



ROYAL BOROUGH OF KINGSTON

Grand Avenue Primary and Nursery School

Disciplinary Policy and Procedures

Agreed by Governors - Spring term 2023

Review date - Spring term 2026

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1. INTRODUCTION

1.1 Purpose

Governing Bodies are required to establish a disciplinary procedure and to advise and inform employees where they can access the document for reference purposes.

This document sets out procedures to be followed at Grand Avenue Primary and Nursery School. in order to deal with situations at work which relate to shortcomings in an employees conduct. The procedure is designed to encourage improvements in individual conduct, attendance and performance [except capability] whilst providing an equitable method of dealing with cases of alleged unacceptable behaviour.

1.2 Scope

This recommended model procedure has been agreed between the LA , the recognised professional associations and trade unions representing all employees in schools. The procedure takes account of current employment legislation, the ACAS Code of Practice, the Articles of Government of the Borough's Schools, the respective provisions of national conditions of service for teaching and non-teaching employees, and the LA's Equal Opportunities Policy. This also model procedure incorporates the School Staffing [England] Regulations 2003.

The procedure will apply to all employees of Grand Avenue Primary and Nursery School except those who are on probation or temporary or fixed term contracts of less than six months duration. For probationary or short-term employees, any breach of conduct will be dealt with outside this formal procedure.

1.3 General Principles

The Governing Body and the LA require high standards from their employees in order to provide an efficient and effective service and to ensure the smooth running of the school. Where such standards are not met, full and fair consideration of the circumstances will be given prior to any formal action being taken. However, where this does become necessary, the purpose of disciplinary action is to take effective action and advise them of the implications of further misconduct or shortcomings. Where an initial act or omission by an employee is sufficiently serious as to amount to gross misconduct, or where progressive formal action fails to effect the required improvement, the Headteacher may take action to dismiss the employee.

The general principles that will be applied to all disciplinary cases is as follows:

- (ii) No disciplinary action will be taken against a member of staff until the case has been fully investigated.
- (iii) At every stage in the procedure the employee will be advised of the nature of the complaint and given the opportunity to prepare and present his or her case before any decision is made.
- (iv) At all stages the employee will have the right to be assisted by a representative of a professional association, Trade Union or another employee of the LA.

- (v) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.
- (vi) An employee will have the right to appeal against any disciplinary action taken.
- (vii) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- (viii) In case disciplinary action against a headteacher may be needed, governors should designate a person to act in the role normally performed by the headteacher – who could, for example, be the Chair of governors. All of the provisions of this document will apply, and the early advice of HR will be sought.

1.4 Authority

Authority for action under this procedure is delegated by the Governing Body to the Headteacher who has the authority to implement disciplinary action within the School.

While the authority to decide upon formal disciplinary action is delegated to the Headteacher, appropriate members of the school's senior management may be involved in the investigation of alleged misconduct and be required to present their findings at a formal disciplinary hearing.

The Headteacher may undertake the investigation where the case is to be presented to Governors. If the Headteacher is to hear the case (s)he must have had no direct or detailed involvement in the investigation.

Under this procedure it is still necessary for the Governors to have certain responsibilities. In order to enact these responsibilities it is recommended that the Governing Body form two committees or panels:- one with the delegated responsibility for taking decisions on disciplinary action (Personnel Panel), the second with delegated responsibility to hear appeals against disciplinary decisions (Appeals Panel).

It is essential to ensure that members of any Appeals Panel do not have prior detailed knowledge of, or involvement in the case concerned.

The Director of Education and Leisure Services for AfC has a statutory right to attend meetings at which the dismissal of an employee may be considered. Grand Avenue Primary and Nursery School will invite the Director to attend meetings at which final warnings might be issued.

The Director will normally nominate a representative, who has no prior detailed knowledge or involvement with the case, to offer advice, which then must be considered by the Panel members.

Where the Headteacher is the subject of disciplinary proceedings, all reference in the procedure to the actions taken by the Headteacher should be substituted for "appropriate Governors as appointed by the Governing Body for this purpose".

1.5 Responsibility for conduct

The Governing Body are responsible for the overall standards of conduct within the school. The Headteacher and senior managers within the school have a responsibility to ensure that all employees are aware of general and specific rules, standards and procedures laid down for the regulation of work and conduct.

