



**Tudhoe Learning Trust**

# **Disciplinary Policy and Procedure**

**Approved by:** Trust Chief Executive Officer      **Date:** December 2019

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## Introduction

This policy and procedure has been developed to assist the Trust in maintaining standards of conduct and job performance and is intended to help and encourage all employees in achieving and maintaining the required standards. The procedure is necessary in promoting fair and consistent treatment of employees and in achieving good employee relations.

Whilst it is not possible to list all occurrences which may lead to disciplinary action, nor to specify the nature of the disciplinary action to be taken, each case will be considered on an individual basis and disciplinary action taken according to the circumstances. It is the policy of the Trust to ensure that consideration is given to the nature of the offence in relation to the employee concerned, their length of service, past performance, health and any domestic or social factors which may be relevant if disciplinary action appears necessary.

This policy covers all employees of the Trust and will be used to deal with conduct issues in relation to both support staff and teaching staff.

Employees have a statutory right to be accompanied at meetings held at the formal stages of the procedure and may make arrangements to be supported by:

- An appropriate Trade Union representative
- A work colleague who does not have a conflict of interest

It is essential that all parties concerned have a duty of confidentiality regarding matters dealt with under this policy and procedure. Whilst it is accepted that the very nature of disciplinary investigations and procedures make total confidentiality difficult to achieve, all parties have an obligation to ensure confidentiality as far as possible and to handle information sensitively and only for its proper purpose. Any breach of confidentiality could impact upon the outcome of individual cases. Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Employees facing disciplinary action will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the Trust believes that a witness's identity should remain confidential.

Any information held by the Trust relating to the case will be used and stored in accordance with the General Data Protection Regulations (GDPR) and Trust Retention Procedures.

In applying this policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The operation of this Policy will be kept under review and changes will be made as deemed appropriate.

## Core Principles

The Trust will treat employees in accordance with the following core principles of reasonable behaviour:

- No disciplinary action will be taken against an employee without full investigation and consideration of the facts
- At every stage, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decisions are made
- At all formal stages, the employee will have the right to be accompanied by a representative of their trade union or a work colleague
- The disciplinary process may be implemented at any stage, dependent on the nature and seriousness of the alleged disciplinary offence
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct
- Employees have the right of appeal against any formal disciplinary sanction
- All disciplinary matters will be conducted as promptly as possible and all parties will co-operate in avoiding unnecessary delays, in the interest of both the employee and the school
- The policy will be applied consistently and should primarily be used to help and encourage employees to improve, rather than as a way of imposing a punishment

### Misconduct

Misconduct is behaviour that is inappropriate or unacceptable. The following are examples of misconduct:

- Unauthorised absence
- Poor time keeping
- Smoking in areas designated as non-smoking
- Insubordination or using abusive language
- Misuse of school facilities including computer facilities (e.g. e-mail and Internet)
- Refusal or failure to carry out a reasonable lawful management instruction
- Unacceptable behaviour or attitude;
- Leaving the workplace without permission or due cause
- Non-compliance with school policies and procedures including equalities policies and the Code of Conduct

This list is neither exclusive nor exhaustive and each case will be determined on the individual facts. Except in cases of gross misconduct, no employee will be dismissed for a first breach of discipline.

### Gross misconduct

Gross misconduct is misconduct that is so serious that the Trust can no longer tolerate the employee's continued presence at work. It may justify dismissal without notice, known as summary dismissal. In this circumstance, termination of the contract is immediate.

The following are examples of conduct which may constitute gross misconduct:

- Theft or fraud
- Deliberate falsification of documents
- Physical violence or bullying
- Deliberate and serious damage to school and other property
- Unlawful discrimination, harassment or victimisation
- Serious misuse of the Trust, school, or an associated organisation, property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Serious incapability at work through drugs, substances or alcohol
- Bringing the Trust and/or school, or an associated organisation, into serious disrepute
- Gross negligence which causes, or might cause, unacceptable loss, damage or injury

- A serious breach of health and safety rules
- Criminal or other serious misconduct outside the workplace which affects the employee's suitability for the post
- Knowingly providing false information on any matter relating to the employee's employment
- A serious data breach or information security breach
- Allegations against another person that are malicious or made for personal gain
- Criminal or serious misconduct involving children or vulnerable adults

This list is neither exclusive nor exhaustive and each case will be determined on the individual facts.

## **Responsibilities**

The Trust is committed to implementing the disciplinary policy in a way which promotes the fair and equal treatment of all employees and eliminates discrimination.

