

Disciplinary Policy & Procedure for School Staff

(Part 1 - Including the Improvement Process, normally applied to cases of minor misconduct)

Date Last Updated	**Confirmed Current**
July 2023	Sept 2024

FOREWORD

The model procedure is recommended to the Governing Boards of all Maintained Schools where the Local Authority is the employer and to the Local Governing Committees of those Academies, Aided and Foundation Schools which purchase the Advisory HR Services for Schools. The basis of the recommendation is that the model Disciplinary Procedure provides a sound and fair framework for addressing concerns relating to the conduct of staff.

Whilst there has been considerable co-operative development of the document at Schools' Joint Consultative Committee, on this occasion it has not been possible to reach a collective agreement on the whole policy with all the Unions. Specifically, the NASUWT have withheld agreement to this policy.

Additionally, please note that the list of examples of other misconduct includes reference to the School's Code of Conduct. Both the NASUWT and the NEU have signalled that they would challenge the instigation of an allegation of misconduct which referred to a failure to adhere to the School's Code of Conduct or to any other policy that these Associations have not agreed. This is because agreement was not reached through the Schools' Joint Consultative Committee (SJCC) on the model Code of Conduct.

The Trust needs to formally adopt the procedure. It is essential to adopt the policy in its entirety and follow the requirements set out in Part 2, Implementation and Guidance which provides more detail of the process as well as guidance to Governing Boards in respect of disciplinary matters. Any school wishing or intending to adopt an alternative Disciplinary Procedure must conduct its own formal consultations. It is also important to share the policy with staff and report any feedback received to the Trust.

Any remaining copies of the former guidance for schools should be destroyed/deleted to avoid confusion.

The Disciplinary Policy and Procedure has been updated in the light of experience and in order to match with other related documents.

The final document is the product of significant joint working through SJCC with the shared focus of improving clarity, addressing any issues that have been identified in implementing the previous procedure, as well as taking account of ACAS advice and case law.

July 2023

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Model Disciplinary Policy and Procedure Summary

1. Purpose

The purpose of the formal Disciplinary Policy and Procedure is to provide a fair and consistent means of considering how to resolve a matter related to the conduct of an employee through agreed and recognised channels which ensure that all concerned are aware of their rights and obligations. It is a means of addressing and improving an employee's conduct where this fails to meet the school's appropriate expectations.

2. Scope

This Disciplinary Policy and Procedure has been determined by ACE Derbyshire Trust in accordance with the advice of Derbyshire County Council consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government and the Advisory, Conciliation and Arbitration Service (ACAS). It applies to all staff employed within the staffing complement of the school/Academy.

Where this policy and procedure is adopted by an Academy or Multi Academy Trust substitutions should be made throughout to utilise the actual title of leaders (eg Principal/Head of School) and to reflect the appropriate levels of delegation to such leaders, Governing Boards and CEOs.

3. Key Principles

This policy and procedure has been developed in line with the ACAS Guide and the Code of Practice on Disciplinary and Grievance Procedures. **This summary of the policy and procedure does not stand alone, it is essential to adopt the policy in its entirety and follow the requirements set out in Part 2 Implementation and Guidance, which provides more detail of the process.**

3.1 The school and the employees should deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.

3.2 The over-riding consideration should be to investigate the issues thoroughly and no disciplinary action will be taken against an employee until the case has been appropriately investigated.

3.3 At any stage throughout the disciplinary procedure an employee is entitled to consult with and be represented by his/her Professional Association or Trade Union, colleague or friend. This procedure does not recognise representation by a legal representative/solicitor.

3.4 The responsibility for managing the disciplinary process within the school will rest with the Headteacher who will be the only employee empowered to issue warnings, deal with other associated action or take initial dismissal decisions in line with the Local Governing Committee's implementation of

the School Staffing Regulations 2009 (See Appendix 3 of the Implementation & Guidance section). The Trust Board may also take disciplinary action and in any case will always be responsible for disciplinary action involving the Headteacher.

3.5 Informal action will be considered where appropriate to resolve problems. As a general rule before the formal disciplinary process is invoked, and depending on the nature of the unsatisfactory conduct, concern about the work of an employee will be expressed in the normal course of supervision. Appropriate time for improvement should be allowed and, as appropriate, guidance, supervision and training provided. It is recommended that the employee be allowed access to support from a Union/Professional Association representative, where appropriate during the informal action.

3.6 An employee will be advised of the nature of the complaint against him/her and will be given an opportunity to state his or her case before any decision is made.

3.7 As set out in the policy and procedure, employees and their named representative will be provided, with written copies of relevant evidence and relevant witness statements in advance of a disciplinary hearing, in a format accessible to them.