Employees are required to familiarise themselves with such rules, standards and procedures and to co-operate with management in their enforcement.

1.6 Representation

Employees may be represented at each stage of the formal procedure by a professional association or trade union representative, work colleague or other person of their choice. This person is referred to in this document as the, "employee's representative".

2. DELEGATION OF AUTHORITIES FOR ACTION UNDER THE SCHOOLS DISCIPLINARY PROCEDURE

Under "Authority" state the title of the designated person/s delegated to take the appropriate action in accordance with this procedure.

Action

Authority

Authority to take formal disciplinary action other than dismissal

Headteacher, unless in the circumstances of the case this is inappropriate when it will be a member of the Governing Body

Authority to take formal disciplinary action which can include dismissal

Headteacher, unless in the circumstances of the case this is inappropriate when it will be a member of the Governing Body

Authority to suspend an employee

Headteacher, unless in the circumstances of the case this is inappropriate when it will be a member of the Governing Body

Authority to suspend the Headteacher

Chair of Governing Body, unless in the circumstances of the case this is inappropriate when it will be another member of the Governing Body

Authority to withhold pay during suspension.

Headteacher, unless in the circumstances of the case this is inappropriate when it will be a member of the Governing Body

Authority to withhold pay during the suspension of the Headteacher	Chair of Governing Body unless in the circumstances of the case this is inappropriate when it will be another member of the Governing Body
Authority to lift suspension.	Governing Body
Authority to determine appeals against disciplinary action including dismissal	One or more governors, as determined by the Governing Body.

3. DISCIPLINARY PROCEDURE

The aim of this procedure is to provide a framework for dealing with problems that arise as a result of an employee's conduct.

4. RULES ABOUT CONDUCT

The School expects the highest standards of conduct from its employees and rules about conduct enable there to be no misunderstanding by employees of the types of conduct that may result in disciplinary action being taken against them.

Set out below are examples of acts of misconduct at or connected to work which are likely to lead to formal action under the school's Disciplinary Procedure:-

(i) Examples of misconduct

The majority of acts of misconduct will not normally be sufficiently serious to warrant consideration of dismissal without previous warning but may nevertheless, if substantiated, warrant disciplinary action of a lesser nature. The following acts or omissions are examples intended to provide guidance as to the type and nature of offences which could lead to such disciplinary action. This list is not exhaustive - other acts or omissions may arise which may be considered to merit disciplinary action.

- a) Poor time-keeping including abuse of refreshment breaks
- b) Absenteeism including failure to follow the school's sickness reporting procedure and certification requirements
- c) Failure to comply with reasonable managerial instructions
- d) Failure to observe the school's regulations or agreed procedures, including failure to observe Health and Safety requirements, and standing instructions appropriate to individual departments or staff groups and/or failure to observe the Local Education Authority's Regulations
- e) Abuse towards Governors, pupils, the school's management, fellow employees, Councillors or members of the public
- f) Negligence in the performance of duties, including neglect of school, or Local Education Authority property, and that of other employees and students

- g) Misuse of school property/equipment such as to cause damage
- h) Improper use of information obtained in the school's employment
- i) Abuse of sick leave, including actions during a period of sick leave likely to inhibit recovery and return to work
- k) Behaviour in breach of official or established standards of conduct as determined by the school and/or the LA.

(ii) Examples of gross misconduct

The following acts or omissions are examples intended to provide guidance as to the nature of offences which are considered to amount to gross misconduct, that is, offences which are sufficiently serious to merit considerations of dismissal for the first offence. Employees should be clear that by committing any of the offences listed below, they put themselves at risk of dismissal without notice or pay in lieu of notice (**refer to Section 12**). This list is not exhaustive nor in priority order.

- a) Assault
- b) Theft
- c) Fraud, for example, the deliberate falsification of information, such as qualifications or other relevant personal details in seeking and obtaining employment; or of documents, for example time sheets, subsistence, overtime or other claims; invoices, medical or self-certification; accounts; records
- d) Acts of discrimination on the grounds of race, nationality, colour, ethnic or national origin, age, sex, marital status, sexual orientation, religious creed or disability
- e) Sexual or racial harassment
- f) Sexual misconduct at work
- g) Dishonest or improper use of information obtained in the school's employment and breaches of confidentiality, for example:- improper use of information on pupils, parents and staff; disclosure of information relating to tender documents that would enable outside contractors to compete on an unfair basis for contracts within the school
- h) A criminal offence which can be demonstrated to affect an employee's ability or suitability for continued employment
- i) Flagrant refusal to comply with reasonable managerial instructions
- j) Gross negligence in the performance of duty including, for example:- serious neglect of school property or that of other employees; or attending work in a state of serious incapability due to misuse of alcohol or drugs

