

Guidance for Schools

Disciplinary Procedure

Note:	Recommended by:	HR and People Manager
	Recommendation Date:	October 2020
	Ratified by:	HR Committee
<i>The Trust has adopted this policy Trust wide.</i>	Signed:	
	Position on the Board:	Chair of the HR Committee
	Ratification Date	7 October 2020
	Next Review:	September 2021
	Policy Tier (Central/Hub/School):	Central
<i>Factual amendments for staff at the RSA Academy Tipton to relevant Sandwell references and Partners is assumed.</i>		

CONTENTS

Page No.

Section 1 – Guidance on the Disciplinary Procedure

Introduction.....	1
Flowchart – Managing Misconduct	3
Day to day management of inappropriate conduct.....	4
Delegation of Authority	4

Section 2 – Formal Disciplinary Procedure

Suspension.....	6
Investigation	8
Disciplinary Hearing	8
Outcomes including Disciplinary Sanctions Short of Dismissal.....	9
Dismissal with Notice	10
Summary Dismissal (Gross Misconduct).....	11
Retention of Warnings	11
Appeals	11
Further statutory requirements.....	12

Appendices

Appendix 1 Procedure to be followed at a Disciplinary Hearing.....	14
Appendix 2 Procedure for Appeal Hearing	16
Appendix 3 Appeal form.....	18

SECTION 1: GUIDANCE ON THE DISCIPLINARY PROCEDURE

1. INTRODUCTION

1.1 Schools have certain expectations of their employees' behaviour which should be specified within school procedures and handbooks and are also outlined in the 'Working in Worcestershire Schools' guidance document which contains a code of conduct.

1.2 This procedure is designed to help and encourage all employees to achieve and maintain high standards of conduct at work and to provide a mechanism for dealing with problems as and when they arise. Its aim is to provide a model procedure for adoption by the Governing Body of a school which ensures consistent and fair treatment for all employees and to assist the Governing Body to comply with its duty to set up disciplinary procedures under regulation 6(1)(a) of the School Staffing (England) Regulations 2009. This procedure complies with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

1.3 Probation – Support Staff only

The purpose of the 6 month probationary period is to ensure that new employees understand and are encouraged to achieve and maintain the standards of conduct, performance and attendance required, within a reasonable time. If, after receiving sufficient guidance, support and training, an employee is unable to achieve and maintain acceptable standards his/her contract may be terminated without recourse to the full disciplinary procedures. The detailed Probation Policy & Procedures and further advice are available from Human Resources.

1.4 Church Schools may choose to adopt a disciplinary procedure from their relevant Diocesan Authority. Schools must therefore be clear at the outset which procedure they will be following.

1.5 Headteachers (and Governors) are recommended to seek advice from Human Resources at an early stage when considering disciplinary action.

1.6 There are certain situations when it would not be appropriate to follow this procedure until further advice has been sought:

(a) when there is an allegation made against an employee of a **safeguarding** nature the 'Senior Adviser, Safeguarding Children in Education' should be contacted in the first instance and before any other action is taken. Basic enquiries may be made to determine whether the allegation could possibly have occurred or to establish the facts of the allegation.

Refer to the Allegations of Abuse against Teachers and Other Staff guidance document for further information;

