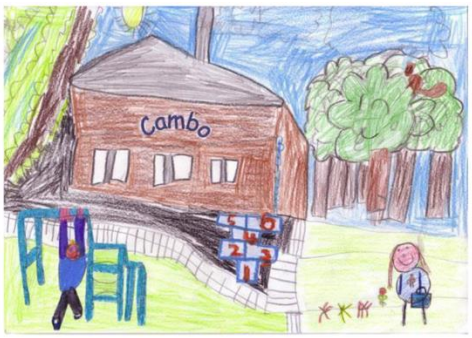


Cambo First School

DISCIPLINARY

POLICY FRAMEWORK

Date of Adoption by the Governing Body:	Spring 2025

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Section One: Disciplinary Policy

1. Introduction

As the Governing Body we strongly support the view that this policy and procedure is not in itself a means for simply imposing sanctions against employees in school, rather it is a tool to ensure a fair and transparent method of investigating concerns and addressing unsatisfactory behaviour where this has been identified.

In this respect, where possible, identified concerns will be managed through encouraging improvements in employees conduct. In recognising this, we wish to encourage a working environment where minor concerns can be resolved informally, together with implementing more formal procedures when they become necessary in an objective manner, without undue delay.

Where consideration is being given to invoking the formal procedure, we have determined that no decision should be taken until advice has been obtained from our school HR service provider.

Separate procedures may be referred to in cases where the employee is subject to a probationary period. Advice will be sought from our HR service provider before proceeding in such cases.

2. Policy Aims

The aims of this policy are to ensure a fair and consistent treatment for all employees within our school where concerns have been raised regarding their conduct. We will therefore ensure:

- Where appropriate minor cases of misconduct will be dealt with on an informal basis, without reference to this policy
- Where concerns are made that conduct appears unsatisfactory, we will ensure no formal sanctions will be imposed under this policy until the case has been impartially and fully investigated
- Where the outcome of an investigation identifies improvements required by an employee we will ensure they will be informed of these in writing. This communication will include any support to be provided, relevant timescales and the consequences of failing to improve
- The level of formal sanction will be proportionate to the seriousness of the offence, having regard to the need for fairness, transparency and consistency of approach
- That an employee should not be discouraged from appealing against the original decision and to ensure this, we have determined that any appeals panel will not have the authority to increase a sanction issued under this policy.
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- We will ensure that any decision reached will be based on evidence presented and will be taken in line with good practice, particularly that advocated by the Advisory, Conciliation and Arbitration Service (ACAS) and taken without regard to a person's race, age, disability, gender, sexual orientation, gender identity, religion, marital status, pregnancy/maternity, belief or position within the school.

3. Roles and Responsibilities

We have determined, as the Governing Body, that delegation arrangements for conducting hearings and appeals in our school will be considered in line with the options available to us as referenced within section 4 of the School Staffing (England) Regulations 2009. Within these delegation arrangements we can confirm the following roles:

Headteacher: The Headteacher (or the Chair of Governors, if the Headteacher is the subject of the investigation) is responsible for commissioning an investigation into the allegations and has the power to impose (but not lift) suspensions under this procedure.

Investigating Officer: The investigating officer will be informed by the Headteacher/Chair of Governors (if they themselves do not take on the role of investigator) of the allegation(s) and initial scope of the investigation. The investigating officer will produce a report detailing their findings and make a determination in accordance with the policy and procedure, as to whether the case should proceed to a disciplinary hearing. The Investigating Officer will be expected to present their findings at the disciplinary hearing.

Hearing/Appeal Membership: They will hear the disciplinary case and decide the outcome, including any sanction to be imposed, either individually or as part of a Panel in line with our school's scheme of delegation.

HR Service Provider: We will ensure appropriate advice, guidance and support from our HR service provider is available throughout any disciplinary procedure. This will include separate support being available at each stage of the process.

4. Suspension

Only in appropriate circumstances will the Headteacher/Chair of Governors consider whether to suspend the employee at the beginning of, or at any point during, the investigation. This decision should be based on whether:

- gross misconduct is alleged
- there are pending criminal investigations, or proceedings
- it is necessary for the protection of pupils, staff or property

- there are sufficient concerns that the presence at work of the employee under investigation may be an obstacle to a proper investigation.

The school may consider suspending access to the employee's email account and to the schools' electronic learning environment.

The decision to suspend will only be taken after full consideration is given to all alternatives, such as working from a different workplace or undertaking alternative duties. Any proposal to suspend an employee will also be discussed with our HR service provider, prior to any implementation. Any suspension must be kept under active review, and the aim should be to keep the period of suspension to a minimum. This should be advised in writing.