3.8 An employee will have the right to appeal against disciplinary action taken.

3.9 Neither party is allowed to make a covert audio or video recording of meetings held as part of this procedure. Recording equipment should only be used with prior mutual agreement. The use of recordings may be considered as part of making reasonable adjustments for relevant parties involved. *(For further advice see ACAS article on covert recording in Tools, Templates & Resources, Workplace Snippets, acas.org.uk)*

<u>At least 5 working days</u> prior to the date of the hearing all parties will supply all other parties with any and all documentation and paperwork that will be referred to and relied upon at the hearing.

For the purpose of this procedure “working days" shall mean Monday to Friday excluding holidays and begins with the day of receipt but does not include the day of the hearing.

Notice needs to be given and run, and hearings need to be arranged, in term time except for employees with 52 week contracts (unless the premises are closed) or where agreement has been reached with the employee and Union Representative or Professional Representative for a different arrangement. For part time employees hearings need to be arranged on their working days, unless otherwise by mutual agreement.

4. <u>Action against Trade Union and Professional Association Representatives</u>

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.

5. Improvement Process

Informal action should always be considered first when there are concerns about an employee's conduct. Cases of minor misconduct are usually best dealt with informally but where the issue is more serious, formal action will be more appropriate.

Where informal action does not achieve the desired effect, the next stage would be formal management intervention, direction and guidance. Such action is not considered to be within the terms of the Disciplinary Policy and Procedure; however a formal record will be kept and progress reviewed. Any employees aggrieved by this process shall have the right to implement the grievance procedure.

(See Part 2 Implementation and Guidance section 3, for details of the improvement, management intervention and guidance process.)

6. The Procedure

The formal Disciplinary Procedure should be used if:

- An employee's conduct fails to meet expectations after previous management action (usually where both informal measures and formal intervention have been applied), and
- Following a specific allegation of misconduct and after a thorough investigation of the circumstances, an Investigating Officer has clear evidence that there is substance to the allegation. (For an allegation of serious misconduct the formal Disciplinary Procedure may be applied without earlier informal action.)

7. Suspension

(See Part 2 Implementation and Guidance section 4, for necessary detail of the considerations when contemplating a suspension and the process that must be followed, including where there is a Safeguarding issue.)

Where it appears that an employee may be guilty of gross misconduct or for any other reason for which it is considered that an exclusion from the school premises is necessary, the Headteacher or the Trust Board has the power to suspend an employee on normal pay.

The Trust Board may decide that it is content for the Trust Leader to undertake this function on the Trust's behalf (*see appendix of appendix 3 of Part 2 Implementation and Guidance*). Any suspension of the Headteacher will be

conducted by the Trust Leader, supported and advised by a representative from the Schools HR Advisory Service. **In law it cannot be assumed that suspension will be viewed as a neutral act but it should be made clear in the documentation and orally to the employee that it is intended as a neutral act, which implies no guilt. The general rule is that suspension is a neutral act and it would be for an employee to prove otherwise.**

The Trust Leader must be informed immediately if suspension occurs and it is strongly recommended that advice is sought when considering the suspension of a staff member (refer to full advice and guidance on suspension contained in Part 2 Implementation & Guidance).

It is important to consider whether there are any suitable alternatives to suspension. It may still be possible for the employee to undertake duties other than their normal role. Suspension or alternative arrangements will be for as short a time as possible and will be reviewed on a monthly basis.

8. Management Investigation

Except in cases where the Headteacher is the subject of possible disciplinary action, the Headteacher or appropriate member of Senior Leadership Team, who is not a party to the allegation, a witness or subject to any other conflict of interest, shall act as the Investigating Officer. In certain cases where, for example, the Headteacher is likely to be a key witness at the hearing(s), the Trust Board may commission another individual to act as the Investigating Officer. This could be someone external to the school, like a HR Consultant from the Local Authority or another representative from within the Trust. The Investigating Officer will report their findings to the Headteacher who will decide on one of the 3 outcomes below. Where the Headteacher has investigated the case they may still make the determination below.

Where the Headteacher is the subject of an allegation of misconduct the Trust Leader (or other nominated Trust representative) will be the Investigating Officer, supported by a member of the Schools HR Advisory Service. The Investigating Officer will be required to collect statements in writing from any witness who may be called to support their statements orally at any subsequent disciplinary hearing. They will report their findings to the Trust Leader (or nominated other leader) who will decide one of the 3 outcomes below.

(See Part 2 Implementation and Guidance section 5, for the management investigation procedure).