All employees have a responsibility to ensure that they comply with this policy and procedure and to conduct themselves to the highest standards at all times and to conform to school rules, policies and procedures and the Code of Conduct.

It is the responsibility of the Trust Chief Executive Officer to ensure that this policy and procedure is fairly and consistently implemented and to ensure that they implement this policy in a manner that recognises and respects the diversity of the workforce and the different needs of all employees. The Trust Chief Executive Officer must ensure that issues are dealt with equitably, without discrimination, and as quickly as possible.

The HR Manager is responsible for providing advice and guidance to the Head Teacher or other relevant managers, to ensure it is operated in a fair and effective manner. It is important that the HR Manager is involved throughout the disciplinary process and must be in attendance at any disciplinary hearing or appeal. The Head Teacher, Trust Chief Executive Officer and Directors have an obligation to seek advice and guidance from the Trust HR Manager when contemplating disciplinary action.

In this Trust, the responsibility for disciplinary action up to and including dismissal for all staff up to but not including Head Teacher has been delegated by the Board of Directors to the Trust Chief Executive Officer.

### **Procedure for issues relating to the Head Teacher**

Where there are concerns about the conduct or behaviour of the Head Teacher, the Trust Chief Executive Officer is responsible for ensuring that an appropriate investigation takes place. Under these circumstances the Trust HR Manager must be consulted at all stages. Any proceedings that ultimately result in a formal hearing must be considered by the Trust Chief Executive Officer.

Issues regarding the capability of a Head Teacher are not covered by this policy and should be referred to the Trust Capability Policy and Procedure.

## **Procedure**

### **Informal stage**

On becoming aware of an employee's alleged misconduct the Head Teacher will make initial enquiries about the incident or situation to determine the appropriate course of action. This will normally involve a discussion with the employee to provide them with an opportunity to respond and explain any factors affecting their behaviour or conduct.

Based on the information gathered, the Head Teacher will make a decision regarding the appropriate course of action, as described below:

### **No case to answer**

It may become evident that there is no problem or the employee has provided a perfectly reasonable explanation to the concerns. If this is the case, the Head Teacher will ensure that it is made clear to the employee that no further action will be taken.

### **Informal discussion**

Minor cases of misconduct are usually best dealt with informally. Where the initial enquiries have established that the matter is not serious enough to warrant proceeding to a formal investigation but concerns remain about the employee's behaviour, the Head Teacher should discuss the matter with the employee. The aim of the discussion is to ensure that the member of staff understands the concerns and should be made fully aware of the standards expected of them. A note of the discussion should be taken, including details of any improvement required, and a copy provided to the employee. The employee may also choose to attach their comment to the document. The note will remain on the employee's file.

An informal discussion is not a formal disciplinary sanction and therefore the employee has no right of appeal.

### **Letter of management advice**

Where initial enquiries have established that the matter is not serious enough to warrant proceeding to a formal investigation but concerns remain about the employee's behaviour, the Head Teacher may feel it is appropriate to advise the employee, in writing, of how their conduct has fallen short of the Trust and school's standards and expectations, the change or improvement that is expected of them and that a failure to achieve the standards in the future may result in disciplinary action being taken.

The Head Teacher must include a review period for the letter, usually of no more than 12 months. The letter will remain live on the employee's personnel file and may be referred to if any further disciplinary incidents occur during the review period. It is possible to extend the review period if the Head Teacher concludes that the required improvement has not been made. Where a letter of management advice is issued in relation to 'safeguarding' issues, it is necessary and appropriate for this document to remain 'live' and not subject to any particular time limit.

A letter of management advice is not a formal disciplinary warning and, therefore, the employee has no right of appeal.

### **Further investigation**

If the initial enquiries show that there are serious concerns about the employee's conduct, it may be necessary to carry out a formal investigation into the alleged misconduct.

### **Formal stage**

Where it has been determined that a more detailed investigation is required, an Investigating Officer will need to be appointed to ascertain the facts regarding all relevant issues as fairly and promptly as possible. The employee should be kept fully informed throughout the process.

### **Investigating officer**

The Head Teacher or a member of the Leadership Team will usually undertake the investigation, however, where the allegations concern the Head Teacher, it will be necessary for the Trust Chief Executive Officer to deal with the matter.

The Investigating Officer will investigate the alleged misconduct, produce an investigation report and make recommendations to management where required as to whether a disciplinary hearing is required.

There may be circumstances where an external officer is commissioned to undertake the investigation.