During a period of suspension, the school will expect that the employee suspended does not, without prior agreement[1]:

- attend school at any time
- communicate in any way with parents, pupils or governors
- discuss their suspension or the nature of the allegations with any member of staff

During a period of suspension, the employee may approach work colleagues, parents, pupils and governors as potential witnesses in support of their case. However, this should only take place after seeking the approval of the Investigating Officer.

During suspension employees will be allocated a contact person within the school who will be responsible for keeping the employee updated in terms of things such as job vacancies, training opportunities or other significant workplace developments. In addition, either the investigating officer or the contact person (as appropriate) should keep the employee regularly updated about their suspension, the ongoing reasons for it, and how much longer it is likely to last. The arrangements for contact during suspension should be agreed and confirmed within the suspension letter.

Any suspension of an employee of the school can only be lifted with agreement of the Chair of Governors (acting on behalf of the Governing Body) following advice from our HR service provider. Where the Chair of Governors is unavailable this responsibility will fall upon the Vice Chair of Governors for action.

5. Support

An employee will be informed at every stage of the formal procedure of their right to be accompanied by a work colleague or Trade Union/professional association representative. In addition, they will have the right to be represented by a work colleague or Trade Union/professional association representative at any subsequent hearing or appeal.

[1] We have agreed that prior agreement should be obtained via the investigating officer (who themselves may seek advice on the request being made by the employee).

It is the responsibility of the Investigating Officer, where formal procedures have been invoked, to ensure that updates are provided to the employee throughout the investigation.

In cases of alleged unacceptable conduct, it is important that consideration be given to additional advice, support and counselling for the employee – for example through a supportive/wellness action plan. Where we feel that school does not have such resources available or further information is required on how this support should operate, then we will seek advice and guidance from our school HR service provider.

6. Formal Sanctions

We have agreed as a Governing Body to operate a model of progressive discipline, allowing the school to deal with inappropriate conduct at work through a defined process which is designed to help the employee achieve and maintain the standards expected. The following sanctions are available for consideration, having taken into account whether the allegation is proven and warrants a sanction.

Level of Sanction	Period sanction remains live
Written Warning	A formal written warning will expire after a period of 12 months.
Final Written Warning	A formal final written warning will expire after a period of 24 months.
Dismissal (misconduct)[2]	Where there is failure to improve or change in the timescale set or the matter is sufficiently serious the employee may be dismissed with appropriate notice.[3]

When considering the level of sanctions, we have determined that the following factors should be considered:

- the nature and severity of the misconduct,[4]
- whether this is a first 'offence' or repeated behaviour,
- whether there are any relevent live sanctions in place,
- whether or not there are any mitigating factors to consider
- the disciplinary action taken in the past for similar types of misconduct.
- whether the proposed outcome is reasonable given all of the circumstances.

[2] We have determined that the panel may consider alternatives to dismissal, if this is deemed appropriate, such as demotion/transfer to another post within school. When considering such alternatives, we will seek advice from our HR service provider.
[3] Arrangements will be made by the school to pay the employee their contractual notice and any other outstanding monies due to them.
[4] Appendix 1 contains examples of misconduct and gross misconduct

Any formal warnings issued under the disciplinary procedure must be disregarded and removed from the employee's personal file after the periods of time set out below:

- a written warning must be removed after a period not exceeding 12 months
- a final written warning must be removed after a period not exceeding 24 months.

Spent warnings for misconduct in relation to safeguarding of children/young people must be retained after removal from the employee's personal file until the date when the employee reaches age 65 or the date of action plus 10 years (whichever is the longest).

7. Notice

If the decision of the disciplinary hearing is that the employee should be dismissed as a result of further misconduct, having previously been issued with a final written warning, we will ensure that appropriate notice is issued to the employee.

An employee may be asked to refrain from work during their notice period depending on the circumstances of the case.

8. Summary Dismissal

As a Governing Body, we recognise that there may be occasions where a concern raised, if proven, may fall outside our progressive model for issuing of sanctions and that Summary Dismissal may be appropriate for acts of Gross Misconduct. Because of the nature of alleged acts of gross misconduct, the employee may be suspended from work, whilst his/her line manager completes an investigation.

If the decision of the disciplinary hearing is that the employee should be dismissed on the grounds of gross misconduct, the employee is not entitled to notice and shall be dismissed with effect from the end of the day of the disciplinary hearing. No notice or pay in lieu of notice is provided.

9. Confidentiality and Data Protection

We will ensure that any personal data collected during the investigation, and any subsequent stages of the disciplinary procedure, will be in accordance with our Data Protection policy. In particular, data collected will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure.

Inappropriate access or disclosure of employee data will constitute a data breach and should be reported in accordance with the school's Data Protection policy immediately.