- k) Serious breaches or serious neglect of safety rules causing actual or potential injury or unacceptable damage or loss, for example:- intentional or reckless interference with, or misuse of, anything provided in the interests of health, safety or welfare (Health and Safety at Work Act 1974, Section 8*);
- m) Actions which fundamentally breach the relationship of trust and confidence.

5. INFORMAL ACTION

In the course of normal day to day management it is good practice for the line manager or appropriate senior manager to bring any shortcomings in the conduct of an employee to their attention at an early stage. Where discussions take place and where necessary, the employee should be informed that any further misconduct will be considered within the formal stage of the procedure and may result in formal disciplinary action being taken. A diary or file note that the discussion took place should be made.

If the nature of the misconduct is sufficiently serious, it may merit consideration under the formal disciplinary procedure.

6. FORMAL ACTION

An investigation will be required in order to establish whether or not there is a case to be answered on a formal basis. Alternatively there may already be sufficient information collected to provide a basis for determining this.

6.1 Disciplinary investigation

The nature and scale of the investigation will depend upon the seriousness and complexity of the allegation.

The investigations will normally involve a formal interview with the employee at which the allegations will be clearly identified in full. The employee will be given opportunity to respond to the allegations. The employee will be given advance notice of the interview, its purpose and of their right of representation.

It is recognised that employees who are not contracted to attend school during normal periods of school closure would not generally be required to attend formal interviews during such periods. However, in order to progress the investigations, where there is mutual agreement with the employee, and as appropriate the employee's representative, such formal interviews can take place.

If the Headteacher conducts the investigation then the Headteacher will not be able to hear the disciplinary case against the employee.

6.2 Allegations made by or involving pupils

The investigation of allegations made by or involving pupils will normally include discussion and direct involvement with parents. This may involve them attending disciplinary hearings to answer any necessary questions.

6.3 Allegations against employees of physical/sexual abuse of pupils

Where allegations are made against employees of the physical/sexual abuse of pupils the allegation will be dealt with under the school policy 'Allegations of Abuse Against staff'

Any investigation by the police or by child protection agencies will take priority over an internal investigation by the school.

6.4 Assessment of whether there is a case to be answered

Following an investigation and taking all the circumstances into account, it will be decided whether or not there is a case to answer. If there is, the employee will be informed and a formal disciplinary hearing arranged. Where there is no case to answer, the employee will be informed accordingly.

7. SUSPENSION FROM WORK

Authority to suspend an employee from work is in accordance with delegations detailed under **Section 2**. It is recommended that the Directors nominated representative is consulted where suspension is under consideration.

Where there is an allegation of misconduct, suspending the employee from work should not be an automatic response to the situation. In each case careful consideration should be given as to whether suspension may or may not be appropriate. In making this decision account will need to be taken of the seriousness of the alleged misconduct, the reliability of the complainant, plausibility of the alleged misconduct and the potential consequences of keeping the member of staff at school.

In serious cases it may however be necessary or desirable to suspend an employee from work pending and/or during the period of investigation. This is a precautionary and not punitive measure. Circumstances in which suspension may be considered:-

- (i) Where further time is required to undertake more detailed investigation into an allegation which may constitute gross misconduct and could result in the dismissal of the employee.
- (ii) Where the continued presence at work of the employee pending the outcome of an inquiry into alleged misconduct, or the results of a criminal proceeding would reasonably be considered not in the best interest of the school and/or the employee in relation to colleagues.
- (iii) Where pupils are considered to be at risk.
- (iv) Where a dismissal may be a possible outcome of a hearing and the continued presence of the employee at school is considered to be contrary to the best interest of the school and/or employee.

The Headteacher or Chair of Governors has the authority to suspend an employee. The Headteacher/ Chair of Governors should not discuss the circumstances of the case in any detail as to do so may exclude the Chair from involvement on any Personnel or Appeals Panel. The suspension must be confirmed in writing to the employee by the Headteacher or the Clerk to the Governing Body as appropriate. The letter must set out the conditions of the suspension and be sent as soon as possible. Similarly, the Director must be notified of the suspension as soon as possible. Only the Governing Body can end the suspension of an employee, and should inform the Headteacher of such action.