In most cases there will be one of three outcomes:

i. Complete exoneration from the allegations made. In this case a letter should be sent to the individual informing them of this and to all employees involved thanking them for their co-operation throughout the Management Investigation process.

ii. Where the Improvement Process has not already been applied and the nature of the allegation does not preclude this, an assessment that there is a potential case of misconduct and an informal or formal management intervention/direction and guidance, through the improvement process, should be undertaken. (Usually there will first be application of the informal process and formal intervention will be utilised only if further action is necessary)

iii. A recommendation that there are sufficient grounds for a potential case for misconduct or gross misconduct to be made and that a disciplinary hearing should be held.

The employee will be informed of the findings of the investigation and the decision on the outcome in writing.

Where iii. applies, the employee should be advised that a disciplinary hearing is going to be held, and that s/he will be notified of the date, time and venue of the disciplinary hearing in the near future. A copy of the Disciplinary Policy and Procedure must be provided to the employee. The letter will make clear whether the allegation is considered as potentially gross misconduct.

9. Formal Disciplinary Hearing

*(For the **full** procedure that needs to be followed and complementary guidance please see Part 2 Implementation and Guidance section 6).*

For cases of **misconduct**;

- If the Headteacher has not been involved in the investigation of the case, they may hear the case alone or invite other Trust representatives to join them on a panel depending on the Trust Board's decision on levels of delegation *(see Appendix 3 of Part 2 Implementation and Guidance).*
- Where the Headteacher has been involved in the investigation or has received a report and reviewed the findings, a disciplinary panel should be convened to hear the case. The Headteacher should not be a member of the panel but may present the case with, or instead of, the Investigating Officer.

For cases of **gross misconduct**;

- The Investigating Officer will report to the Headteacher (where the Headteacher is not already the Investigating Officer) who will determine whether a case of gross misconduct will be referred to a hearing. (
- Although, within regulations, the Headteacher could still hear the case when joined by other Trust Representatives, it is very strongly recommended that a disciplinary panel of Trust Representatives is convened (unless it is agreed by all parties that the Headteacher hears the case). No one with prior knowledge of the case should hear the case.
- Where the allegation is against the Headteacher and an independent Investigating Officer has been commissioned, he/she will report to the

Trust Leader to determine if a case will be taken to a hearing.

The formal Disciplinary Procedure starts when an employee is notified that they are required to attend a disciplinary hearing. Hearings at which disciplinary action is to be considered shall occur as soon as possible after the event or action which has caused concern and the employee has been given ten school working days' notice in writing. Consideration may be given to organising hearings during the school holidays where the employee is not restricted to term time working.

(See advice and guidance on arranging formal meetings)

The employee will be informed of:

- The conduct which appears to justify disciplinary action.
- The right of the employee to be accompanied by a representative of a recognised Trade Union, Professional Association, colleague or friend to give advice and make representations where necessary.
- That they can call witnesses and present documents relevant to their defence *(see Implementation & Guidance, section 6).*

The Investigating Officer will supply copies of all documents to be relied upon at the hearing to the Committee, the employee, and their named representative at least 5 working days prior to the date of the hearing. The statement of case shall not include allegations for which no substantiation was found nor recommendations for action.

At the hearing the Investigating/Presenting Officer will explain the complaint and go through the evidence, calling witnesses as appropriate. The employee will be asked to set out their case and answer allegations which have been made, presenting evidence and calling witnesses, as appropriate. (*See Appendix 2a, procedure of Disciplinary Committee)*

The employee must take all reasonable steps to attend the disciplinary hearing. Should their colleagues/Trade Union representative not be available, an employee may propose an alternative time which must be within 5 working days following the day of the proposed hearing. *(See Implementation and guidance section 6 on arranging meetings in order to maximise the chance of making robust arrangements.)*

Notes will be taken during the hearing and will be made available to any future appeal hearing and any future Employment Tribunal.

9.1 Disciplinary Outcomes

- When the Headteacher/Disciplinary Committee considers that there is insufficient robust evidence to support the allegation(s) the individual will be exonerated.

- Where the Headteacher/Disciplinary Committee determine that the shortcomings in the employee's conduct, established by the hearing, would most appropriately addressed through the improvement process then the outcome of the case will be a referral to this procedure. Where the formal improvement process has already been applied for similar circumstances the period of time that has elapsed will determine the outcome. If more than 12 months has elapsed since the previous process was concluded, then referral back to the Improvement Process should be the first consideration. Otherwise, where the Headteacher/Disciplinary Committee has heard the case and determined that, on the balance of probability, the allegation against the employee has been upheld, then the Headteacher/Disciplinary Committee may deliver one of the following **disciplinary sanctions** (also depending on the level of delegation of disciplinary decisions determined by the Governing Board – see below):

- A written warning -
  This is given for cases of misconduct.

- A final written warning –
  If the offence is sufficiently serious (or there is further misconduct while a previous warning is still live) a final written warning will be considered.

- This will warn that dismissal may result if there are further acts of misconduct.

