

Some Other Substantial Reason Toolkit

Owner Birmingham City Council

Version 1.0

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CONTENTS

Some Other Substantial Reason Toolkit.....	1
1.0 Letter to invite employee to hearing.....	2
2.0 Letter for No Case to Answer.....	4
3.0 Letter to confirm Cease to Work with Notice	6
5.0 Appeal Hearing	9
6.0 Outcome of Appeal	11
7.0 Letter to inform local authority confirming that the appeal has been upheld and requesting withdrawal of notice of dismissal.....	12

1.0 Letter to invite employee to hearing

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Some Other Substantial Reason Hearing Invite

Dear <Name>

Following the conclusion of the some other substantial reason (SOSR) investigation, you are now required to attend a SOSR hearing in accordance with the School's Some Other Substantial Reason Procedure. The hearing will be held on **[date]** at **[time]** in **[venue]** and will be before **[the hearing officer or the Committee of the Governing Body]**. The hearing will be chaired by **[name]** and other members of the committee will be **[name]** and **[name]**. A representative of the local authority as technical advisor will be in attendance.

The purpose of the hearing is to give you an opportunity to comment on the allegations as follows:

Allegation 1 – **[insert allegation]**

Allegation 2 – **[insert allegation]**

You should be aware that this might lead to the termination of your employment.

The Commissioning Officer **[name]** will be presenting the management case and **intends to call [names]** as witnesses. **(delete where appropriate)**.

I enclose a copy of the hearing documentation that will be referred to at the hearing.

You will need to send me copies of any relevant documentation which you wish to use at least 5 working days before the hearing. You will also need to notify me, at least 5 working days before the hearing, of the names of any relevant witness(es) whom you have asked, or intend to ask, to appear on your behalf.

You have the right to request that you be accompanied by a representative of your choice who is either a trade union official or workplace colleague. Please let me have this request at least 5 working days before the hearing. An additional copy of this letter and the documentation is enclosed for your representative's use.

Please confirm that you will attend at the time and date stated and whether or not you wish to be accompanied by a representative by **[date- 5 days before the hearing]**. If there are any exceptional circumstances in which you are unable to attend the hearing, you may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date.

However please note the committee may reject your suggestion to an alternative date but will do so only if it is unreasonable. In that case the committee may proceed to hear the case in your absence or the absence of your representative.

I would like to make you aware that you can access the Employee Assistance Programme through [insert employee assistance programme contact details].

Yours Sincerely,

Clerk to Governing Body

2.0 Letter for No Case to Answer

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Some Other Substantial Reason Outcome - No Action

Dear <Name>

I write to advise the outcome of the Some Other Substantial Reason Hearing held at **[Venue]** on **[Date]**, which was convened under School's Some Other Substantial Reason Procedure, to consider allegations against you as follows **(lift from invite letter)**:

1. [Insert allegations]

Your right to be represented was explained to you, but you confirmed you were agreeable to proceed in the absence of a representative OR and you were accompanied by **[Name of Rep]** **(delete as appropriate)**.

The Hearing was chaired by **[Name of committee members]** and **[Name]** was present as Technical Adviser. **[Name]** presented the case. The following witnesses also attended the hearing: **(delete as appropriate)**

- **[Insert witness name]**
- **[Insert witness name]**

Having carefully considered all the available evidence presented at the hearing, the key points were as follows:

1. Allegation One

Presenting Officers Case

[Insert details]

Employees Response

[Insert details]

Committee Decision

Based on the balance of probabilities, the committee's decision in respect of this allegation is not upheld **[provide explanation]**.

2. Allegation Two

Presenting Officers Case

[Insert details]

Employees Response

[Insert details]

Committee Decision

Based on the balance of probabilities, the committee's decision in respect of this allegation is not upheld **[provide explanation]**.

I confirm that the decision is that no further action will be taken due to **[Reasons] (provide brief details, i.e. lack of evidence, time lapse etc.)**. Therefore, this case is now concluded.

(if applicable) However the committee felt that it would be appropriate for the following actions to be undertaken i.e training and development, mentor, risk assessment

(if applicable) In light of the committee's decision I can confirm that the Chair of Governors will be in contact with you to arrange for your immediate return to work from suspension.

I would like to make you aware that you can access the Employee Assistance Programme through **[insert employee assistance programme contact details]**.

Yours Sincerely,

Clerk to Governing Body

3.0 Letter to confirm Cease to Work with Notice

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Disciplinary Outcome – Cease to Work

Dear <Name>

I write to advise the outcome of the Some Other Substantial Reason Hearing held at **[Venue]** on **[Date]** which was convened in accordance with the School's Some Other Substantial Reason Procedure.

Your right to representation was explained to you, but you confirmed you wished to proceed in the absence of a Trade Union representative/ workplace colleague OR and you were accompanied by **[Name of Rep] (delete as appropriate)**.

The Some Other Substantial Reason Hearing was chaired by **[committee names]** and **[Name]** was present as Technical Adviser. **[Name]** presented the case and called **[Name(s)]** as witness(es) in support. You called **[Name(s)]** as witness(es) in support of your case. **(delete as appropriate)**

The purpose of the hearing was to consider the specific allegation(s): **(lift allegation details from invite to hearing letter and copy below)**

1. [Inset allegations]

I have carefully considered all evidence presented at the hearing. The key points were as follows:

1. Allegation One

Presenting Officers Case

[insert details]

Employees Response

[insert details]

Committee Decision

Based on the balance of probabilities, the committee's decision in respect of this allegation is as follows:

(delete as appropriate) - Allegation [insert number] is upheld/partially upheld/not upheld [provide explanation].