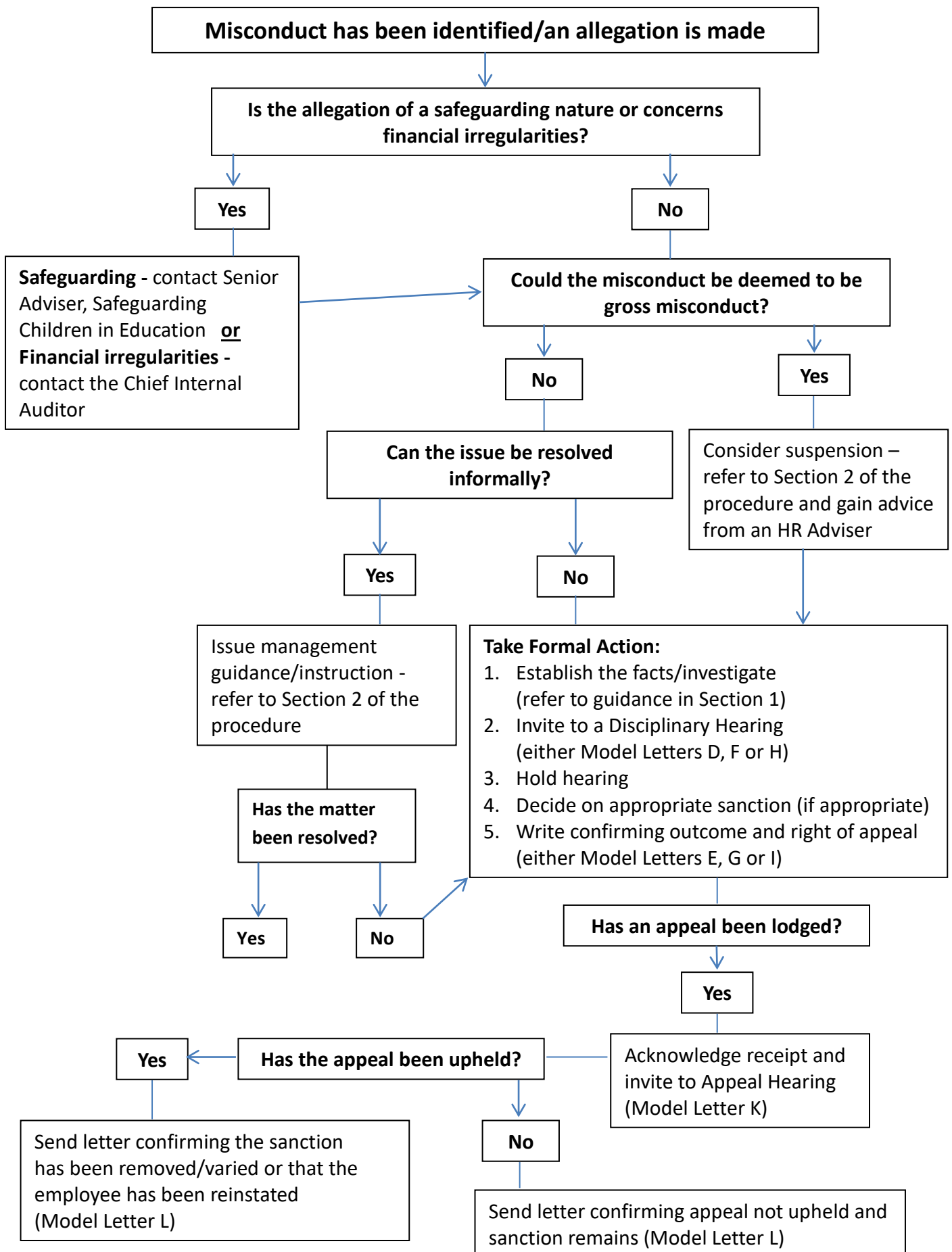
(b) the LA's Chief Internal Auditor must be notified immediately of any **loss or financial irregularity or suspected irregularity, or of any circumstances which may suggest the possibility of such loss including any cash or other property of the school;**

(c) where there may be **criminal proceedings**, schools should not take any action (investigation or disciplinary) without ensuring that it will not impact on the police investigation, although suspension (see Section 4) may be considered if it is felt that the employee's continued presence at work may pose a serious risk to safety or child protection.

1.7 Prior to taking any disciplinary action against employees who are **accredited trade union representatives** a discussion concerning the case should take place with a full-time senior trade union representative, after obtaining the employee's consent.

1.8 In some circumstances the school at which a person works will need to consider an allegation of misconduct where the person does not have an ongoing employment contract with them, for example: supply teachers, casual/agency workers, volunteers or contractors. It may be necessary to act jointly with another organisation or service provider.