9.2 Dismissal

If the employee commits an act of gross misconduct or a further act of misconduct following a previous warning, dismissal may result.

For cases of gross misconduct, the dismissal may be regarded as summary and there will be no entitlement to notice. In the case of other misconduct, appropriate notice will be given. Where appropriate the employee may be offered pay in lieu of notice or may not be required to attend work during the notice period.

*The Trust will determine in its delegation of disciplinary matters whether the Headteacher is empowered to make initial dismissal decisions. Where this is not the case, for allegations of serious misconduct or in other appropriate circumstances, the matter will be referred for consideration to a Disciplinary Committee of the Trust. The Committee will comprise of three Trust representatives and will decide whether or not to issue a warning, which may be written or a final written warning or, in very serious cases, a request to the Trust Leader to issue notice of dismissal.

9.3 Disciplinary Measures as an Alternative to Dismissal

Depending on the circumstances, the Headteacher/Disciplinary Committee may recommend that alternative measures to dismissal may be applied. (E.g. removal of incremental progression, redeployment, demotion to a lower graded post.)

Such cases will be rare because other posts in the school staffing structure are unlikely to be available. The measure may be combined with a warning. Where the employee rejects the offered alternatives, dismissal will normally apply.

9.4 Confirmation of Disciplinary Action

The decision of the hearing will be confirmed in writing to the employee within 5 working days of the hearing delivered by hand or special delivery, and will include:

a) The reasons for the decision
b) The disciplinary sanctions and reasons for those sanctions
c) A warning of the consequences if there is no satisfactory improvement, or further misconduct
d) The expiry date of any warning
e) The employee's right of appeal
f) The termination date of the contract in cases of dismissal
g) Explanation that any formal warnings will be recorded in the employee's personal file;

The employee's colleague/Trade Union or Professional Association representative should receive a copy for information, and a copy kept in the employee's personal file and a record of the outcome made on the school record of disciplinary action.

The Headteacher will maintain a Register of Disciplinary Action which will contain a copy of any written warning issued to employees. Where a sanction is issued to the Headteacher, the Trust Leader is responsible for ensuring that the matter is entered on the register appropriately and removed in line with the Disciplinary Committee's decision. During the absence of the Headteacher, the Deputy/Acting Headteacher is responsible for the maintenance of the register.

9.5 Expiry of Disciplinary Action and Expunging of Records

Where an employee completes a period of 12 months' satisfactory service, or longer period if specified when the warning was issued, following a formal warning, the **warning** will be expunged from the Register of Disciplinary Action, the employee and their Representative will be notified to that effect.

Details of spent warnings shall remain in personal files but shall be disregarded for the purpose of any future disciplinary proceedings, except in exceptional circumstances, e.g. where they demonstrate patterns of behaviour which give rise for concern. In line with the DfE guidance on 'safer recruitment' details of disciplinary warnings, spent or live, will be included in references where the misconduct affected adversely the safety and wellbeing of children. While live formal disciplinary sanctions for other categories of misconduct should be included on references, details of informal/formal management intervention do not need to be given.

If a Headteacher/Trust Representative considers that a disciplinary warning should not be automatically expunged, this should be made clear when the warning is issued.

Any arrangements for a review of the warning should be made clear. The employee should have the right to make representations for its expunction and to appeal any decision not to expunge a warning.

Substantiated allegations of harm to the safety and wellbeing of children must be kept in a confidential personnel file and a copy provided to the individual. The record should be retained until the individual has reached normal retirement age or for a period 10 years from the date of the allegation, if that is longer. The record will comprise a comprehensive summary of the allegation, details of how the allegation was followed up and resolved, including a note of any action taken and decisions reached. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information about an allegation that did not result in criminal conviction and will help to prevent unnecessary re-investigation, if an allegation resurfaces.

10 Appeals

The employee has a right of appeal. The employee should do so in writing within 10 working days from the receipt of the written confirmation of the relevant decision.

Normally the grounds for appeal will be one or more of:

- procedural concern - the employee's case would focus on their challenge concerning the implementation of the policy and procedure,

- the substance and basis of the decision - a rehearing of all the relevant evidence may be needed,

- the severity of the sanction - the employee's case would focus on any mitigation and reasons why they believe the sanction is not appropriate.

The employee, or their named Representative, should set out clearly the grounds of the appeal.

The matter will be referred to the Disciplinary Committee where the Headteacher has issued the initial sanction, and to the Trust Leader where the Trust Disciplinary Committee has made the decision that is now the subject of the appeal.

The employee will receive a reply to the appeal letter within 5 working days, acknowledging the registering of the appeal, which will take place as soon as practicable.