It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

We may, however, be required to disclose information about employees to third parties where we are legally obliged to do so or where we need to comply with contractual duties. For instance, we may need to pass on certain information to the Local Authority Designated Officer (LADO), Disclosure and Barring Service (DBS) or Teaching Regulation Agency (TRA) etc.

10. Timing and Rescehduling Meetings

Should the employee have chosen a work colleague or Trade Union/ professional association representative to support them within this policy & procedure and they are not available on the date suggested, liaison to arrange a suitable alternative date will take place. Where a suitable alternative cannot be agreed the following will apply:

- for a meeting with the Investigating Officer – consideration may be given by the Investigating Officer and assigned HR service provider to the rescheduling of the planned meeting where this can be held within five standard working days of the date originally proposed.

- for a scheduled Hearing or Appeal - the employee must offer the Clerk to Governors an alternative date[5], which is reasonable and which falls on or before the end of the fifth standard working day, after the original hearing or appeal date proposed.

We note that, in exceptional circumstances, at any stage within the disciplinary procedure, it may be necessary to make a decision on the outcome of the matter based on the information available and without having access to the employee.[6]

[5] In accordance with Section 10 of the Employment Relations Act 1999 - the employee must propose a date which is reasonable, and which falls on or before the end of the fifth standard working day, after the original Hearing or Appeal date proposed. The timetable for submission of papers will remain as outlined within the initial notification of the proposed hearing/appeal.

[6] For example – refusal to attend, serving a custodial sentence

Section Two: Disciplinary Procedure

11. Preliminary Assessment

When an allegation of misconduct is made or an incident takes place, the Headteacher (or designate) will carry out an initial assessment to determine the basic facts. This should be undertaken at the earliest opportunity and should establish if there is some substance to the allegation.

The initial assessment may involve preliminary questioning of the person(s) who made the allegation, any key witnesses who may be able to contribute to the initial assessment and, depending on the circumstances of the case, a brief discussion with the employee.

However, where an allegation has been made that relates to Child Protection matters, we have determined that the Headteacher must immediately contact the Local Authority Designated Officer (LADO). The LADO will assess how the case will be handled and discuss this with the Headteacher, making a detrmination as to any requirement for a safeguarding referral.

The Headteacher will not advise the employee of the specific allegations until the LADO confirms this is approprate and provides guidance as to how the matter will be progressed. It is important to note that the LADO does not have the authority to advise how the matter shall be managed by school through its disciplinary procedure.

A flowchart identifying the key steps on our disciplinary procedure can be found at Appendix 3.

12. Deciding Appropriate Action

In deciding the course of action to be taken, the person undertaking the initial assessment will need to consider:

- the available evidence about whether the allegation warrants further investigation.
- the potential seriousness of the matter in line with the school's disciplinary policy.
- whether this is the first instance of misconduct or whether there have been previous examples. This will include consideration of live warnings or informal action taken previously; and
- any personal difficulties or mitigating circumstances which may have been a contributing factor.

Options available to the Headteacher, once this preliminary assessment has been completed, are as follows:

Take no further action - Where the allegations appear to be without substance and it is clear further investigation is not necessary, the Headteacher will take no further action. The employee will be informed of the allegations or suspicion of misconduct and the subsequent decision to take no further action.

Deal with the matter informally - Where the actions of the employee appear to be a cause for concern but are not sufficiently serious enough to warrant formal disciplinary action, the Headteacher will handle the matter on an informal basis. This will involve clearly explaining to the employee:

- the standard of behaviour required.
- the action that they should take in order to improve; and
- what will happen if the standard is not reached i.e., that formal action may be taken under the disciplinary procedure.

Where necessary these expectations, and support provided by our school to achieve them, will form the basis of a letter of management advice from the Headteacher to the employee.

Deal with the matter formally - Where the actions of the employee appear to be a cause for concern, serious enough to warrant a formal investigation, the Headteacher will inform the employee of this decision and next steps, this being confirmed in writing within 5 standard working days. Information provided will include an outline of the concerns and, where known at this stage, the name of the Investigating Officer[7] and date for an initial meeting. Where the employee has been suspended, a rationale for this decision will also be referenced in this letter. The employee will also be reminded of the support available from their Trade Union/professional association and provided with a copy of the disciplinary procedure.

