

Report to	Lakeside Full Governing Body
Date	23 September 2019
Report from	Rachael Dalby-Hopkins and Kirsty Hayes
Title	Review of internal investigation conducted July 2018 to March 2019

### **Purpose**

To review lessons learned from the recent disciplinary investigation of incident in school and associated 22 grievances raised by the member of staff concerned

### **Recommendations**

It is recommended that the FGB:

- Ensures that the contract with EPS meets the needs of the school and the board
- Gives consideration to how an investigation in these circumstances could be completed in future, including engaging services of an external provider to conduct the investigation
- SMT to develop costed options for consideration by the FGB

### **Background**

As a result of an incident in the school in November 2017, an internal disciplinary investigation was required. The process for this could not be started until the completion of a criminal investigation and subsequent court case which were concluded in April 2018.

The internal investigation was due to commence in May 2018 and was to be undertaken by a member of the senior management team. However, prior to the internal investigation commencing the member of staff involved expressed a 'lack of confidence' in the SMT which led to the matter being referred to the FGB for investigation. At the same time, a number of grievances were raised by the member of staff which required investigation.

On the advice of HCC EPS, the grievances were divided into 2 parts; those which were linked to and would therefore be dealt with as part of the internal investigation (17) and other grievances (5) which would form part of a separate investigation.

The culmination of the advice from HCC EPS was that in order to deal with the internal investigation in the incident that took place in November 2017 and the list of grievances, 2 separate investigations. EPS recommended and the headteacher and chair agreed that 2 governors would be approached to complete the investigations.

### **Investigation into November incident and associated grievances (17) by Rachael**

#### **Chronology of activity**

- 9.7.18 - Documentation passed to Rachael Dalby-Hopkins for review
- 13.8.18 - RDH advised of change in EPS adviser to support the process
- 25.9.18 - Interview with staff member to discuss statement and grievances
- 16.10.18 - Interview notes approved
- 17.10.18 - Commence report writing
- 5.11.18 – Confusion about statements from GE – subsequently rectified

8.11.18- 20.11.18 – Clarifications requested from school witnesses

30.11.18 – Report completed

1.12.18-14.3.19 – Organising for hearing

In all the total amount of time spent reviewing documents and policies, witness statements, follow-up questions, organising interviews, and report writing followed by arranging clerking and the hearing date was 130 hours, the equivalent of 3.5 working weeks.

This was a very difficult process and at the time it was felt that the support provide by EPS was very light touch. As a governor who is working full-time it was difficult to make time to complete the various steps and there was considerable personal and professional opportunity costs which resulted. The investigation itself was completed at around the 100-hour mark, and the additional 30 hours was incurred trying to convene hearings which involved 3 governors who had no knowledge of the case, rooms, clerk, the member of staff and union representative. The first date selected was cancelled and a second cancellation was averted by the co-option of a new governor to the disciplinary panel.

The parallel process to investigate the 5 separate grievances was equally frustrating – poor communication with and very light touch guidance from EPS and cancelled interviews. The process was time consuming and inevitably involved delays which turned this element of the grievance and disciplinary into a lengthy process.

The time taken to finish the 2 processes has no doubt had an impact on all staff involved and caused stress and anxiety – some were very reluctant to appear in person at the disciplinary hearing.

The length of time taken for the whole process to completed has meant that the member of staff has continued to be paid for a further year after the completion of the police investigation and subsequent trail. These costs have been met by EPS.

With the benefit of hindsight this task was far too large for a governor to take on. If a similar scenario happens in future, serious consideration should be given to exploring other means of fulfilling our duties as a governing body