The meeting will be held within 15 working days (or by mutual agreement as soon as practicable thereafter) of the receipt of the formal notice of appeal. The employee will be informed of the place, date, time and purpose of the meeting with a minimum of 10 working days' notice. *(See Implementation & Guidance, section 7).*

Any evidence or statements of case on which either the Presenting Officer or the employee wish to rely, will be provided to the appeal hearing and employee at least 5 working days prior to the appeal.

The employee will be entitled to attend before the Appeals Board with his/her Professional Association/Trade Union representative, colleague or friend if he/she so wishes to present his/her appeal.

The Appeals Board may uphold the appeal or confirm the original decision and may decide to impose a lesser penalty but cannot impose a more severe penalty.

An appeal decision of the Appeals Board will be final.

The employee will be informed of the outcome of the appeal in writing within 5 working days.

Appendix 2a and 2b, set out the policy and procedure to be followed by the Disciplinary Committee and the Appeals Committee ~~of the Governing Board~~ respectively.

11 Notice of Dismissal

In respect of an employee working solely at the school and where ACE Derbyshire Trust is the employer, the Trust is under a duty to issue a notice of dismissal within 14 days of the Appeals Board notifying the Trust of the decision.

For a person not employed solely to work at the school, the Trust will be required to withdraw that person from work at that particular school.

Once a decision has been taken to dismiss an employee the employer is responsible for providing a written statement of reasons for the dismissal as required by law.

Appendix 1

Disciplinary Rules

In accordance with the requirements of the Employment Protection (Consolidation) Act as amended by the Trade Union Reform and Employment Rights Act 1993, and the ACAS “Code of Practice on Disciplinary and Grievance Procedures" this is to notify you of the school's disciplinary rules.

(a) Gross Misconduct

Gross Misconduct is generally seen as misconduct serious enough to destroy the contract between the employer and employee making any further working relationship and trust impossible. An allegation of gross misconduct may therefore lead to immediate suspension from work, pending investigation. However, it is important that consideration is first given as to whether there are any suitable alternatives to suspension. *(See full details in Part 2, section 4 Suspension).* If, after due consideration, the allegations are substantiated, the employee will be dismissed without notice unless there are any mitigating circumstances. Examples of gross misconduct relating to all employees include:

i. Unauthorised removal, possession or theft of property belonging to the school, a fellow employee, pupil, or member of the public.

ii. Acts of violence including the physical assault of a fellow employee, pupil or member of the public.

iii. Falsification of qualifications or information which are a statutory or essential requirement of employment, or which result in additional remuneration.

iv. Sexual misconduct at work.

v. Deliberate damage to, or serious misuse of, school property.

vi. Deliberate falsification of records attendance sheets, bonus sheets, subsistence and expense claims etc.

vii. Disclosure of confidential matters to public sources, where not required for employee relations purposes; (including disclosure to the third party, without authority of personal confidential information acquired during the course of employment at the school) or the unauthorised use or disclosure of any computer-held or computer-generated information from which a living individual can be identified.

viii. Acceptance of bribes or other corrupt practices and other offences of dishonesty.

ix. Conviction for a criminal offence unconnected with the school but which removes an employee's acceptability to remain in employment, e.g. sexual

abuse of a child, serious drugs offence etc.

x. Serious breaches of health and safety rules including deliberate damage to, or misappropriation of, safety equipment.

xi. Serious negligence, which causes or might cause unacceptable loss, damage or injury.

xii. Holding unauthorised paid employment during paid school time.

xiii. Failure to meet the registration requirements of a statutory regulatory body.

xiv. Serious incapacity through alcohol or being under the influence of illegal drugs, except where the case would be more appropriately dealt with under separate procedures.

xv. Serious acts of insubordination.

xvi. Bullying, intimidation, victimisation or other forms of harassment.

xvii. Downloading or distributing pornographic, obscene, offensive or illegal material.

xviii. Serious maladministration of statutory tests and examinations.

xix. Serious misuse of the School's name.

xx. Failure to observe relevant Trust Safeguarding policies and procedures plus the Financial Regulations.

(b) Other Misconduct

The great majority of breaches of disciplinary rules will not be sufficiently serious to warrant dismissal without previous warning. Examples of offences which will not normally result in dismissal without previous warning are listed below and relate to all employees.

i. Refusal to comply with the reasonable and lawful instructions of management.

ii. Negligence in the performance of duties.

iii. Negligence in the administration of statutory tests and examinations.

iv. Failure to attend work regularly and punctually during agreed working hours; failure to report inability to attend work due to illness for any other reason, promptly, and in accordance with the school's procedures; unreasonably prolonging absence by neglecting to act on medical advice.

v. Absenteeism and leaving the workplace without permission.

vi. Misconduct in relationships with other members of staff, pupils, or members of the public, to include conduct which is not in accordance with the principles of mutual trust, respect and courtesy.