Where appropriate the Police will be contacted (e.g. in the cases of financial impropriety or relating to pornography/offensive or obscene materials).

### **Professional bodies and agencies**

Alleged misconduct related to the protection and safeguarding of children will be reported immediately to the Local Authority Designated Officer (LADO). Where the allegations involve safeguarding concerns, the Disclosure and Barring Service (DBS) will be informed of the outcome of the disciplinary hearing.

In some cases, the school is required to notify, and possibly provide evidence or information to, the appropriate professional body, of investigations, warnings, dismissals or restrictions placed on practice. Depending on the seriousness of the offence, the Investigating Officer may be obliged to inform the professional body at any stage of the formal procedure.

### **Trade union representatives**

Although normal disciplinary standards apply to the conduct of trade union representatives as employees, disciplinary action against a trade union representative can be construed as an attack on the union if not handled carefully.

No disciplinary action should therefore be taken until the case has been discussed, after obtaining the employee's agreement, with a full-time trade union official. Advice should be sought from the Trust HR Manager.

### **Criminal charges or convictions**

If an employee is charged with, or convicted of, a criminal offence not related to work, this is **not** in itself reason for disciplinary action. Similarly, an employee should not be dismissed solely because they are absent from work as a result of being remanded in custody. Consideration will be given to the criminal conviction and the likely effect upon the employee's ability to carry out their duties.

If an employee is subject to a criminal investigation, this will be dealt with separately to any internal disciplinary investigation. The Police should not be asked to conduct any investigation on behalf of the Trust and/or school.

The Investigating Officer will liaise with the Police to determine whether the disciplinary investigation can proceed in parallel with the criminal investigation. The timescale for the internal investigation will have to be reviewed and the employee will be kept informed of the position by the Investigating Officer.

### **Resignation during disciplinary investigation**

Where an employee submits their resignation before the disciplinary process has been concluded, the Investigating Officer may continue the disciplinary process so far as reasonably practicable during the employee's notice period.

Where the allegations(s) are of a safeguarding nature, the case must progress to a disciplinary hearing, even if the employee's notice period has ended and the hearing is conducted in their absence. Any sanction issued would be given "if the person had continued to be employed" and reported to the appropriate authority.

### **Grievance during disciplinary process**

Where an employee raises a grievance during the disciplinary process advice should be sought from the Trust HR Manager. It may be appropriate to deal with the issues concurrently, however, in certain circumstances the disciplinary process may need to be suspended in order to deal with the grievance.

### **Suspension**

Suspension should only be considered as a last resort and every effort should be made to keep an employee at work where possible. Suspension will only be appropriate where keeping the employee

at work poses a risk to the employee and other staff, or their presence at work will impede the investigation.

The following alternatives to suspension should be considered:

- Restricting the duties they can carry out whilst the investigation takes place
- Limiting access to resources, such as ICT
- Temporary relocation of the employee to another school within the Trust

The decision as to whether to suspend is entirely separate from the assessment of conduct. The fact that an employee has not been suspended from work does not prevent their behaviour from being classed as gross misconduct.

Suspension is not a disciplinary sanction and is without prejudice on full pay. It is essential that the period of suspension is kept as brief as possible.

### **Informing employee of suspension**

The employee should be verbally advised of the suspension and the reasons relating to the decision by the Head Teacher (or Trust Chief Executive Officer). The employee should be advised that the suspension is without prejudice and that they will receive full pay during the course of the suspension.

The suspension must be confirmed in writing, making the allegations clear, and should be sent out to the employee as soon as possible after the decision has been taken to suspend, together with a copy of the disciplinary policy.

During the suspension the employee should remain away from their place of work but must remain available for work during their normal working hours and attend any meetings as appropriate.

It is recognised that the employee needs to communicate with those conducting the investigation and may also need to discuss their circumstances with parties who are assisting them within the process, for example, the person accompanying them to meetings. A suspended employee is not prevented from having any contact with colleagues, however, they should not discuss any aspect of the case with other employees or other parties connected with the investigation or with any other inappropriate parties.

If an employee does not comply with the terms of their suspension, the school may revoke their entitlement to receive full pay during the period of suspension.

### **Communication during suspension**

The employee should be provided with the name of an appropriate person they may contact to discuss any issues regarding work and the investigation.

The role of the Contact Officer is to keep the employee up to date, as appropriate, with the progress and likely timescale of the investigation, however, detailed information relating to the investigation should not be shared with the employee. The frequency of contact will be determined by both the Contact Officer and the employee and dependent upon the length and complexity of the investigation.