13. Formal Disciplinary Procedure

We have agreed the following formal disciplinary procedure, for which there are three key stages:

Stage 1 - Investigation Stage
Stage 2 – Hearing Stage
Stage 3 - Appeal Stage

Timelines indicated within this procedure are to allow concerns to be resolved in a timely manner. However, the parties referred to may on occasion and by mutual agreement modify the time limits referred to in this disciplinary procedure following advice from our HR service provider. The responsibility for coordinating timescales,

[7] The Headteacher will be required in appointing the Investigating Officer to ensure that they have time/resources made available to them to undertake the investigation as per the timescales outlined within this policy & procedure. As the Governing Body we have delegated the authority to select an appropriate Investigating Officer to the Headteacher. In doing so the Headteacher will also take into account that any Investigating Officer cannot conduct a hearing or be part of an appeal panel.

where there is a need to modify from those indicated within this policy & procedure, will rest with:

- the Investigating Officer (Stage 1);
- those conducting the hearing (Stage 2) or
- Chair of Appeal Panel (Stage 3)

14. Stage 1 – Establishing the facts through investigation

The Headteacher/Chair of Governors, where they determine not to investigate the concerns raised themselves, will appoint an Investigating Officer and provide them with an outline of the concerns to be investigated. The Investigating Officer will then carry out an appropriate and thorough investigation of all facts relating to the case, ensuring a balanced report of the matters under investigation. The employee's personal file should be reviewed to establish any relevant or similar live warnings.

Any allegation of misconduct should then be investigated without delay and normally take no more than 6 weeks to complete. Where this timescale is unable to be met then the Investigating Officer will inform the employee of the rationale and any revised timescale for completion.

14.1 Investigation meeting with the employee

The Investigating Officer must meet with the employee at the earliest opportunity to explain their version of events. They should be given reasonable written warning of the meeting in advance and reminded that under this formal procedure they can be accompanied by their Trade Union representative or a work colleague.

The Investigating Officer will ask questions and arrange for a clearly documented record of the meeting to be taken. A written record of the meeting will be provided by the Investigation Officer and the employee given an opportunity to check, before signing to confirm that it is accurate. Where necessary there may be a requirement to hold a series of such meetings as part of the investigation.

Where a request is made to gather information from a particular source by the employee this will, where appropriate, be undertaken by the Investigating Officer. Any decision not to follow up such requests (and rationale) should be included in the completed investigators report.

14.2 Interviewing witnesses

The Investigating Officer will interview any witnesses who may have relevant information regarding the facts of the case in order to ask questions and make a record of the meeting. Witnesses must be informed that they may be required to attend a

formal disciplinary hearing and that copies of their statement may be provided to the employee and their representative.

A clearly documented record of the meeting should be taken and the witness given an opportunity to check it before signing to confirm that it is accurate.

Though a witness does not have a statutory right to be accompanied by a Trade Union representative or work colleague while making a statement, requests to be accompanied will be agreed where possible. Any representative that attends the interview with the witness must not be involved in representing the employee and must keep all information confidential.

If it is necessary to interview children or vulnerable adults the Investigating Officer should consider whether permission from the adult responsible for the person to be interviewed should be sought beforehand. The interview should be conducted by a professional with experience and/or training in interviewing such individuals (with the investigating officer in attendance if this is appropriate).

14.3 Conclusion of investigation

At the conclusion of the investigation the Investigating Officer will inform the employee verbally of the outcome of their investigation[8], to be followed up in writing within 5 standard working days. This letter, which the Investigating Officer sends to the employee, will provide a brief synopsis of the concern(s), together with confirmation of one of the following options as the outcome of the investigation:

Option 1 - the concerns are unfounded and the employees conduct is deemed to be satisfactory therefore no further action against the employee is required.

Option 2 - formal additional support/advice/direction has been identified as the means of correcting the employee's conduct in respect of the concerns investigated.[9]

Option 3 - there is substance to the concern(s) and the Investigating Officer has referred the matter to a hearing[10] to make a determination regarding outcomes and appropriate sanction.

Where the Investigating Officer finds for:

Option 1 - the Investigating Officer supported by our HR service provider will liaise with the Headteacher (or their designate) to ensure that, where they have been identified, actions are put into place to amend school practices / procedures.

[8] Except where alternative arrangements have been made such as via their trade union/professional association representative.
[9] The investigating officer determines that although this should be considered misconduct, it appears to be less serious and therefore can be modified through guidance/direction recorded within an action plan with a set monitoring period where necessary.
[10] Hearing will be held in line with the delegated authority arrangements in place at our school

Option 2 - the Investigating Officer supported by our HR service provider will liaise with the Headteacher (or their designate) to ensure that the actions identified of the employee and the school are put in place as agreed. That monitoring takes place and that the timescale for concluding the matter is adhered to.

Option 3 - the Investigating Officer supported by our HR service provider will notify the employee, who will be advised of the requirements for their attendance at a disciplinary hearing.

Where the outcome is Option 3, the Investigating Officer, at the same time as they advise the employee, will verbally notify our Clerk to Governors[11] of the need for a hearing and forward them a copy of their investigation report and outcome letter issued to the employee, as well as any other adiditonal information or papers that they have gathered as part of their investigation.