vii. Swearing or abuse of members of staff, pupils, or members of the public.

viii. Being under the influence of drink or other intoxicants sufficient to affect work performance.

ix. Non-compliance with sickness pay scheme.

x. Falsification of qualifications or information other than those which are a statutory requirement for employment.

xi. Abuse of position – using an official position for private advance or for the private advantage of some other person.

xii. Criminal offences – where the offence/alleged offence has employment implications but is not sufficiently serious to constitute gross misconduct.

xiii. Employees whose posts are subject to Disclosure & Barring Service– failure to notify line management of any activity likely to result in subsequent criminal investigation, conviction or police caution being served. For those employees subject to the provisions of the Disqualification under the Childcare Act regulations – failure to report a change in status potentially affecting their ability to work with the relevant age groups of children.

xiv. Damage to school property – deliberate damage, misuse, or use without authority of the property of the school, fellow employees, or other members of school community.

xv. Discrimination – against a member of the public or colleagues on grounds of gender, sexual orientation, marriage & civil partnership, age, race, religion & belief, gender re-assignment, pregnancy & maternity or disability.

xvi. Failure to observe the policies of the school and relevant Trust Safeguarding policies and procedures plus the Financial Regulations, school's Code of Conduct and other applicable rules.

xvii. Safety – failure to act in accordance with applicable Health and Safety Policies; any act or omission on the part of the employee which endangers the health or safety of themselves, other employees, school users or members of the public.

The lists of examples of breaches of conduct are not comprehensive or exhaustive but should provide an indication of the standards required. The extent and scale of the allegations will be considered when deciding whether or not they are considered to be misconduct or gross misconduct.

Appendix 2a

Procedure of Disciplinary Committee

1. The Employee shall be given at least 10 school working days' notice in writing of the date, time and place of the hearing and shall be entitled to be represented by his/her Trade Union or Professional Association representative, colleague or friend and shall be able to call witnesses and present documents relevant to his/her defence.

2. If the case is to be heard by a Disciplinary Committee, which does not include the Headteacher and the Headteacher is not presenting the case, it may be appropriate for the Headteacher to attend as a witness to provide information to the panel on school procedures etc. but they would withdraw once their contribution had been received and would not attend the panel's deliberations at the conclusion of the case.

3. Copies of all documents to be relied upon at the hearing shall be submitted to the Committee and the parties concerned at least 5 working days prior to the date of the hearing.

4. The Investigating Officer, Headteacher, nominated Trust Representative to put the case in the presence of the employee and to call witnesses.

5. The employee, or Representative, to have the opportunity to ask questions of the Investigating Officer, Headteacher, nominated Governor on the evidence given by him/her and any witness whom he/she may call.

6. The members of the Committee to have the opportunity to ask questions of the Investigating Officer, Headteacher, nominated Trust Representative and witnesses.

7. The employee to put his/her case in the presence of the Investigating Officer, Headteacher nominated Trust Representative and to call such witnesses as he/she wishes.

8. The Investigating Officer, Headteacher, nominated Trust Representative to have the opportunity to ask questions of the employee and his/her witnesses.

9. The Committee to have the opportunity to ask questions of the employee and his/her witnesses.

10. All witnesses will withdraw at this point.

11. The Investigating Officer, Headteacher, nominated Trust Representative and then the employee to have the opportunity to sum up their case if they so wish.

12. The Investigating Officer, Headteacher, nominated Trust Representative and the employee to withdraw.

13. The Committee to deliberate, only recalling the Investigating Officer, Headteacher, nominated Trust Representative and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point giving rise to doubt.

14. The Committee will announce its decision to the employee personally and to his/ her Representative, Headteacher and/or the nominated Trust Representative. This will be confirmed in writing within 5 working days.

Appendix 2b

Procedure of Appeals Body

1. The employee shall be given at least 10 school working days' to submit the grounds for an appeal in writing. The time begins on the day of receipt of written confirmation of the decision of the Headteacher or Disciplinary Committee. (The date of the deadline to submit an appeal should be included in the letter.)

2. The Appeals Body should convene within 15 working days of receiving the grounds of appeal or as soon as is practicable. The employee shall be given at least 10 working days' notice in writing of the time, place of the hearing and shall be entitled to be represented by his/her Trade Union or Professional Association representative, colleague or friend and shall be able to call witnesses and present documents relevant to his/her case.

3. Copies of all documents to be relied upon at the hearing shall be submitted to the Appeals Body and the parties concerned at least 5 working days prior to the date of the hearing.

4. The employee/representative to put his/her case for appealing the outcome of the Disciplinary Hearing in the presence of the Investigating Officer, Headteacher, nominated Trust Representative and to call such witnesses as he/she wishes.