In these cases the normal disciplinary procedures will not apply, but, **in the case of allegations relating to safeguarding**, it is necessary to investigate the allegation, reach a decision about whether to continue with the person's services and whether a referral to the DBS is needed. Contact Human Resources for further advice and refer to the document Managing Allegations of Abuse against Teachers and other staff. When the allegation has been made it will be necessary to consider whether that person should be prevented from working in any school/educational establishment until the outcome of the investigation is known.



2. DAY TO DAY MANAGEMENT OF INAPPROPRIATE CONDUCT

- 2.1 In some cases inappropriate conduct can be dealt with informally. Recourse to the formal procedure should only be necessary when informal measures have failed to resolve the situation or in cases of serious misconduct. Headteachers should first consider a "counselling approach" to improving conduct at work.
- 2.2 Headteachers or line managers should ensure that any issues are brought to the individual's attention without delay. Misconduct must not be ignored or tolerated and inaction may lead to matters becoming worse or even irreversible.
- 2.3 The Headteacher or line manager should identify the problem, ask for an explanation or any mitigation and propose support to improve the situation if possible, confirm timescales for improvement and explain how the situation will be monitored. The conversation should be documented and the employee should be given a letter (referred to as '**management guidance/instruction**') confirming the above and stating clearly that any further incident or a repeat of the incident could result in disciplinary action (refer to Model Letter C). If, during the discussion, it becomes obvious that the matter may be more serious, the meeting should be adjourned. The employee should be told that the matter will be continued under the formal disciplinary procedure.

As this is an informal meeting the employee does not have the right to be accompanied but the school could agree, in exceptional cases, to a work colleague accompanying them for support. It is advisable that the Headteacher/line manager has someone present to take notes so that there is no disagreement about what was said during the meeting. A copy of the letter issued to the employee (as above) should be kept on file and referred to in the future if a further incident occurs. The letter must make it clear that any breach of the instruction may lead to formal disciplinary action. Management guidance/instructions relating to safeguarding should remain on the employee's file indefinitely.

3. DELEGATION OF AUTHORITY

It should be clear, from the outset, who is responsible for each stage of the disciplinary procedure, prior to any disciplinary action being taken.

3.1 Investigation

Careful consideration should be given at this stage to who conducts the investigation into any disciplinary matter as **the investigating officer should not normally be the person who hears the case at any future hearings**. Investigations may be undertaken by the Headteacher, a line manager, SLT member or other suitable person designated by the Headteacher. In some cases, the Headteacher may appoint an investigating officer external to the school, e.g. a Deputy Headteacher from another school or nominate a Governor to act as the Investigating Officer.

In cases involving the Headteacher the investigation would normally be carried out by the Chair of Governors or a nominated Governor.

3.2 Action short of dismissal

- 3.2.1 By adopting these procedures the **Governing Body delegates responsibility for matters of discipline relating to employees based at the school to the Headteacher**. For the avoidance of doubt, this includes the imposition of all disciplinary sanctions short of dismissal, but powers of suspension and dismissal could also be delegated to the Headteacher (refer to 3.3.1 below).

Where it would not be appropriate for the Headteacher to impose a disciplinary sanction, e.g. where he/she is the investigating officer or is a key witness, the Chair of Governors or other nominated Governor may lead the hearing and issue a sanction.

- 3.2.2 By adopting these procedures the **Governing Body delegates responsibilities for matters of discipline relating to the Headteacher to the Chair or to one or more Governors**. For the avoidance of doubt, this includes suspension and the imposition of all disciplinary sanctions short of dismissal.

3.3 Dismissal

- 3.3.1 **All employees other than the Headteacher** - under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that any person employed or engaged by the LA to work at the school should cease to work there (Community, Voluntary Controlled, Community Special and Maintained Nursery) or to dismiss its staff (Foundation, Voluntary Aided, Foundation Special) to either:

- (a) a Dismissal Panel comprising one or more Governors and the Headteacher;
- (b) a Dismissal Panel comprising one or more Governors (ideally three Governors);
- (c) the Headteacher.