### **Reviewing suspension**

It is important that the need to suspend is reviewed and documented, regularly throughout the investigation, as new information may emerge during the course of the investigation which changes the necessity for the suspension. Similarly, it may be that the need to suspend is not obvious initially but during the course of the investigation, suspension may be required.

In all cases, the period of suspension should not be for any longer than necessary and every effort

should be made to ensure that it is as brief as possible.

The Contact Officer will notify the employee of the outcome of each review of the suspension.

### **Sickness and annual leave during suspension**

An employee who is suspended must be available for work during their normal working hours and to attend meetings, as appropriate. If an employee becomes ill during their suspension then they will be on sick leave rather than suspension and will be paid in accordance with their normal contractual sick pay entitlements will be managed using the sickness absence policy. If the employee is well enough to return to work prior to completion of the disciplinary process, it may be necessary to reinstate the suspension or to place the employee on suspension.

Annual leave can be taken during suspension subject to approval through the normal procedures.

## **Investigation**

To ensure the fair handling of disciplinary matters, it is essential to carry out a prompt and adequate investigation, which will include:

- Enquiring into the circumstances and establishing the facts of the case
- Giving the employee a chance to offer an explanation
- Gathering of evidence relating to the case
- Taking a balanced view on whether there are sufficient grounds for an allegation of misconduct

### **Investigation meetings**

The Investigating Officer will write to the employee informing them that a detailed investigation will be conducted and inviting them to a meeting to discuss the allegations, as part of the investigation.

There is no statutory right for an employee to be accompanied to meetings during the investigation, however, every effort should be made to accommodate a request from an employee to be accompanied by a Trade Union representative or work colleague. It is up to the employee to arrange for someone to attend any interview(s) in this capacity. If their chosen representative is not available to attend the employee should arrange for a replacement representative to accompany them, or attend on their own. Meetings will not usually be postponed in these circumstances. The individual accompanying the employee must not be someone whose presence would prejudice the hearing or who might have a conflict of interest.

The Investigating Officer will meet with all relevant people and should ensure that witnesses who are prepared to provide statements as part of the investigatory process are fully aware, from the outset, of the consequences of doing so. This may include the requirement to provide evidence as part of a formal disciplinary hearing or disciplinary appeals process and their statements being provided to a regulatory body.

Should further allegations come to light during the course of the investigation, the Investigating Officer will write to the employee informing them of the additional allegations and will be provided with an opportunity to respond to them during the course of the ongoing investigation.

### **Final investigation meeting**

To conclude the investigation, where it is considered to be necessary, the Investigating Officer will arrange a final meeting with the employee who the allegations were raised against.

The Investigating Officer may use this meeting to:

- Outline the key points of the investigation i.e. who has been interviewed
- Allow the employee the opportunity to respond to any additional allegations that have come up during the investigation and that were not covered at the initial meeting

### **Concluding the investigation**

The Investigating Officer will collate and analyse the evidence gathered and a report of the findings will be prepared setting out whether there are sufficient grounds to merit a referral to a formal disciplinary hearing. Should a recommendation for a hearing be made the employee will receive a copy of the report prior to the disciplinary hearing.

### **Disciplinary hearing**

If it is considered necessary to convene a disciplinary hearing, the employee will be given at least school working days' notice of the date and time to allow sufficient time to prepare and arrange representation. A copy of the Investigating Officer's report will be provided.

#### **Right to be accompanied**

Employees have a statutory right to be accompanied by a work colleague, a trade union representative or an official employed by the trade union at disciplinary hearings. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest.

An employee may ask an official from any trade union to accompany them, regardless of whether or not they are a member or the union is recognised. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany the employee.

If an employee makes any request to be accompanied by a legal representative at a disciplinary hearing advice should be sought from the Trust HR Manager before a decision can be confirmed.

The representative may play a full part, including addressing the hearing to put and sum up the employee's case, responding on behalf of the employee to any view expressed, asking questions of the witness or witnesses, summing up the employee's case and conferring with the employee during the hearing. However, they should not answer questions that are put directly to the employee.

#### **At the hearing**

The Trust Chief Executive Officer or appropriate nominated representative in their absence will act as Hearing Officer, hear evidence from both parties at a formal disciplinary hearing and make a decision regarding the outcome of the hearing including what, if any, disciplinary action will be taken. They will conduct the hearing and make their decision in good faith.