7.1 Pay during period of suspension

Normal pay will be received by the employee during the period of suspension, unless they have:-

- (i) Failed to assist with inquiries or to attend meetings during the course of disciplinary investigations without good reason.
- (ii) Postponed or failed to attend hearings and meetings without good reason.

Authority to withhold pay is in accordance with delegations detailed under **Section 2**.

8. DISCIPLINARY HEARINGS

8.1 Responsibility for conducting hearings

Those normally responsible are:-

- (i) **The Headteacher** - for misconduct warranting action short of dismissal.
- (ii) **Personnel Panel of Governors** - where misconduct may warrant dismissal, and in any event where the Headteacher has had a detailed involvement in the investigation.

8.2 Arrangements for hearings

Where a formal disciplinary hearing is necessary, the employee will receive written notification of the arrangements at least **10 days** in advance. The employee should also receive with the notification a written report which sets out the circumstances and the case to be answered, as well as a copy of the procedure for the conduct of the hearing.

The letter of notification and report will be sent by the Headteacher if they are to hear the case, or by the Clerk to the Governing Body if the Personnel Panel of Governors is to hear the case

It is recognised that employees who are not contracted to attend school during normal periods of school closure would not generally be required to attend disciplinary hearings during such periods. However, in order to progress the hearing where there is a mutual agreement with the employee and as appropriate the employee's representative, such hearings can take place.

8.3 Procedure for conducting hearings

The procedure for conducting a disciplinary hearings will be based on the principle that an employee should be given an opportunity to hear the allegations made against them and have the fullest opportunity to present their case with the assistance of their representative. The recommended procedure for the conduct of disciplinary hearings by the Headteacher or the Personnel Panel of Governors is attached at **Appendix A**.

9.

DISCIPLINARY ACTION

If it is considered that the employee has breached the disciplinary rules/standards of conduct the Headteacher or the Personnel Panel of Governors will decide what disciplinary action is appropriate.

Disciplinary action for a substantiated breach of the schools disciplinary rules/standards of conduct includes written warnings, and, depending upon the circumstances a recommendation for dismissal. In considering disciplinary action factors to take into account include the seriousness of the misconduct, the standards expected in the school, and the need to be consistent in decision making. Mitigating factors such as length of service, previous employment record, and previous disciplinary record will also be considered. Expired disciplinary warnings must not be considered during this process.

9.1 First disciplinary warning

If it is decided that an employee's conduct has fallen short of the standard expected in school, a first formal disciplinary warning may be issued.

9.2 Second disciplinary warning

If there is a further breach of conduct after a first disciplinary warning a second disciplinary warning may be issued.

9.3 Final disciplinary warning

For serious misconduct as a first breach of the school's disciplinary rules or for further misconduct, after a disciplinary warning has been given, a final disciplinary warning may be issued.

9.4 Dismissal - by Headteacher or Personnel Panel of Governing Body

For gross misconduct as a breach of the school's disciplinary rules, or further misconduct after a disciplinary warning.

In circumstances where the outcome of a formal hearing may result in the consideration of dismissal, the case must be presented to the Headteacher or to the Personnel Panel of the Governing Body.

The Headteacher or Personnel Panel of the Governing Body is required to reach a determination as to whether or not the employee should cease work at the school.

9.5 Other disciplinary action short of dismissal

Dependant upon the employee's conditions of service, disciplinary action may also include withholding annual salary increments, transfer to an alternative job or location within the school, either with or without a reduction in the contractual rate of pay, or demotion for a specified or unspecified period of time.

These penalties may be given in addition to a disciplinary warning, or as an alternative to more serious disciplinary action depending on the circumstances of the case.

10. CONFIRMATION OF DISCIPLINARY ACTION

Normally the employee will be informed of any disciplinary action taken against them at the end of the hearing. The employee will be informed of the reason for the disciplinary action being taken, the level of disciplinary action taken and that they have the right of appeal against the disciplinary action. This will also be confirmed in writing to the employee, with a copy for their representative within **10 days** of the decision to take disciplinary action being taken.

a. Confirmation of dismissal

When an Initial Dismissal Decision has been taken by the Headteacher or Personnel Panel of Governors they must notify the LA in writing of its Decision that the employee shall no longer work at the school. The letter must include the reasons for the Initial Dismissal Decision, the effective date, and any other terms relating to the dismissal. The employees will be notified in writing of their notice period, and of the rights of appeal against the Initial Dismissal Decision.