- 3.3.2 **Headteacher** - under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that the Headteacher should cease to work at the school or be dismissed to one or more Governors.

For ease of understanding, those who have delegated authority to dismiss will be referred to in these proceedings as Decision-Makers.

3.4 Appeal

For the purposes of appeal rights, the Governing Body must appoint an Appeal Panel to hear appeals against disciplinary sanctions other than dismissal (Disciplinary Appeal Panel) or appeals against dismissal (Dismissal Appeal Panel). This should be a panel of three Governors, other than in exceptional cases. No Governor to whom the power to dismiss was delegated may sit on the Appeal Panel. The Headteacher may not sit on the Appeal Panel.

3.5 Rights of Attendance/Advisory Rights

Where the Governing Body has delegated powers to dismiss staff, other than the Headteacher, to one or more Governors, the Headteacher has a right under the 2009 Regulations to attend and give advice to all relevant meetings/hearings held by those Governors and they must consider that advice in coming to their decisions. That advice shall be given by the Headteacher in the course of the presentation of the case against the employee.

For Community, Voluntary Controlled, Community Special and Maintained Nursery schools, the LA has a statutory entitlement to send a representative and offer advice to all proceedings relating to the dismissal. The Decision-Makers must consider that advice in coming to their decision.

Note: The Clerk to the Governors will usually take notes at Dismissal Hearings. In the event of the Clerk to the Governors being unavailable notes may be taken by another person requested by the Decision-Makers.

SECTION 2: FORMAL DISCIPLINARY PROCEDURE

4. SUSPENSION

- 4.1** The decision to suspend an employee should be taken by the Headteacher or Chair of Governors (in the case of suspension of the Headteacher), if the authority to suspend an employee has been delegated to the Chair of Governors by the Governing Body.

The decision should be given careful consideration and will usually only be appropriate:

- (a) if an employee has acted in a manner which may constitute gross misconduct (refer to Section 8);
- (b) if there is serious reason to believe that the employee's presence at work will hinder the investigation;
- (c) where the employee's continued presence at work may pose a serious risk to safety or child protection.

- 4.2** Alternatives to suspension should always be considered and documented. These could include a temporary change of duties and/or location in school, if acceptable.

4.3 If suspension is deemed necessary, the Headteacher should meet with the employee and explain the following:

- (a) the reason for the suspension and why alternative working is not feasible;
- (b) they are required to leave school immediately;
- (c) suspension is not intended as a disciplinary measure, nor does it pre-judge the outcome of the investigation;
- (d) the employee will receive full pay during the period of suspension;
- (e) they should contact their Trade Union or Professional Association for advice and support;
- (f) they should be allocated an internal point of contact (someone not involved in the investigation) who will keep the employee informed of everyday developments in school in order to minimise any sense of isolation during the period of suspension. They should also be given the name of an HR Adviser who may update them on the progress of the investigation;
- (g) with prior permission from the Headteacher, they may collect any personal belongings or evidence or gather witness statements from colleagues that they may need in preparation for their case (school property is precluded and should not be taken away);
- (h) they should otherwise keep matters relating to the allegations/investigation confidential;
- (i) that they will be required to attend an investigation meeting during their usual working time or at another mutually agreed time;
- (j) a letter will be sent to them within one working day confirming the suspension (refer to Model Letter A).

4.4 If the employee is suspended, the investigation should be completed as soon as possible to determine that either:

- (a) there is no case to answer and the employee returns to school;
OR
- (b) the employee returns to school and receives management guidance;
OR
- (c) the employee returns to school and a Disciplinary Hearing is convened;
OR
- (d) the employee remains suspended pending a Disciplinary Hearing.

4.5 In all cases the suspension should be regularly reviewed, every 20 working days as a minimum, by the Headteacher (refer to Model Letter A(i)).