Where the hearing has arisen as a result of the conduct of the Head Teacher, the case will be heard by a panel of Directors from the Board.

It may also be appropriate to adjourn the hearing for a short time to allow time to check matters further, particularly if there is a dispute over facts or process. If new facts emerge, consideration will need to be given as to whether to reconvene the hearing on another date to allow time for further investigation.

Please see Appendix 1 for Hearing Procedure.

#### **Postponing the hearing**

The employee must make all reasonable efforts to attend the hearing, including securing the attendance of their representative, but if they are not able to attend, they will be offered one alternative date. This should normally be within 5 school working days of the original date, although this can be extended by mutual agreement. If the employee fails to attend the rearranged hearing without explanation the hearing may proceed and a decision reached in their absence.

The employee can choose to put their case in writing for consideration by the Hearing Officer or an employee's representative may attend and present the case in their absence.

### **Outcomes**

The Hearing Officer, supported by the Trust HR Manager will hear evidence from all parties present and the hearing and reach a decision based on the 'balance of probabilities' that it is more likely than not that the employee behaved as alleged.

The outcome of the hearing could be:

- No further action - where it is deemed that there is no case to answer
- Letter of management advice
- Action plan
- Formal disciplinary sanction

The employee will usually be informed of the decision verbally at the end of the hearing by the Hearing Officer and the decision will be confirmed in writing, by recorded delivery, as soon as possible after the hearing.

## **Formal disciplinary sanctions**

### **Written Warning**

This may be issued if the first offence is serious enough to warrant formal action and will set out the nature of the misconduct and the improvement in behaviour required. It will usually last for a period of twelve months, although this can be extended. A copy of the written warning will be kept on the employee's personnel file.

The written warning will clearly state the behaviour causing concern, where improvements are required and the level of continued professional support, advice and guidance to be provided where appropriate.

Depending upon the severity of the situation, this stage may be omitted and it may be justifiable to move directly to a final written warning.

### **Final Written Warning**

Where there is a failure to improve or change behaviour and previous warnings have not resulted in sufficient improvement, the employee may be issued with a final written warning.

In circumstances where an offence is sufficiently serious to warrant only one written warning, but not serious enough to justify dismissal, a first and final written warning may be issued. It will usually last for a period of eighteen months, although this can be extended. A copy of the written warning will be kept of the employee's personnel file.

The final written warning will clearly state the behaviour causing concern, where improvements are required and the level of continued professional support, advice and guidance to be provided.

### **Dismissal**

If the employee's conduct still fails to improve following previous warnings, an employee may be dismissed with notice.

The employee should be provided with written details of the reasons for dismissal, the date on which employment will terminate, the appropriate period of notice and their right of appeal.

An employee should not be dismissed for a first breach of discipline, except in cases of gross misconduct.

### **Summary dismissal**

In very serious cases, where an employee's conduct is deemed to be gross misconduct, the employee may be dismissed without notice. In this circumstance, termination of the employment contract is immediate.

### **Alternatives to dismissal**

An alternative to dismissal will be considered where the disciplinary outcome is that a dismissal should take place but there are mitigating circumstances to take into account.

The Hearing Officer may decide to offer to transfer the individual elsewhere within the Trust or school. If an alternative to dismissal is refused, this should be recorded and the employee will be dismissed.

### **Time limits**

There may be occasions where an employee's conduct is satisfactory throughout the period the warning is live, only to lapse very soon thereafter. Where a pattern of behaviour of this type emerges the employee's full disciplinary record may be used in deciding how long any subsequent warning should last.

There must be sound justification for this decision and under no circumstances should a warning be indefinite, as it is not good employment practice to keep someone continually under threat of dismissal.

In addition, the fact that a warning has expired does not mean that the misconduct in respect of which the warning was given can never be considered in any subsequent disciplinary process. However, care must be taken in these circumstances and the manager must consult with the Trust HR Manager.

### **Right of appeal**

Employees have the right of appeal against any formal disciplinary action taken against them and should be lodged within 10 school working days of receipt of the outcome letter, clearly stating the grounds of appeal. The employee has the right to be accompanied to the appeal hearing by a Trade Unions representative or work colleague.

The appeal will be heard by an Appeals panel formed from Directors of the Trust Board and the Trust HR Manager will also be in attendance to provide support to the Panel. See Appendix 2 for the procedure to be followed at an appeal hearing.