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In compiling this report, the Investigating Officer must consider all the relevant evidence such as:

- the name of the Investigating Officer.
- details of the allegation(s) that have been investigated.
- the details of the people interviewed and an overview of their evidence.
- any explanation put forward or circumstances in mitigation.
- any specialist advice taken.
- any relevant live warnings on the employee's file to be considered.
- a conclusion as to whether there is a case to be answered and whether a disciplinary hearing should be convened.
- an assessment of the potential seriousness of the matter in light of the school's disciplinary rules; and
- all witness statements and relevant documentation (as appendices).

Having concluded their investigation the Investigating Officer, with the support of our HR service provider, will determine the next steps and, where necessary, attend and present their findings at the Hearing stage of this procedure.

15. Stage 2 - Hold a disciplinary hearing

Following a formal request to arrange a disciplinary hearing, the Clerk to Governors within 5 standard working days will issue written notice of the hearing to the employee and their representative. In doing so they will liaise with all parties to agree a suitable date for the disciplinary hearing as soon as practicable, providing at least 10 standard

[11] This is reference to the Clerk to the Governing Body or Clerk appointed (for example this may be a member of the school admin team). We note our responsibility to arrange for appropriate clerking.

working days between the issuing of the notice and the date of the disciplinary hearing with the employee.[12]

15.1 Notice to attend a formal hearing

A written notice to attend a formal hearing will be issued to the employee. It must be in writing and state the time, date, venue and purpose of the formal hearing. This notice will include the investigators report and a list of any proposed witnesses. In addition, a copy of this formal notice will also be issued to:

- the Investigating Officer, as well as their assigned HR representative
- those conducting the hearing, as well as their assigned HR representative
- any note taker for the meeting.

This formal notice to the employee will also include a request for the employee to confirm their attendance and submit any information (inclusive of witnesses) they intend to refer to, at least 5 standard working days prior to the hearing.[13]

Following the receipt of any information from the employee, the Clerk to Governors will collate and will forward this to:

- the Investigating Officer and their assigned HR representative,
- those conducting the hearing and their assigned HR representative and
- any note taker for the meeting,

The information will be forwarded no later than 4 standard working days prior to the commencement of the hearing.

The Clerk to the Governing Body will compile a list of the names of witnesses from both parties and forward these to the Headteacher (or their designate) who will be responsible for the coordination of the release of school-based witnesses. The Clerk to Governing Body is also responsible for organising separate rooms/ facilities/ refreshments for each of the respective parties and their witnesses.

It shall be the responsibility of those conducting the hearing to ensure that the hearing is conducted appropriately and in accordance with the aims outlined within our disciplinary policy. The hearing can adjourn at any time at the request of either ofthe parties. An example of the format for a hearing can be found in appendix 2.

[12] There may be circumstances where this timeframe is not achievable for the parties concerned. Where this is the case our Clerk to Governors will liaise with the parties to arrange a suitable alternative date.
[13] Please note: any additional information presented by the employee and/or their TU representative after this date will be accepted where both parties are agreeable. However, where agreement has not been possible the additional information will only be considered with the consent of those conducting the Hearing after discussion with our HR service provider. Options include postponement/short adjournment to consider the information or not to release the information.

The role of those conducting the hearing is to evaluate the information presented to them and to determine the appropriate outcome – including the drawing-up of an action plan[14], where appropriate.

15.2 Notification of the decision

Once the Hearing Panel member(s) have reached a decision, they will be required to notify all parties of the decision. Where possible it is recommended that this be undertaken on the same day as the appeal hearing and in person. It is acknowledged that after an adjournment to reach a decision it may not be appropriate to ask the parties to wait. Where this occurs alternative arrangements will need to be agreed, with advice from our HR sservice provider regarding the most appropriate way forward.

The outcome of a disciplinary hearing shall be one of the following:

- **take no further action** - concerns/allegations are unfounded and no further action is required.
- **Formal additional support** - additional support/actions identified as the means to change the employees' conduct in respect of the concerns identified,
- **Impose a sanction** - up to and including dismissal with notice for cases of misconduct or without notice for cases of gross misconduct.

If the person(s) conducting the disciplinary hearing decide to impose a sanction, the employee will be informed of:

- the detail of their misconduct.
- the improvement in behaviour or actions that are expected of them; and
- the consequences of not improving their action of behaviour, which may be further formal action under the disciplinary procedure which could result in their dismissal.

If the parties are available after the person(s) making the decision have reached a conclusion, a summary of the decision will be given to them in person. Written notice of the decision must be given within 5 standard working days with a copy issued to their Trade Union representative and the Headteacher.