4.6 If a suspended employee is certified by his/her GP as being unfit for work they should be paid in accordance with their sick pay entitlement for that period of certification. If they exceed their sick pay entitlement they should go on to nil pay until they are certified fit to work and then full pay would resume for the remainder of their suspension (refer to Model Letter A (ii)).

- 4.7 A suspension can only be ended by the Governing Body. However in certain circumstances the Governing Body may decide that it is in agreement for the Chair of Governors to undertake these functions on behalf of the Governing Body.
- 4.8 The Headteacher/Chair of Governors must inform the Governing Body and the Local Authority as soon as reasonably practicable of any suspension and the ending of a suspension.

5. INVESTIGATION

- 5.1 Formal disciplinary action must not be taken until there has been an investigation to establish the facts. Please refer to Appendix 1 for guidance on conducting an investigation. An investigation should whenever possible involve a meeting with the employee concerned, who may be accompanied by a colleague or trade union representative (refer to Model Letter B). An HR Adviser should be contacted for further guidance and support which may include attendance at an investigation meeting.
- 5.2 Every effort should be made to ensure that an investigation is completed as quickly as possible and the employee made aware of the outcome without delay.
- 5.3 On completion of the investigation the investigating officer should make a recommendation to the Headteacher or Decision-Maker(s), that either:
- (a) **there is no case to answer**
if there is no substance to the allegations;
 - (b) **management guidance or instruction should be issued and further support/guidance and training should be provided**
the allegation/concern is not serious enough to warrant disciplinary action or there are mitigating factors;
 - (c) **a formal hearing is convened**
concerns/an allegation is well founded and there is supporting evidence.
- 5.4 In order to facilitate a quicker outcome for all parties, if an employee and their representative are in agreement, then the **10 working day notice period required for the hearing can be waived.**

6. DISCIPLINARY HEARING

- 6.1 If the Investigating Officer, following an investigation, recommends that a Disciplinary Hearing is necessary then the employee will be sent a letter inviting them to a hearing to consider **either** a sanction short of dismissal (refer to Model Letter D) or dismissal (refer to Model Letter F or H as appropriate). The hearing should be arranged during their normal working hours as far as possible. The employee **must** be given 10 working days' notice of the hearing, unless agreed otherwise (see 5.4). The trade union representative may be consulted prior to the hearing date being set to determine their availability. If this is not possible and the trade union representative or the employee is unable to attend on the specified date, the employee may offer a reasonable alternative time within five working days of the original date. Otherwise the hearing should be re-arranged to be held as soon as possible after the original date.

- 6.2** The following key information should be included in the letter inviting an employee to a hearing:
- (a) the date, time and location of the hearing;
 - (b) the nature of the allegation, giving enough detail to enable the employee to prepare a response, together with any documentary evidence which will be presented, including the investigation report/management statement;
 - (c) the right to be accompanied by a colleague or trade union representative; **
 - (d) that the outcome could be a disciplinary sanction or dismissal.

** In exceptional circumstances, e.g. where an employee's ability to pursue their career could be curtailed if the allegations are substantiated, consideration must be given to allowing representation by an alternative advocate, if requested.

- 6.3** The employee must provide a copy of any statements or documents and names of any witnesses they intend to call no later than 5 working days before the hearing.
- 6.4** The Headteacher or Chair of Governors/Governors (Decision-Makers) should follow the recommended procedure for a hearing (refer to Appendix 4) in order to ensure that the hearing is conducted in a fair and reasonable manner. An HR Adviser may be present for support and to advise on the procedure. The school should arrange for a note taker to be present who can take an accurate record of proceedings (usually the Clerk to Governors or the Headteacher's PA). A copy of the notes taken can be made available to the employee on request.
NB: if the case may result in dismissal, the decision **must** be formally minuted.
- 6.5** Sound and video recording is prohibited in the Investigation Meeting and Disciplinary Hearing, although appropriate adjustments may need to be made to assist employees or other attendees with disabilities.