If a subsequent appeal against a dismissal decision is successful then the employee will be reinstated with immediate effect.

11. EXPIRY OF WARNINGS

For the purpose of the school's Disciplinary Procedure warnings can only expire after 24 months satisfactory conduct (**but see Section 13, Appeals**). A second or final warning will continue the life of an earlier warning. Accordingly no warning will expire until the most recent warning is spent.

12. NOTICE

An employee who is dismissed will normally be entitled to contractual notice or pay in lieu of notice. However, there are exceptional circumstances where employees may be liable to be dismissed without notice and without pay in lieu of notice. The exceptional circumstances would be:-

- (i) Where it is established after investigation and having sought the employee's explanation that an act or omission amounting to gross misconduct has been committed. Account will be taken of mitigating factors and the employee's personal and employment circumstances.
- (ii) Where the employee has failed to attend work or co-operate during the investigation or to attend disciplinary hearings without adequate explanation or reason.

13 APPEALS

Appeals against disciplinary warnings or dismissal will be heard by the Appeals Panel of Governors.

Employees must lodge an appeal in writing to the Clerk to the Governing Body normally within **10 days** of receiving written confirmation of the disciplinary warning or dismissal, setting out the reasons for their appeal. Notification of the arrangements for the appeal will

be similar to those outlined in **Section 8.2, Arrangements for hearings** and the procedure for the conduct of the appeal is at **APPENDIX B**.

It is recognised that employees who are not contracted to attend school during normal periods of school closure would not generally be required to attend appeals during such periods. However, in order to progress the appeals process, where there is mutual agreement with the employee, and as appropriate the employee's representative, such appeals can take place.

The Appeals Panel of Governors hearing the appeal have the authority to uphold or dismiss the appeal or to give a lesser warning including commuting dismissal to a final warning, they cannot however give a higher warning than that which the employee has appealed against. Where a disciplinary warning has been given the Appeals Panel has the authority to uphold the decision to give the warning but can reduce its life-span from 24 months to 12 months. This may be appropriate where there were grounds for the formal warning but there are circumstances which make it appropriate to lessen the severity of the penalty.

Where the appeal is against a decision made by the Personnel Panel of Governors it is recommended that the members of the panel sign an agreed statement of case and elect a spokesperson to present the case at the appeal.

Appeals may take two forms:-

(i) **Review**

In a review the Headteacher or Governors' elected spokesperson presents the reasons for reaching their decision, including a response to the employee's grounds for appeal, and the employee and their representative set out their reasons why they believe the decision is wrong. Under these arrangements no side calls witnesses and the decision is based upon the information presented.

(ii) **Rehearing**

Where the appeal takes the form of a full rehearing, either side can call witnesses and the Appeal Panel hear all the evidence anew. Circumstances where a rehearing would be appropriate are where there has been a procedural flaw in the original hearing and this requires correcting or where new evidence has come to light.

Where the appeal is against dismissal of an employee at Grand Avenue Primary & Nursery School which has accorded the LA advisory rights, the Director's nominated representative has the right to attend the appeal and to advise the panel. Therefore they must be invited to attend, and the advice given considered.

14. DISCIPLINARY ACTION AGAINST TRADE UNION/PROFESSIONAL ASSOCIATION REPRESENTATIVES

Disciplinary action against a trade union or professional association representative can lead to a serious dispute if it is seen as an attack on the organisation's functions. No disciplinary action will be taken against any such representative until the circumstances of the case have been discussed with a full-time official of the organisation concerned. In cases where immediate action i.e. suspension, is considered necessary the matter must be discussed with a full-time official of the organisation as soon as possible and before any formal disciplinary proceedings take place.

**RECOMMENDED PROCEDURE FOR
THE CONDUCT OF DISCIPLINARY HEARINGS
BY THE HEADTEACHER**

1. GENERAL

Arrangements will need to be made for a full and proper record of the proceedings to be taken. Where the Headteacher hears the case, the recorder will be the Clerk to the Governing Body.