If a sanction has been issued or a decision made to dismiss, this notice of decision will confirm the outcome relating to each allegation/concern, the rationale behind this decision and, where appropriate, the sanction issued and the employee's right to appeal. The employee must submit any appeal to the Chair of Governors within five working days of receiving the notice of decision setting out the grounds of their appeal.

Where dismissal is the outcome of the disciplinary hearing, lodging an appeal against the decision will not stop a dismissal from proceeding. The effective date of dismissal

[14] This may include details of additional management support and/or expectations of future conduct if applicable.

will be the date of the hearing panel's decision being verbally advised to the employee or, where applicable, after serving appropriate notice.

16. Stage 3 – Holding a disciplinary appeal

Following the letter confirming the hearing decision being sent to the employee, the employee has 5 standard working days to lodge a request for an appeal hearing. The request for an appeal hearing must be sent to the Clerk to Governors in writing, outlining the reasons for requesting an appeal in detail.

The employee should take care to outline the grounds for their appeal to ensure there is no undue delay in organising an appeal hearing. Where there is insufficient clarity as to the grounds of the appeal, the Chair of the Appeal Panel reserves the right to seek such clarification, prior to arranging the appeal hearing. It is the responsibility of the Chair of the Appeal Panel, working with their assigned HR representative, to communicate (via the Clerk to Governors) in writing with the employee, where further clarification is required.

The employee's case shall be based only on the detailed grounds disclosed in their letter of appeal. Only if the appeal body considers that there are pressing and exceptional reasons will additional issues by the employee usually be considered[15].

Where the appeal concerns a medical opinion relied upon by management, a second medical opinion from an independent medical practitioner shall be obtained by the school. If the appeal concerns any other aspect of the case, the medical evidence cannot be challenged at the appeal hearing.

The role of the Clerk to the Governors is to organise and coordinate the appeal once the Chair of the Appeal Panel has confirmed that there is sufficient information to proceed.

16.1 Notice to attend an appeal hearing

A notice to attend an appeal hearing must be in writing and state the time, date, venue and purpose of the meeting and give the employee at least ten working days' notice.

The Clerk to Governors will liaise with all parties to agree a suitable date for the disciplinary appeal to be held and confirm this in writing to all parties. This letter is deemed the formal notice of the disciplinary appeal hearing and will be issued, with supporting documentation, within 5 standard working days following receipt of the appeal request, on the basis that the employee has provided sufficient information for the appeal hearing to be progressed.

[15] Please note: any additional information presented by the employee and/or their TU representative after this date will be accepted where both parties are agreeable. However, where agreement has not been possible the additional information will only be considered with the consent of those conducting the Hearing after discussion with our HR service provider. Options include postponement/short adjournment to consider the information or not to release the information.

The appeal hearing will be expected to take place as soon as practicable, providing at least 10 standard working days notice to the employee.[16] This formal notice will include a request for the employee to confirm their attendance and submit any additional information (inclusive of witnesses) they intend to make reference to during the appeal, at least 5 standard working days prior to the meeting.

Following the receipt of any information from the employee, the Clerk to Governors will collate and will forward this to:

- members of the appeal panel, as well as their assigned HR representative;
- the chair of the hearing panel as well as their assigned HR representative
- any note taker for the meeting.

This pack will be issued no later than 4 standard working days prior to the commencement of the hearing.

The role of the Appeal Panel is to evaluate the information presented to them and to determine the appropriate outcome – including the drawing up of an action plan[17], where appropriate.

Once the panel have received the information presented to them by all parties within the appeal, asked any appropriate questions and are satisfied that they have sufficient information to reach a decision as to the outcome of the appeal hearing, they will adjourn the appeal to reach a decision.

16.2 Notification of the decision

Once the Appeal Panel has reached a decision, they will be required to notify all parties of the decision. Where possible, it is recommended that this be undertaken on the same day as the appeal hearing and in person. It is acknowledged that after an adjournment to reach a decision it may not be appropriate to ask the parties to wait. Where this occurs alternative arrangements will need to be agreed, with advice from our HR service provider regarding the most appropriate way forward.

Following the outcome of the appeal hearing, the Chair of the Appeal Panel will be required to draft (with support from their assigned HR representative) a letter to convey to the employee the decision made by the Appeal Panel. This letter will be sent by the Clerk to Governors, on behalf of the Chair of the Appeal Panel, within 5 standard working days following the Appeal Panel's decision being verbally advised to the employee. This letter will note the outcome relating to each allegation/concern appealed against, the rationale behind this decision and where appropriate, any sanction issued.