7. OUTCOMES INCLUDING DISCIPLINARY SANCTIONS SHORT OF DISMISSAL

After careful consideration of the case presented by both sides the Headteacher/Chair may decide on one of the following options:

- 7.1 No further action**
The employee should be advised in writing why no further action is being taken, e.g. that the case has not been proved or that mitigating circumstances have been accepted.
- 7.2 Management guidance/instruction**
The employee should be advised of the standards of conduct expected and what support and or training will be provided. He or she should be advised that disciplinary action may be taken if there is a repeat of the misconduct or further unrelated misconduct is proven (refer to Model Letter C).

7.3 Written Warning

If it is established that the misconduct is sufficiently serious to warrant formal action and there is substance to the allegations then a written warning may be issued.

7.4 First Written Warning

Will usually remain in force for a minimum of 6 months but could be given for up to 12 months in more serious cases (consideration should be given to the timing/length of school holidays). An employee must be advised in the letter confirming the outcome that any further serious acts of misconduct could lead to dismissal.

7.5 Final Written Warning

Will remain in force for 18 months but could be given for 3 years as an alternative to dismissal in matters verging on gross misconduct. An employee must be advised in the letter confirming the outcome that any further acts of misconduct of any kind could lead to dismissal.

7.6 Wherever possible the decision made by the Headteacher/Chair will be given verbally and must be confirmed in writing within 5 working days of the hearing (refer to Model Letter E). A copy of the letter should be sent to the employee's representative and to the HR Adviser for inclusion on the employee's file.

7.7 Any further incidents of misconduct occurring during the period of the warning should be investigated and could lead to further action being taken including:

- an extension of the warning;
- a first written warning being increased to final written warning;
- some other sanction appropriate to the particular circumstances, e.g. recovery of misappropriated funds, property or allowances, demotion, delay in incremental progression;
- dismissal, especially in the case of a final written warning.

8. DISMISSAL WITH NOTICE

8.1 If, while a final written warning is still live, the employee's conduct is still unsatisfactory or there are further allegations of misconduct which are found proven, following an investigation and hearing the Decision-Maker(s) can determine that the employee should cease to work at the school following contractual/statutory notice. Wherever possible this decision will be given verbally on the same day as the hearing. The decision must be confirmed in writing within 5 working days, stating the grounds for the decision and the right of appeal (refer to Model Letter G). The employee will receive full pay during the notice period.

8.2 Community and Voluntary Controlled schools should inform the LA of the panel's determination and require the Local Authority (LA) to dismiss the employee (refer to Model Letter J). The LA will, within 14 days, issue the employee with notice of the contract's termination. Foundation and Voluntary Aided schools will themselves issue the formal confirmation of dismissal and inform their payroll provider (refer to Model Letter J(i)).

9. SUMMARY DISMISSAL (GROSS MISCONDUCT)

If, following an Investigation and Disciplinary Hearing, the Decision-Maker(s) is/are satisfied that an employee has committed an act of gross misconduct then a determination can be made to dismiss the employee without payment of notice or pay in lieu of notice. The decision must be followed up in writing within 5 working days confirming the reason for dismissal and the right of appeal (refer to Model Letter I). Schools must inform the employee and LA as outlined in Section 8 above.

Examples of gross misconduct are given in the Code of Conduct and may include:

- abuse of children;
- physical violence or bullying;
- serious insubordination;
- serious incapability brought on by drugs or alcohol;
- theft, fraud, deliberate falsification of records.

10. RETENTION OF WARNINGS

Warnings will be kept on the employee's personal file and considered active for the specified period. When a warning or extended warning expires without further action being taken it will be considered 'spent' although it may remain on file for the purpose of providing any information required by statute or for DBS purposes. No further action may be taken in respect of an expired warning although it may be relevant to consider the overall disciplinary record if there is an occurrence of misconduct in the future, e.g. to identify a pattern of behaviour. In the majority of cases expired warnings would not be referred to in references, the exception being any issues connected to safeguarding.