2. CHAIRMAN

The Headteacher or the Headteacher and one or more governor will hear the disciplinary case against the employee, and the LA will advise the Headteacher accordingly. For panels where the delegated authority is to the Headteacher and one or more governor, the Headteacher will be the Chair of the disciplinary panel.

3. OPEN THE HEARING

The Headteacher to make introductions and state purpose of the Hearing (reference to issues in letter/s to employee).

4. SCHOOL MANAGEMENT CASE

School's management to present the case against the employee, including the calling of any witnesses.

5. QUESTIONS TO CASE PRESENTER

- (i) The employee and/or his/her representative to question the case presenter and any witnesses presented.
- (ii) The Headteacher/Panel to question the case presenter and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (i) and (ii) above.

6. THE EMPLOYEE'S RESPONSE

The employee and/or his/her representative to present their response including the calling of any witnesses.

7. QUESTIONS TO THE EMPLOYEE

- (i) The school's management to question the employee and/or his/her representative and any witnesses presented.
- (ii) The Headteacher/Panel to question the employee and/or his/her representative and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (i) and (ii) above.

8. SCHOOL'S MANAGEMENT CONCLUDING REMARKS

The school's management to sum up and make any concluding remarks.

9. THE EMPLOYEE'S CONCLUDING REMARKS

The employee and/or his/her representative to sum up and make any concluding remarks.

10. HEAD TEACHERS/ PANEL'S FINAL QUESTIONS

The Headteacher/ Panel to put any final questions arising from both sides summing up and concluding remarks.

11. SCHOOL'S MANAGEMENT, EMPLOYEE AND HIS/HER REPRESENTATIVE TO WITHDRAW

Withdrawal of all parties while the Headteacher/ Panel consider the cases presented, with advice from the AfC nominated representative, if present

NB If exceptionally it is necessary to recall anyone for further questioning or clarification all parties who have withdrawn must be recalled together since questions to the school's management or the employee must be put in the presence of the other party.

12. PANEL'S DECISION

The employee and his/her representative and the school's management to be invited to rejoin the hearing for the decision of the Headteacher/Panel which will normally be given orally but in exceptional cases may be given in writing following the hearing.

13. WRITTEN CONFIRMATION

- (i) Where the Headteacher hears the case, the Headteacher will confirm their decision to the employee in writing, with a copy to his/her representative within **10 days**, and advise of the right and method of appeal.

- (iii) Where this procedure has been followed in accordance with **Appendix B, 1(ii)** i.e. in order to enable an appeals rehearing, the Clerk to the Governing Body will confirm the decision of the Appeal's Panel to the employee in writing, with a copy to his/her representative within **10 days**.

**RECOMMENDED PROCEDURE FOR
THE CONDUCT OF DISCIPLINARY HEARINGS BY
THE PERSONNEL PANEL OF
GOVERNORS**

1. GENERAL

Arrangements will need to be made for a full and proper record of the proceedings to be taken. Where the Personnel Panel hears the case, the recorder will be the Clerk to the Governing Body.

(ii) APPOINTMENT OF CHAIRMAN

Where the Personnel Panel is to hear the case, a Chair for the Panel must be appointed.

(iii) OPEN THE HEARING

The Chair of Personnel Panel makes the introductions and states the purpose of the hearing [reference to issues in letter(s) to employee].

(iv) SCHOOL MANAGEMENT CASE

School's management to present the case against the employee, including the calling of any witnesses.

(v) QUESTIONS TO CASE PRESENTER

- a. The employee and/or his/her representative to question the case presenter and any witnesses presented.
- b. The Personnel Panel to question the case presenter and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (i) and (ii) above.

(vi) THE EMPLOYEE'S RESPONSE

The employee and/or his/her representative to present their response including the calling of any witnesses.

(vii) QUESTIONS TO THE EMPLOYEE

- a. The school's management to question the employee and/or his/her representative and any witnesses presented.
- b. The Personnel Panel to question the employee and/or his/her representative and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (i) and (ii) above.

(viii) SCHOOL'S MANAGEMENT CONCLUDING REMARKS

The school's management to sum up and make any concluding remarks.

(ix) THE EMPLOYEE'S CONCLUDING REMARKS

The employee and/or his/her representative to sum up and make any concluding remarks.