5. The Investigating Officer, Headteacher, nominated Trust Representative to have the opportunity to ask questions of the employee and his/her witnesses.

6. The members of the Appeals Body to have the opportunity to ask questions of the employee and his/her witnesses.

7. The Investigating Officer, Headteacher, nominated Trust Representative to put his/her case in the presence of the employee and his/her witnesses.

8. The employee/Representative to have the opportunity to ask questions of the Investigating Officer, Headteacher, nominated Trust Representative and his/her witnesses.

9. The members of the Appeals Body to have the opportunity to ask questions of the Headteacher and his/her witnesses.

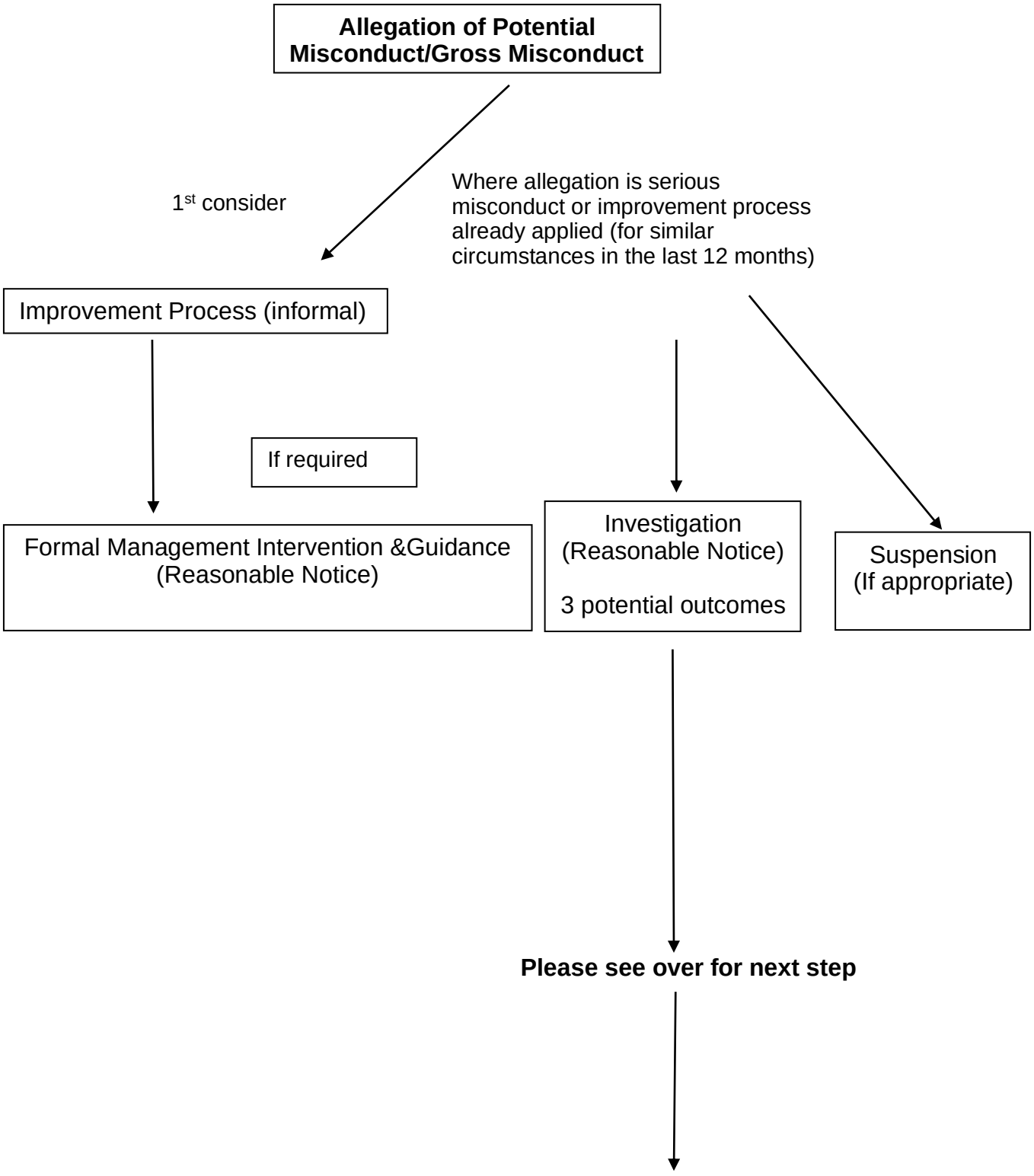
10. All witnesses will withdraw at this point.