11. APPEALS

- 11.1** An employee has the right to appeal against any disciplinary sanction if they feel the action is wrong or unjust. An appeal should be lodged in writing using the appeal form (refer to Appendix 7) within 10 working days of an employee receiving the letter confirming the outcome of the hearing. The appeal form should be returned to the Headteacher or Chair of Governors (in the case of a Headteacher) and acknowledged.
- 11.2** The appeal should be heard by a panel of Governors appointed by the Governing Body. No Governor who has been involved in any previous stages of the case should sit on this panel. The recommended procedure for an Appeal Hearing is outlined in Appendix 6. An HR Adviser should be present to advise Governors.
- 11.3** An Appeal may take the form of a full re-hearing in some circumstances. By mutual consent this need not be the case, depending on the grounds of Appeal.

- 11.4** For all appeals the Appeal Panel will have available all the documents presented in the original hearing, the letter confirming the outcome of the original Disciplinary Hearing and the appeal form. Notes of the hearing may be available as appropriate.
- 11.5** The employee must be given 10 working days' notice of the Appeal Hearing and advised of their right to be accompanied by a colleague or trade union representative (refer to Model Letter K).
- 11.6** The respondent at an appeal hearing will normally be the Headteacher, even in cases where they were not the Decision-Maker at the first hearing. The chair of the decision making panel should be called as a witness.
- 11.7** The outcome of the appeal will usually be given verbally on the day. In any case it must be confirmed in writing within 5 working days (refer to Model Letter L).

The decision will either be:

- (a) the appeal is upheld (either in whole or in part) and the panel either removes the sanction or reduces it;
 - (b) the appeal is dismissed and the original sanction is confirmed.
- 11.8** If an employee is reinstated following dismissal, reinstatement will be from the date of dismissal with continuity of service preserved. A copy of the letter should be sent to the LA.

12. FURTHER STATUTORY REQUIREMENTS

Statutory guidance exists which requires employers to see disciplinary cases linked to child safeguarding through to a conclusion. Even in a situation where an employee resigns from the school when they could have been dismissed, the case should be heard in accordance with this procedure so that a decision is reached and a decision made about whether a referral should be made to the Disclosure and Barring Service (DBS) and/or National College for Teaching and Leadership (NCTL) as appropriate.

12.1 Disclosure and Barring Service (DBS)

The Safeguarding Vulnerable Groups Act (SVGA) 2006 places a duty on employers of people working with children or vulnerable adults to make a referral to the DBS in certain circumstances. This is when an **employer has dismissed or removed a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned)** because the person has:

- (a) been cautioned or convicted for a relevant offence;
OR
- (b) engaged in relevant conduct in relation to children and/or vulnerable adults, i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm;
OR
- (c) satisfied the harm test in relation to children and or/vulnerable adults, i.e. there has been no relevant conduct (no action or inaction) but a risk of harm to a child or vulnerable adult still exists.

12.2 National College for Teaching and Leadership (NCTL)

A referral should be made to the NCTL where the alleged **misconduct is so serious** that it warrants a decision on whether the teacher should be prevented from teaching. The decision on prohibition is made by the Secretary of State on a recommendation from the NCTL.

HR/JT/MJ/LP/djc
June 2015 - updttd Jul 2018 (contact details front page)

**Recommended procedure for disciplinary hearing
(Dismissal or action short of dismissal)**

Order of Business:

1. Pre-meeting of the Decision-Maker(s), Clerk (to take notes for the Decision-Maker(s)) and HR Adviser to clarify any procedural matters.
2. Hearing: In addition to those attending the pre-meeting:

Employee and trade union representative/work colleague
Management (Presenting officer and/or Investigating officer; accompanied by HR Adviser, if appropriate)

(Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

- (a) The Decision-Maker(s) will introduce those present, explain the order of business and confirm the allegation(s) being considered.

All parties will be reminded of the confidential nature of the proceedings, that the Clerk will take notes for the Decision-Maker(s) and that the employee and/or their work colleague or trade union representative may take notes for their own use.