Where possible, once the Appeals Panel has reached a decision, the employee will be given oral notification of the decision and the reasons at the conclusion of the hearing. The decision will also be confirmed in writing by recorded delivery as soon as possible following the hearing.

Where any decision has been overturned, the Appeals Panel may give consideration to any other implications such as training requirement or clarification of rules and procedures. The outcome should not result in any increase in disciplinary penalty.

The decision made at this stage is final and concludes the Trust disciplinary procedure.

### **Further Information**

If you would like any further information or advice in relation this Policy please contact the Trust HR Manager on 01388 811 765 or [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk)

## **Procedure to be followed at a Disciplinary Hearing**

### **Introduction**

The Hearing Officer will invite all parties present to introduce themselves and their role in the hearing. N.B. The Trust HR Manager must be present at the hearing.

### **Statement of case by the Investigating Officer**

The PRESENTING OFFICER will put the case in the presence of the EMPLOYEE and their representative and may call witnesses.

The EMPLOYEE (or their representative) will have the opportunity to ask questions of the PRESENTING OFFICER on the evidence given by them.

The Hearing officer and HR Manager will have the opportunity to ask questions of the PRESENTING OFFICER and their witnesses.

The witnesses will leave once all questions are finished.

### **Statement of case by the Employee**

The EMPLOYEE (or their representative) will put the case in the presence of the PRESENTING OFFICER and will call witnesses.

The PRESENTING OFFICER will have the opportunity to ask questions of the EMPLOYEE and their witnesses.

The Hearing Officer and, HR Manager will have the opportunity to ask questions of the EMPLOYEE and their witnesses.

The witnesses will leave once all questions are finished.

### **Summing Up**

The PRESENTING OFFICER and the EMPLOYEE (or their representative) will have the opportunity to sum up their cases if they so wish.

The Hearing Officer will have the ability to recall witnesses for further clarification if needed.

### **Hearing Adjourned**

The PRESENTING OFFICER and the EMPLOYEE (and their representative) to withdraw from the room.

### **Consideration by the Hearing Officer**

The Hearing Officer and HR Manager will deliberate in private, only recalling the PRESENTING OFFICER/ and the EMPLOYEE (and their representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

### **Decision**

When the HEARING Officer has reached a decision the PRESENTING OFFICER and the EMPLOYEE (and their representative) will be invited back in and informed of that decision orally if possible including the right to appeal against any formal action. The decision will be confirmed in writing to the EMPLOYEE as soon as possible after the date of the hearing.

Employees must submit an appeal within 10 school working days of receipt of the letter confirming the disciplinary outcome, stating clearly their reasons for appeal.

## **Procedure to be followed at an Appeal Hearing**

### **Introduction**

The Hearing Officer will invite all parties present to introduce themselves and their role in the hearing. N.B. The Trust HR Manager must be present at the hearing.

### **Statement of case by the Employee**

The EMPLOYEE (or their representative) will put their case in the presence of the PRESENTING OFFICER and may call witnesses.

The PRESENTING OFFICER will have the opportunity to ask questions of the EMPLOYEE on the evidence given by them.

The Appeals Panel and HR Manager will have the opportunity to ask questions of the EMPLOYEE and their witnesses.

The witnesses will leave once all questions are finished.

### **Statement of case by the Presenting Officer**

The PRESENTING OFFICER will put the case in the presence of the EMPLOYEE (or their representative) and will call witnesses.

The EMPLOYEE will have the opportunity to ask questions of the PRESENTING OFFICER and their witnesses.

The Appeals Panel and, HR Manager will have the opportunity to ask questions of the PRESENTING OFFICER and their witnesses.

The witnesses will leave once all questions are finished.

### **Summing Up**

The EMPLOYEE (or their representative) and the PRESENTING OFFICER will have the opportunity to sum up their cases if they so wish.

The Appeals Panel will have the ability to recall witnesses for further clarification if needed.

### **Hearing Adjourned**

The EMPLOYEE and (and their representative) and the PRESENTING OFFICER to withdraw from the room.

### **Consideration by the Hearing Officer**

The Appeals Panel and HR Manager will deliberate in private, only recalling the EMPLOYEE (and their representative) and the PRESENTING OFFICER to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

### **Decision**

When the Appeals Panel has reached a decision the EMPLOYEE (and their representative) and the PRESENTING OFFICER and will be invited back in and informed of that decision orally if possible including the right to appeal against any formal action. The decision will be confirmed in writing to the EMPLOYEE as soon as possible after the date of the hearing.

This concludes the disciplinary procedure, there is no further right of appeal.