

Private & Confidential

Uplands Junior School

Terms of Reference for the Independent Investigation

This document sets out the proposal for the carrying out of the independent investigation into the _____, the complaint made against the Governing Body, the individual _____ and the allegations against _____ in respect of the _____

It is proposed that the investigation will address all the issues together as they are directly related. This investigation is a joint commission by the Governing Body and the Local Authority.

1. Independent Investigator

The independent investigation will be carried out by _____, who has been involved in investigations of this type. _____ is therefore suitably qualified and sufficiently independent to ensure a fair and impartial investigation and his appointment has been decided by both the Governors and the Local Authority. During the course of the investigation _____ will have access to both the solicitor supporting the Governing Body and the solicitor supporting the Local Authority for legal advice. Should _____ require such legal advice then both the solicitor supporting the Governing Body and the Solicitor supporting the Local Authority must be present so they can each give their opinion. For the avoidance of doubt, the solicitors for both parties are in an advisory capacity only, any findings of fact will be made by _____ alone and he will decide on the outcome.

will only speak to the Governing Body and the Local Authority as part of the investigation and will not be instructed by them during it.

2. The Timetable

The investigation will be carried out over five days from 10th June 2013 to 14th June 2013. It is proposed that this will be carried out in Leicester as it will involve interviewing various people (see below for further details).

The investigation will begin with a meeting at the school on the Monday afternoon comprising of _____, the solicitor for the Governing Body and the solicitor for the Local Authority only in order to set out the structure of the investigation, for example the order of interviews, gather the documentation, consider any documents that need to be requested and the issues to be addressed.

Upon conclusion of these five days the independent investigator then has up to ten days to consider all the information gathered and will be requested to produce a report by 24th June 2013.

In terms of the _____ and the Complaint against the Governing Body, it appears that the vast majority of this is in respect of the proposed restructure of the school and the consequent proposed redundancies. The independent investigation will therefore consider the action taken by _____ and the Governing Body in respect of this proposed restructure and redundancies including the process followed having regard to the legal structure in respect of redundancies.

3. In respect of the other matters raised, many of the issues, points and allegations appear to lack specifics such as dates, times, what was alleged to have been said and done etc. Therefore in respect of all the other complaints listed in the _____ that are in addition to

the complaints related to the restructure, we invite those who are able to provide further details to do so. Further details would include allegations of what or the Governing Body have said or done, any dates, times and any other evidence so that the specifics can be put to and the Governing Body as part of the investigation in order that the independent investigator can reach a conclusion in respect of the incident alleged. Any specifics in respect of the in order to be considered by the independent investigator need to be given to the independent investigator by 12 June 2013, although documentation sent after this time will be considered, the reason behind the deadline is to allow the investigator sufficient time to consider the documents and if necessary request further information.

Staff are further invited to provide the independent investigator with any emails, correspondence or documents in respect of matters raised in the grievance by 12 June 2013. email address is

Again, this is not to say that documents received after this time will not be considered but regard must be had to the need for time for to consider the documents and raise any issues in respect of them.

In respect of the the independent investigator will work through the submitted and then interview gather any further detail, and then if necessary interview any member of staff or person named by as a relevant witness.

The investigator will interview any member of staff or Governing Body as needed in respect of specific incidents and allegations raised as part of during the course of the investigation. It is not proposed to generally interview all staff or all the Governing Body individually as this is disproportionate. The investigator will manage the investigation so that it is both proportionate, and the appropriate range of relevant evidence

is gathered in order to reach a reasonable conclusion on the various allegations.

4. **Outcome**

The independent investigator will then come to a conclusion in respect of findings of fact and will make the necessary recommendations. This may include recommendations as to the instigation of other proceedings against named individuals. The Governing Body will stand by whatever the outcome will be, take the recommendations seriously and hold to account any person or persons who need to be held to account including if necessary, the Governing Body itself.