- (b) Management will put forward the case by going through the evidence and calling their witnesses, who will either read their witness statements or they may be taken as read.
- (c) The employee and/or their work colleague or trade union representative may ask questions of management/management's witnesses.
- (d) The decision-maker(s) and HR Adviser may ask questions of management/management's witnesses.
- (e) The employee/their representative will state their case.
- (f) The employee/their representative will call any witnesses, who will either read their witness statements or they may be taken as read.
- (g) Management may ask the employee and their witnesses questions - these should be answered by the employee or witness not the representative.
- (h) The decision-makers and HR Adviser may ask the employee and their witnesses questions - these should be answered by the employee or witness not the representative.
- (i) Management may sum up but will introduce no new factors.
- (j) The staff member/their representative may sum up but will introduce no new factors.
- (k) The employee/their representative and management withdraw while the Decision-Maker(s) consider their decision, taking advice as appropriate from the HR Adviser.

- (l) Wherever possible the employee/their representative and management will be recalled and informed of the decision, and the employee will be informed of the right of appeal. The employee will also be informed that the decision will be confirmed in writing within 5 working days of the meeting.

Note: HR Advisers may attend disciplinary hearings, ask questions at any point and advise the Decision-Maker(s) as appropriate.

Recommended procedure for Appeal Hearing

1. Pre-meeting of Governing Body representatives, Clerk (to take notes for the Governors' panel) and HR Adviser to clarify any procedural matters.
2. Hearing: In addition to those attending the pre-meeting:

Employee and representative as Appellant
Headteacher and other management as Respondent (accompanied by an HR Adviser as appropriate)

(Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

Order of Business:

- (a) Chair to introduce the members of the Panel and others present and to outline the order of business.
- (b) Chair to remind those present of the confidential nature of the proceedings.
- (c) Chair to clarify that that the Clerk will take notes for the Governors and that the employee and/or their work colleague or trade union representative may take notes for their own use.
- (d) The Chair will either read or circulate to all those present a copy of the decision against which the Appeal is being made.
- (e) The Appellant will state his/her case and may call witnesses.
- (f) The Respondent may ask questions of the appellant and witnesses.
- (g) The Governors and the HR Adviser may ask questions of the Appellant and witnesses as appropriate.
- (h) The Respondent will state his/her case and may call witnesses.
- (i) The Appellant may ask questions of the Respondent and witnesses.
- (j) The Governors and the HR Adviser may ask questions of the respondent and witnesses as appropriate.
- (k) The Respondent may re-examine the witnesses.
- (l) The Appellant or representative will conclude with a summary of the case but will introduce no new factors.
- (m) The Respondent will conclude with a summary of the case but will introduce no new factors.
- (n) The Appellant and Respondent will withdraw while the Governors consider the case taking advice as appropriate from the HR Adviser.

- (o) The Governors will consider the case and the action open to them and reach a decision.
- (p) Appellant and Respondent will be recalled and informed of the decision by the Chair. Notification of the decision will be confirmed in writing within 5 working days of the meeting.
- (q) A formal minute will be made of the outcome of the hearing.
- (r) The decision must be confirmed to the Appellant in writing within 5 working days.

Note: HR Advisers may attend the Appeal hearing, ask questions at any point and advise the Governors' Panel as appropriate.

APPEAL FORM

This form is intended to help you make a clear statement of your Appeal.
(PLEASE PRINT)

Your name:

Your post:

School:

Telephone contact number:

Name and address plus contact number of your representative:
.....
.....

What are you appealing against?
[State date and decision of hearing (disciplinary sanction/dismissal) and name of manager taking action]
.....
.....
.....

State clearly the grounds of your Appeal:
[In particular, are you appealing against the findings of and/or the sanction issued at the hearing? Also, state reasons clearly]
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Describe any additional/new information that you think should be taken into account:

.....

.....

.....

.....

.....

.....

(Please continue on a separate sheet if necessary)

Signed: **Date:**

Please return this form to the Headteacher. If you or your representative are unclear about this, please contact HR Consultancy for Schools.