(x) PERSONNEL PANEL'S FINAL QUESTIONS

The Personnel Panel to put any final questions arising from both sides summing up and concluding remarks.

(xi) SCHOOL'S MANAGEMENT, EMPLOYEE AND HIS/HER REPRESENTATIVE TO WITHDRAW

Withdrawal of all parties while the Personnel Panel consider the cases presented, with advice from the AfC nominated representative, if present

NB If exceptionally it is necessary to recall anyone for further questioning or clarification all parties who have withdrawn must be recalled together since questions to the school's management or the employee must be put in the presence of the other party.

(xii) PANEL'S DECISION

The employee and his/her representative and the school's management to be invited to rejoin the hearing for the decision of the Personnel Panel which will normally be given orally but in exceptional cases may be given in writing following the hearing.

(xiii) WRITTEN CONFIRMATION

- a. Where the Personnel Panel hears the case the Clerk to the Governing Body to confirm the decision of the Personnel Panel to the employee in writing, with a copy to his/her representative, within **10 days** and to advise of the right and method of appeal.

**RECOMMENDED PROCEDURE FOR
APPEAL HEARING AGAINST DISCIPLINARY
ACTION OR DISMISSAL TO BE CONDUCTED
BY THE APPEALS PANEL OF GOVERNORS**

1. GENERAL

- (i) When an appeal is lodged there is a need for a decision as to whether the appeal takes the form of a review or a rehearing (see Section 13 of the procedure).
- (ii) Where the appeal takes the form of a rehearing the procedure as outlined in **Appendix A** will be followed, the exception being that the case will be heard by 1 or more governors.
- (iii) The Clerk to the Governors will make a full and proper record of the proceedings.

2. APPOINTMENT OF CHAIR

A Chair for the Appeals Panel must be appointed, if the panel consists of more than 1 governor.

3. OPEN THE APPEAL HEARING

The Chair to make introductions and confirm the appeal hearing is convened in accordance with the school's approved Disciplinary Procedure and is to consider the appeal against disciplinary action or the dismissal of the employee concerned, decided upon by the Headteacher or Personnel Panel of Governors. The Chair also to confirm that the appeal will take the form of a review or rehearing (**refer to 1(i) and (ii) above**), as appropriate.

4. PRESENTATION OF CASE

The Headteacher or Spokesperson for the Personnel Panel to present the case and reasons for the disciplinary or dismissal decision.

5. QUESTIONS TO HEADTEACHER/SPOKESPERSON OF THE PERSONNEL PANEL

- (i) The employee and/or his/her representative to question the case presenter.
- (ii) The Appeals Panel to question the case presenter.

6. THE EMPLOYEE'S APPEAL

The employee and/or his/her representative to present their case.

7. QUESTIONS TO THE EMPLOYEE

- (i) The Headteacher or spokesperson for the Personnel Panel to question the employee and/or his/her representative.
- (ii) The Appeals Panel to question the employee and/or his/her representative.

8. HEADTEACHERS/SPOKESPERSON FOR THE PERSONNEL PANEL CONCLUDING REMARKS

The Headteacher or spokesperson for the Personnel Panel to sum up and make any concluding remarks.

9. THE EMPLOYEE'S CONCLUDING REMARKS

The employee and/or his/her representative to sum up and make any concluding remarks.

10. APPEALS PANEL'S FINAL QUESTIONS

The Appeals Panel to put any final questions arising from both sides summing up and concluding remarks.

11. HEADTEACHER/SPOKESPERSON FOR THE PERSONNEL PANEL EMPLOYEE AND HIS/HER REPRESENTATIVE TO WITHDRAW

Withdrawal of all parties while the Appeals Panel of Governors consider the cases presented, with advice from the AfC nominated representative, if present

NB IF exceptionally it is necessary to recall anyone for further questioning or clarification all parties who have withdrawn must be recalled together since questions to the Headteacher or the spokesperson for the Personnel Panel or to the employee must be put in the presence of the other party.

12. APPEAL PANEL'S DECISION

The employee and his/her representative and Headteacher or the spokesperson for the Personnel Panel to be invited to rejoin the appeal hearing for the decision of the Panel which will normally be given in writing following the hearing.

13. WRITTEN CONFIRMATION

The Clerk to the Governing Body to confirm the decision of the Appeal's Panel to the employee, with a copy of his/her representative, in writing within **10 days** of the hearing.