s) for extending the suspension will be confirmed in writing.
- 3.4 Only the Governing Body may end the suspension unless the Governing Body has delegated this function to the Chair.
- 3.5 Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.
- 3.6 ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:
- (a) Relationships have broken down
  - (b) Gross misconduct is alleged
  - (c) There are reasonable concerns that evidence or witnesses could be interfered with

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- (d) There are responsibilities to other parties
- (e) It is necessary for the protection of pupils, staff or property
- (f) The presence at work of the employee under investigation may be an obstacle to a proper investigation.

3.7 Suspension is a neutral act and is not a disciplinary sanction. You will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).

3.8 During a period of suspension the School may require you not to:

3.8.1 attend School at any time (except with the prior agreement of the Headteacher or Chair);

3.8.2 communicate in any way with parents, pupils or governors except:

- (a) with the prior agreement of the Headteacher/Chair; or
- (b) where following the investigation you are called to a formal disciplinary hearing, when you may then approach parents, pupils or governors as potential witnesses but this must be done via the Investigating Manager to avoid any breach of confidentiality.

3.8.3 discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:

- (a) with the prior agreement of the Headteacher/Chair;
- (b) for communication with your Companion who is a Trade Union representative;
- (c) where you are called to an interview with the Investigating Manager or a disciplinary hearing, when you may approach a Companion who is a colleague; or
- (d) where you are called to a formal disciplinary hearing you may approach work colleagues as potential witnesses in support of your case.

3.9 During a period of suspension the School may suspend your access to your email account and to the Managed Learning Environment (MLE)/Virtual Learning Environment (VLE).

3.10 During a period of suspension the School may take such steps as necessary to cover your lessons or other commitments.

3.11 During any period of suspension your contractual duties to the School and to the Governing Body (whether express or implied) remain in force and enforceable.

#### **4 INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS**

4.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

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<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Headteacher	Chair of Governors or a non-staff Governor nominated by the Chair of Governors	Staff Disciplinary and Dismissal Committee appointed by the Governing Body	Staff Disciplinary and Dismissal Appeals Committee appointed by the Governing Body
Other Leadership Spine and School Business Manager	Chair of Governors or a non-staff Governor nominated by the Chair of Governors	Headteacher except in cases where there is a real risk of dismissal, in which case a Staff Disciplinary and Dismissal Committee appointed by the Governing Body  (* )	Staff Disciplinary and Dismissal Appeals Committee appointed by the Governing Body
Other Teaching Staff	Member of Leadership Team (other than Headteacher) appointed by the Headteacher	Headteacher except in cases where there is a real risk of dismissal, in which case a Staff Disciplinary and Dismissal Committee appointed by the Governing Body  (* )	Staff Disciplinary and Dismissal Appeals Committee appointed by the Governing Body
Other Support Staff	A person appointed by the Headteacher	Headteacher except in cases where there is a real risk of dismissal, in which case a Staff Disciplinary and Dismissal Committee	Staff Disciplinary and Dismissal Appeals Committee appointed by the Governing Body

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		appointed by the Governing Body (* )	
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4.2 In cases relating to any alleged conduct that would bring the School into disrepute, particularly in relation to its religious character the Chair may act as Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Staff Disciplinary and Dismissal Committee.

**(\* ) In the case of disciplinary action involving Other Leadership Spine, School Business Manager, Other Teaching Staff and Other Support Staff, the Headteacher should be appointed as Disciplinary Manager. If there is a real risk that in the event of the allegations being proven, a member of Other Leadership Spine, School Business Manager, Other Teaching Staff or Other Support Staff could be dismissed, the Staff Disciplinary and Dismissal Committee must act as the Disciplinary Manager.**

## 5 FORMAL PROCESS

### 5.1 Step 1 - Investigation

- 5.1.1 The Investigating Manager will conduct an investigation into the alleged misconduct in a timely manner and without undue delay.
- 5.1.2 The Investigating Manager may appoint any other person from within the School or an external third party to assist in the investigation.
- 5.1.3 The Investigation Manager will notify you in writing of the fact of the investigation and the allegations made. The investigation may include a face to face interview with you but this is not mandatory. In the event of a face to face interview you will be notified at least 5 working days beforehand of the face to face interview. You may, if you wish, provide a written statement or response to the Investigating Manager.
- 5.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.
- 5.1.5 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:

- a) A Disciplinary Manager be appointed and a Disciplinary Hearing be convened in accordance with Step 2 below; or



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- b) There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under the Disciplinary Policy and Procedure.