2. Allegation Two

Presenting Officers Case

[insert details]

Employees Response

[insert details]

Committee Decision

Based on the balance of probabilities, the committee's decision in respect of this allegation is as follows:

(delete as appropriate) - Allegation **[insert number]** is **upheld/partially upheld/not upheld [provide explanation]**.

By your actions you have breached the **[Insert details as relevant]** procedures/regulations.

Therefore, the committee determined that you should cease to work at the school. The local authority will be informed of this determination and will confirm the termination of your contract with due notice.

[where appropriate] The local authority is also required to inform the Disclosure and Barring Service [or] Teacher Regulation Agency of the circumstances of the termination of your employment.

Support Staff only – delete where appropriate

May I remind you of the contractual clause relating to return of the School property and refer you to the attached form. Please liaise with your manager or an agreed School representative to return these items. You should also make arrangement to collect any personal belongings as required.

Teachers only – delete where appropriate

You are instructed to return any belongings you have of School, i.e. ID badge, keys, laptop, mobile phone, uniform etc. and are required to return these to **[Name of identified officer]**. This would also apply to you collecting any personal belongings.

I would like to make you aware that you can still access the Employee Assistance Programme through **[insert employee assistance programme contact details]** during your notice period.

You may appeal against this decision by notifying myself in writing at **[address]** writing within 10 working days of receipt of this letter. You should state all the grounds upon which the appeal is based.

Yours sincerely,

Clerk to Governing Body

CC Headteacher

CC Birmingham City Council

4.0 Appeal Hearing

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Appeal Hearing

Dear [Name]

I am writing to confirm the invitation to an appeal hearing in accordance with paragraph 5 of the School's Some Other Substantial Reason Procedure (see copy attached).

The hearing will take place at [time] on [date] in [location] and will be heard by the appeals committee of the governing body. The hearing will be chaired by [name] and other members of the committee will be [name] and [name].

The purpose of the meeting is to give you an opportunity to appeal against the ***[the determination that you should cease to work at the School] *[the decision to dismiss you from your employment at the School].**

I enclose a copy of the documentation to be presented by management in response to your appeal. **[Name of person responding to appeal]** will be responding to your appeal on behalf of management and will be calling **[Names/roles]** as witnesses OR will not be calling any witnesses. **(delete as appropriate)**

A representative of the Local Authority will be in attendance as Technical Advisor and **[Name]** will be present as note-taker.

You have the right to request that you be accompanied by a representative of your choice who is either a Trade Union official or an employee of your employer. You and/or your representative will be given the opportunity to state your case and to question the response provided by management and/or relevant witnesses.

You are required to submit any relevant written documentation to support the stated grounds of your appeal to me no later than **[date]**. Failure to meet this deadline may mean that the chair of the hearing could refuse to consider your relevant written documentation at the hearing.

You will also need to notify me of the names of any relevant witnesses you wish to be present on your behalf by **[date]**.

Please contact me on **[number]** by **[date]** to advise me of whether or not you can attend on the time and date given and whether or not you wish to be accompanied by a representative. You may suggest an alternative time and date as long as it is reasonable and is not more than five

working days after the original date suggested above. The school may reject your suggestion if it is unreasonable.

If you are unable to attend the hearing in person, you can arrange for a representative to attend and act on your behalf and/or you could submit any relevant documentation in your absence that you wish the **[head teacher/principal/Committee of Governors]** to consider. However, if you or a representative cannot attend on the date above or your alternative suggested date is regarded as unreasonable, the hearing may proceed in your absence.

Yours sincerely

Clerk to the Governing Body

CC – Employee Relations, Employee's Representative

Encs – Management case and supporting documents (including Disciplinary Procedure)

5.0 Outcome of Appeal

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Outcome of Appeal Hearing

Dear [Name]

I am writing to inform you of the outcome of the appeal hearing held on [date] in accordance with paragraph 5 of the Some Other Substantial Reason Procedure.

The purpose of the hearing was to enable you to appeal against the decision made by the [head teacher/principal/committee of governors] (delete as appropriate) at the hearing on [date], namely that [summarise decision taken at hearing].

You were accompanied by [Name/role]. OR You chose not to attend the hearing or to send a representative in your place. (delete as appropriate)

You presented your appeal and called [Names] as witnesses in support of your case. OR You chose not to call any witnesses in support of your case. (delete as appropriate)

The management response was presented by [Name]. [Names/roles] were called as witnesses in support of the management response. OR No witnesses were called in support of the management response. (delete as appropriate)

Having carefully considered the circumstances and the available evidence, the appeals committee determined that:

EITHER

(i) Your appeal against the decision that you should [be dismissed] is upheld. You will be re-instated without a break in service.

OR

(ii) Your appeal against the decision that you should [be dismissed] is upheld. You will be re-instated without a break in service. [Further explanation on any management actions]

OR

(iii) Your appeal against the decision on (date) that you should be dismissed from your employment at the School is rejected and the notice of dismissal therefore remains in effect.

The decision of the appeals committee is final.

6.0 Letter to inform local authority confirming that the appeal has been upheld and requesting withdrawal of notice of dismissal

Type the date here

Strictly Private and Confidential

Name

Address line one

Address line two

Address line three

Postcode

Request to withdraw notice of dismissal

Dear [Name]

I am writing to confirm that an appeal hearing took place at [Name of school/] on [date] to consider [Name of employee's] appeal against a decision that they should cease to work at the school on the grounds of [gross misconduct OR cumulative misconduct]. (delete as appropriate)

The appeal committee determined that [Name of employee] appeal should be upheld.

Please therefore ensure that their notice of termination is withdrawn with effect from [date of appeal hearing] and reinstate them with immediate effect.

Yours sincerely

Clerk to the Governing Body

Cc- Schools HR Services