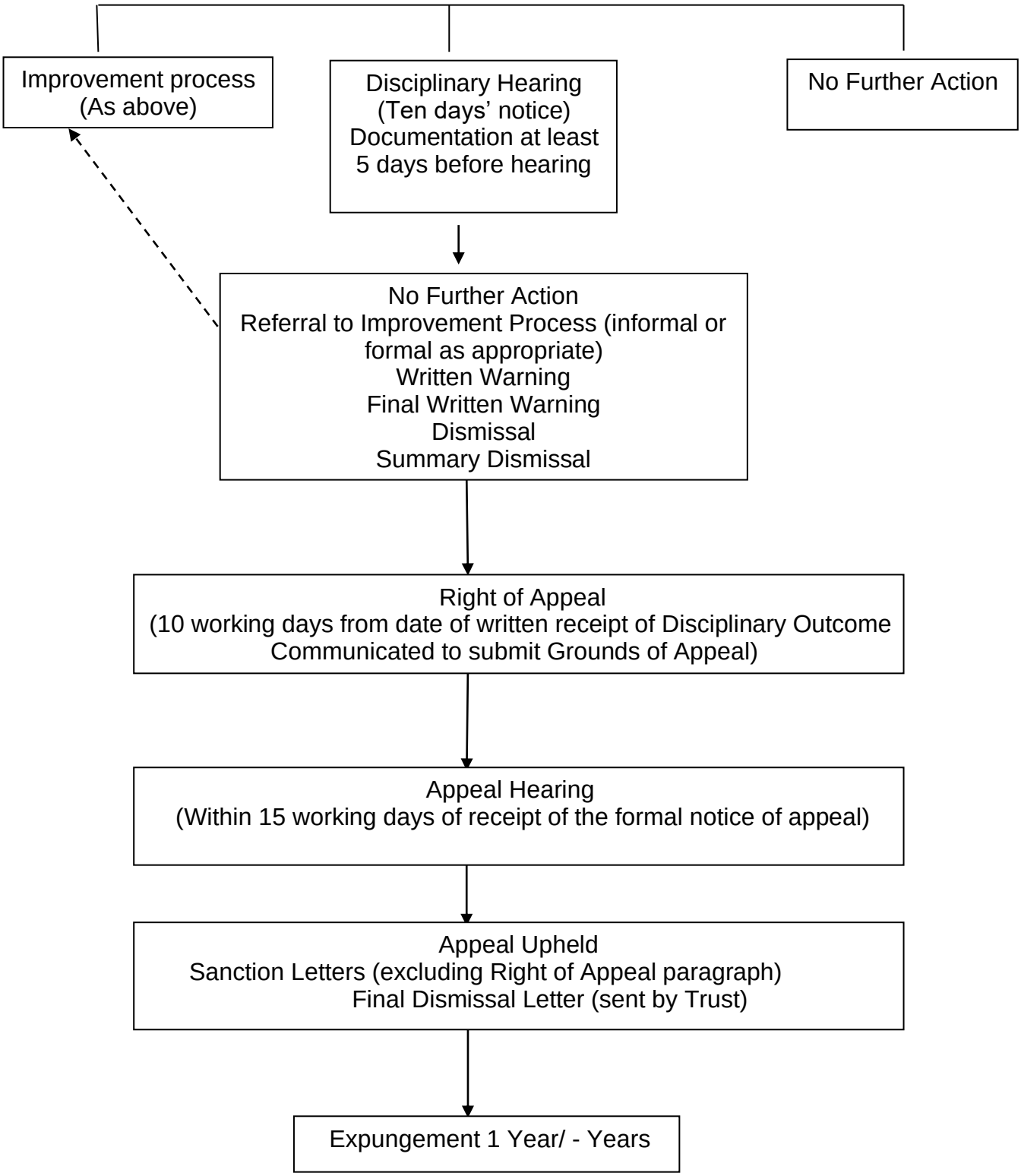
11. The employee/Representative to have the opportunity to sum up his/her case if they so wish.

12. The Investigating Officer, Headteacher, nominated Trust Representative to have the opportunity to sum up their case if they so wish.

Appendix 2c

DISCIPLINARY POLICY AND PROCEDURE
TIMELINES/SAMPLE LETTERS




Improvement process
(As above)
Disciplinary Hearing
(Ten days' notice)
Documentation at least
5 days before hearing
No Further Action
No Further Action
Referral to Improvement Process (informal or
formal as appropriate)
Written Warning
Final Written Warning
Dismissal
Summary Dismissal
Right of Appeal
(10 working days from date of written receipt of Disciplinary Outcome
Communicated to submit Grounds of Appeal)
Appeal Hearing
(Within 15 working days of receipt of the formal notice of appeal)
Appeal Upheld
Sanction Letters (excluding Right of Appeal paragraph)
Final Dismissal Letter (sent by Trust)
Expungement 1 Year/ - Years