5.1.6 You will be sent a copy of the Investigation Report as soon as reasonably practicable.

**5.2 Step 2 – Disciplinary Hearing**

5.2.1 If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting (“the Disciplinary Hearing”) with the Disciplinary Manager appointed, the Investigating Manager will write to you within 5 working days of receiving the Investigation Report, inviting you to the Disciplinary Hearing. The letter shall state that any documentation you wish to rely on must be submitted at least 3 days ahead of the Disciplinary Meeting.

5.2.2 The Disciplinary Hearing shall take place at least 5 working days after the Investigation Report was sent to you in accordance with Paragraph 5.1.6.

5.2.3 In advance of, and at the Disciplinary Hearing, the Disciplinary Manager shall consider:

- (a) Evidence presented in support of the allegations of misconduct against  
You the employee;
- (b) Evidence presented in defence of the allegations of misconduct against  
You the employee; and
- (c) Where misconduct is admitted, whether in whole or in part, any  
evidence  
presented in mitigation.

5.2.4 The Disciplinary Manager may adjourn the Disciplinary Hearing to allow for further investigations in the light of your evidence and will reconvene the Disciplinary Hearing to give you an opportunity to comment on any further evidence produced by further investigations.

5.2.5 The Disciplinary Manager will hear oral evidence when it is considered appropriate to do so and where this will help to assist the investigation process. However, the Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.

5.2.6 If the Disciplinary Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting when such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

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- 5.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Hearing in writing to you within 5 working days of the date of the Disciplinary Hearing (“the Disciplinary Decision Letter”) being either:
- (a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or
  - (b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure.

**5.3 Step 3 – Appeal**

- 5.3.1 In the event that you are unsatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 working days of the Disciplinary Decision Letter being sent to you.
- 5.3.2 Your appeal must set out the grounds of appeal in detail. This will enable the Clerk and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.
- 5.3.3 You will receive notification of the date, time and venue for an Appeal Hearing within 5 working days of receipt of your appeal. If you are unable to attend on this date, a new date will be set, wherever possible.
- 5.3.4 Where your appeal relates to disciplinary sanctions for conduct other than gross misconduct the Appeal Hearing will normally be held within 23 working days of your appeal letter being received by the Clerk.
- 5.3.5 Where your appeal relates to disciplinary sanctions for gross misconduct the Appeal Hearing will normally be held within 35 working days of your appeal letter being received by the Clerk.
- 5.3.6 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

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- 5.3.7 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.
- 5.3.8 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.
- 5.3.9 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.
- 5.3.10 The Appeal Manager will confirm the outcome of the Appeal Hearing in writing to you within 5 working days of the date of the Appeal Hearing. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Hearing are:
- (a) the Appeal Manager may uphold the decision of the Disciplinary Manager; or
  - (b) the Appeal Manager may uphold the employee's appeal and overturn the decision of the Disciplinary Manager; or
  - (c) the Appeal Manager may impose a lesser sanction.

## **6 FORMAL SANCTIONS**

The Disciplinary Manager may impose the following sanctions:

### **6.1 A First Written Warning**

- 6.1.1 A First Written Warning will remain live for **6** months from the date that the Disciplinary Manager's written decision was sent to you.
- 6.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

### **6.2 A Final Written Warning**

- 6.2.1 A Final Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you.
- 6.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct, if appropriate in the circumstances).

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6.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

6.3 Dismissal on notice

6.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct, if appropriate in the circumstances).

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 In the event that your employment is terminated in accordance with this Paragraph 6.3:

- (a) If your contract of employment contains a garden leave clause the Governing Body may exercise that clause so that you are not required to attend the School during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or
- (b) If your contract of employment contains a payment in lieu of notice clause the Governing Body may exercise that clause to bring your contract to an end with immediate effect.

6.4 Dismissal without notice or compensation

6.4.1 Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Governing Body.

6.4.2 For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the School considers may amount to gross misconduct:

- (a) Conduct incompatible with or prejudicial to the religious character of the School [or the precepts or tenets of the Catholic Church]
- (b) Conduct that is likely to bring the School or the Church into disrepute
- (c) Conduct giving rise to any Child Protection issue including, but not limited, a change in your DBS status during the course of your employment
- (d) Failure to disclose your DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Governing Body
- (e) A serious breach of any relevant code of conduct or professional standards