[16] There may be circumstances where this timeframe is not achievable for the parties concerned. Where this is the case our Clerk to Governors will liaise with the parties to arrange a suitable alternative date.
[17] This may include details of additional management support and/or expectations of future conduct if applicable

If the original decision was to dismiss and the appeal against the decision is successful, the employee will be reinstated with no loss of continuity of service or pay. The decision of the Appeal Panel is final within this policy and procedure.

17. Special Circumstances

We recognise, as the Governing Body that there may be special circumstances that relate to a specific case. Though we cannot envisage every possible scenario, we would expect the following to apply.

17.1 Sickness Absence

If an employee is absent due to sickness during a disciplinary case, we have determined that the Headteacher will initially review the reasons for absence and the length of time that the employee is likely to be absent from work. The Investigating Officer should continue with the other aspects of the investigation that can be completed in the employee's absence, such as interviewing witnesses and gathering relevant documentation. The Headteacher will follow our school's policy for Managing Sickness Absence, including the provisions relating to sickness certification, in order to ascertain how long the employee is likely to be absent.

If it appears that the sickness absence is likely to be long term, the Headteacher will seek a medical opinion from Occupational Health about the employee's fitness to participate in the disciplinary process.

- If, following consideration of the medical advice, it would be unreasonable to continue with the disciplinary process, the Headteacher will manage the absence in accordance with our school's policy for Managing Sickness Absence and resume the disciplinary process when the employee is fit enough.
- If the medical opinion is that the employee is fit and well enough to participate, the disciplinary process continues, following consideration of any recommendations set out by Occupational Health or other medical professionals.

17.2 Grievances raised during the disciplinary process

Where an employee raises a grievance during the disciplinary procedure, this disciplinary procedure may be temporarily suspended in order to deal with the grievance. However, where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. We have delegated such decisions to the appointed Investigating Officer.

17.3 Trade Union/Professional Associations Officials

Professional Association and Trade Union representatives are expected to exhibit the same standards of conduct as all other employees. However, we have determined that no formal action shall be taken against an accredited professional association or Trade Union representative until the circumstances of the case have been discussed with a more senior representative or full-time official of the organisation concerned.

Where action is proposed, our HR service provider will be contacted by the Headteacher and informed of the concerns. Our HR service provider will contact the relevant senior Trade Union/professional association representative (or permanent/external official) to outline the nature of the concern and the next stages as outlined within our policy & procedure.

17.4 Criminal investigation within employment

In the case of matters which need to be referred to the Police, the investigation may, in exceptional circumstances, be carried out simultaneously with the Police investigation. However, in most cases a Police investigation will precede any internal investigation, thus this will only be initiated following discussion with our HR service provider and ensuring the police have no objections to proceeding with such an investigation.

17.5 Conduct Outside Normal Duties

Where concerns arise regarding actions outside normal duties, that may involve conduct that could bring the school into disrepute or prejudice the ongoing employment relationship, we have determined that such actions fall within the remit of our Disciplinary Policy and Procedure.

17.6 Statutory Reporting

Where an employee is dismissed for misconduct or resigns in circumstances that may have led to them being considered for dismissal, the Headteacher will, with support and advice from our HR service provider, consider referral of the case to the appropriate external body such as the Disclosure and Barring Service (DBS) and/or the Teacher Referral Agency (TRA).

17.7 Disclosure and Barring Service (DBS Checks)

Where, through periodic assessment, an employee's DBS check identifies actions that may constitute an issue which would bring their ongoing employment with the school into question, the Headteacher will discuss the information obtained with our HR support service and determine an appropriate way forward. In doing so, advice will be given as to whether action should be taken under this disciplinary procedure.

Appendix 1: Examples of unacceptable conduct/behaviour

Misconduct **(Disciplinary Sanctions up to and including Dismissal with Notice)**	**Gross Misconduct** **(Disciplinary Sanctions up to and including Dismissal without Notice)**
May be described as conduct, which initially requires disciplinary action other than dismissal. If further misconduct takes place, dismissal may ultimately be an appropriate sanction. Such acts constituting misconduct are those resulting in a breach of contractual terms and are best described by the organisation in light of their own particular circumstances. It will often relate to an initial instance that is not serious enough to warrant gross misconduct, or a continuation of unacceptable conduct/behaviour that warrants action. In such instances the ongoing unacceptable conduct/behaviour may result in a warning or a series of warnings being issued. Areas for consideration may also include previous conduct/behaviour including frequency/patterns. Noted below are some examples of what misconduct might include. However, it is important to note that this is a non-exhaustive list:	Is generally considered to be misconduct serious enough to destroy the contract between employer and employee, and irretrievably break down the working relationship and trust between them. Such acts constituting gross misconduct are those resulting in a serious breach of contractual terms and are best described by the organisation in light of their own particular circumstances. It is likely to be a single act of serious misconduct, being a one-off/stand alone incident, which on its own brings the ongoing employment relationship into question. In such instances dismissal without notice may occur. Noted below are some examples of what gross misconduct might include. However, it is important to note that this is a non-exhaustive list:
Minor misconduct: • Absenteeism, not relating to sickness absence • Lateness • Failure to comply with sickness absence notification and certification procedure • Minor cases of insubordination • Misuse of telephone or other organisational resources • Variations from accepted standards of work	**Gross Misconduct** • Theft – unauthorised removal, possession or theft of property • Physical, emotional or sexual abuse of children or young people including an intimate or sexual relationship with a pupil even if above the legal age of consent • Corrupt practices – acceptance of bribes or other corrupt practices • Fraud – deliberate falsification of timesheets, subsistence, mileage or other claim forms; obtaining