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- (f) Theft of any property
- (g) Malicious or wilful damage to any property
- (h) Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- (i) Ordering any goods or services on behalf of the School from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Governors' Finance Committee
- (j) Dishonesty
- (k) Violence to any person
- (l) Unlawfully restraining a pupil
- (m) Abusive threatening or offensive language or behaviour to any person
- (n) Unlawful discrimination or harassment
- (o) Bullying
- (p) Deliberate refusal to carry out a lawful and safe instruction
- (q) Concealing any actual or attempted cheating by any pupil or colleague  
Absence from work without leave or reasonable explanation
- (r) Attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs
- (s) Misuse of the School's ICT (including internet and email access and any social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (t) Supplying your personal contact details to a pupil without express authorisation from the Headteacher
- (u) Interacting with a pupil online out of school hours other than through the Managed Learning Environment
- (v) Making any sexual or romantic contact with any pupil whatever the age of the pupil
- (w) Breaching the confidentiality or data protection obligations surrounding the School, a parent, pupil, colleague or Governor
- (x) Covert recording of any meetings without the knowledge or consent of all persons present
- (y) Serious breach of health and safety procedures
- (z) Serious negligence (whether or not leading to any actual loss)
- (aa) Criminal activity during the course of employment
- (bb) Making a false malicious or vexatious allegation against the School, a parent, pupil, colleague or Governor

6.5 In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to the Governing Body that your employment is terminated in accordance with your contract of employment (where appropriate) and the Governing Body will take steps to terminate your employment.

**6.5 Voluntary demotion as an alternative to higher formal sanction**

Disciplinary Policy and Procedure – Wales – February 2014 (Updated May 2018)  
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THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE SCHOOL

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6.6.1 There may a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

6.6.2 Where Paragraph 6.6.1 applies, the Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction. Any such offer shall be made in writing.

**7 STAFF DISCIPLINARY AND DISMISSAL COMMITTEES & STAFF DISCIPLINARY AND DISMISSAL APPEAL COMMITTEES**

Subject to Paragraph 1.7 above, Staff Disciplinary and Dismissal Committees and Staff Disciplinary and Dismissal Appeals Committees shall comprise three non-staff governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Staff Disciplinary and Dismissal Committee or Staff Disciplinary and Dismissal Appeals Committee but only where they have not been previously involved in the matter.

**8 COMPANION**

8.1 If you are the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager or the Appeal Manager, you may be accompanied at such interview or meeting by a Companion.

8.2 You must let the relevant Manager know who your Companion will be at least one working day before the relevant interview or meeting.

8.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.

8.4 Your Companion can address the relevant interview or meeting in order to:

- a) put your case;
- b) sum up your case;
- c) respond on your behalf to any view expressed at the relevant meeting; and
- d) ask questions on your behalf

8.5 Your Companion can also confer with you during the relevant interview or meeting.

8.6 Your Companion has no right to:

- (a) answer questions on your behalf if you are present;
- (b) address the relevant interview or meeting if you do not wish it; or
- (c) prevent you from explaining your case.

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8.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant Manager will postpone the relevant interview or meeting for no more than five working days from the date set by the School to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

## **9 TIMING OF INTERVIEW MEETINGS**

Interview or meetings under this procedure may:

- 9.1 need to be held when you were timetabled to teach
- 9.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation
- 9.3 be held after the end of the School day
- 9.4 not be held on days on which you would not ordinarily work.
- 9.5 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

## **10 VENUE FOR INTERVIEWS OR MEETINGS**

If the allegations are sensitive the relevant Manager may hold the interview or meeting off the School site.

## **11 ASSISTANCE**

- 11.1 In any case concerning the religious character of the School, the Diocesan Schools Commission must be notified immediately the School becomes aware of the allegations and it may be represented at any interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.
- 11.2 In all cases involving any disciplinary sanction in relation to the Headteacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission and the Local Authority may send a representative to advise the Disciplinary Manager or Appeal Manager.

## **12 TRADE UNION OFFICERS**

The School notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."

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### **13 REFERRALS**

13.1 Where a teacher is dismissed for professional incompetence (or may have been dismissed for professional incompetence if the teacher had not resigned) the School must, where the case does not involve harm or risk of harm to a child or vulnerable adult, refer the circumstances to the Education Workforce Council (“EWC”) in accordance with statutory requirements, including the Education (Supply of Information) Regulations 2009.

13.2 Where a person working within the School (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned) because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child
- (b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him
- (c) involving sexual material relating to children (including possession of such material)
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images)
- (e) of a sexual nature involving a child

the School must refer that person to the Disclosure and Barring Service (“DBS”) under section 35 of the Safeguarding Vulnerable Groups Act 2006.

### **14 REVIEW OF THIS PROCEDURE**

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Aided Schools in Wales, was amended in February 2014 and updated June 2016 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church schools subject to the approval of the CES on referral by the relevant Catholic diocese. This procedure will be reviewed by the CES in readiness for the academic year beginning 2019/2020.