• Failure to undertake duties in a diligent manner Such offences if substantiated could result in the issue of a written warning. Repeat occurrences of such offences could result in more serious sanctions. **Serious misconduct:** • Refusal to carry out a reasonable managerial instruction • Disregard for health and safety rules Excessive use of the internet or inappropriate use of work e-mail account • Actions which compromise the professionalism of the school and/or local authority or bring the school and/or local authority into disrepute • Incapacity, for example through drug or alcohol misuse Such offences if substantiated could result in the issue of a final written warning. Repeat occurrences of such offences could result in more serious sanctions.	employment by deception and falsification of qualifications. • Damage – wilful damage to school or, where relevant, local authority property or equipment • Assault – acts of violence including physical assault or threat of physical assault • Gross negligence/carelessness – causing loss, damage or injury through serious negligence • Harassment or bullying relating to a protected characteristic, inclusive of sexual harassment and "cyberbullying" using ICT – This can be a single serious instance or have taken place on a number of occasions • Discrimination – unlawful discrimination against an employee or pupil's protected characteristics (age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex or sexual orientation) • Serious breaches of confidentiality or Data Protection regulations • Criminal offences – conviction of a criminal offence, whether or not an incident occurring in the course of employment, of such a nature that it is unacceptable for the employee to remain in post. • Inappropriate use of the internet e.g., posting derogatory or offensive comments on the internet about the school, a colleague/governor/parent • Any situation which gives rise to a fundamental breach of trust and confidence by the employee making continuation of their employment unacceptable.

	Such offences if substantiated could result in dismissal without notice.

Appendix 2: Format for Hearings and Appeals

Introductions

The Chair of the Panel introduces all parties present and explains how the meeting will be conducted and what is being considered – including adjournments, refreshment breaks, expected behaviour, documentation, etc. Where points of clarification on procedure are required the decision of the chair is final.

Presentation

By the Investigating Officer (or Chair of Hearing Panel where it is an Appeal). Witnesses* called as necessary.

At appeal the running order is reversed, and the employee makes the first presentation

Please note: where more than one witness is to be called as part of the presentation it is important that all parties are given the opportunity to question each witness.

Questions

The parties may ask questions relating to the presentation given by the Investigating Officer (or Chair of the Hearing Panel where it is an Appeal) in the following order:

- Employee (or their work colleague or trade union/professional association representative)
- Panel Members

Presentation

By the Employee (or their work colleague or trade union/professional association representative). Witnesses* called as/where necessary.

Please note: where more than one witness is to be called as part of the presentation it is important that all parties are given the opportunity to question each witness prior to their being excused.

Questions

The parties may ask questions relating to the presentation given by the Employee (or their work colleague or trade union/professional association representative) in the following order:

- Investigating Officer (or Chair of the Hearing Panel where it is an Appeal)
- Panel Members

Final statements

Will be taken in the following order:

- Investigating Officer (or Chair of the Hearing Panel where it is an Appeal)
- Employee (or their work colleague or trade union/professional association representative)

All parties then withdraw to allow the Panel to reach a decision. The HR service provider will remain during this stage as will the minute/note taker.

All parties may be asked to remain available for possible clarification of matters and be advised of the decision of the Panel.

Coming to a decision

The person(s) making the decision shall deliberate in private in the presence of their clerk and their HR service provider. If they wish to clear a point of uncertainty on any evidence given, both parties shall be recalled even if only one party is to be questioned. The parties shall again leave the room after this process.

*Witnesses – each witness will be required to attend on an individual basis and will only be required to attend the Hearing/Appeal to discuss their particular information. They will be required to attend the Hearing/Appeal prior to and after their required attendance. It is the responsibility of the parties calling the witnesses to ensure that witnesses are aware of their role and their attendance requirements

Appendix 3: Disciplinary Procedure Flowchart

