



# The Milford Academy Disciplinary Procedure Policy

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# Disciplinary Procedure

## Nottingham City Schools

This policy has been agreed with representatives of the National Association of Head Teachers (NAHT), the National Education Union (NEU), the Association of School and College Leaders (ASCL), UNISON, GMB and UNITE, and has been consulted on with the National Association of Schoolmasters and Union of Women Teachers (NASUWT).

**Name of School: The Milford Academy**

**Date adopted by Governing Body: 23.11.23**

**Signed: 23.11.23**

**Chair of Governing Body:** 

**Head Teacher:**  
**Joe Turner**



## **DISCIPLINARY PROCEDURE**

### **1. Who this procedure applies to**

- 1.1 This policy applies to all directly employed schools-based staff. It does not apply to casual workers, consultants, agency workers or any other worker who is not an employee of the school/Council.
- 1.2 This procedure should be read alongside the supporting guidance document.
- 1.3 This procedure is incorporated into the individual employee's contract of employment.
- 1.4 Governing bodies that do not adopt this procedure are required to make alternative provision to adopt a legally and ACAS compliant Disciplinary Procedure. In doing so, they are required to consult with trade union representatives and provide the school's HR Advisor with a copy of their own procedure.

### **2. Principles**

- 2.1 All elements of an employee's conduct, behaviour and performance should be managed fairly, consistently and in a timely way. An employee should be given honest and timely feedback and concerns should not be allowed to fester. Managers should raise any issues of concern as soon as possible, bringing to the employee's attention the improvements required and maintaining records at all stages.
- 2.2 It may not always be possible to deal with issues of concern as part of the 'normal' management process and sometimes conduct or behaviours may be so unsatisfactory that they have to be treated as disciplinary matters (see Section 15). In these circumstances, this procedure will apply.
- 2.3 Any allegations of misconduct involving the physical, emotional or sexual abuse of a pupil must be dealt with in line with the *Disciplinary Procedure – staff facing allegations of abuse*.

### **3. Responsibilities**

- 3.1 Staff discipline and dismissals are the responsibility of the governing body. Under the School Staffing (England) Regulations 2009 (Regulation 4 – Delegation of Authority), the governing body may delegate its operational responsibilities to the Headteacher.
- 3.2 The governing body should review delegated arrangements for dismissals annually, or otherwise as deemed necessary.
- 3.3 The governing body must ensure that it has a suitable Disciplinary Procedure in place for the school and is available to all applicable staff (see DfE *Statutory policies for schools*).
- 3.4 The governing body must ensure that they record the rationale for all decisions taken, including where responsibility has been delegated.

- 3.5 The responsibility for consideration of suspension must only be undertaken by a representative of the Governing Body, or Headteacher where they have delegated responsibility (see 5. below and Guidance).
- 3.6 Where there are concerns regarding the conduct of the head teacher, the Chair of the Governing Body should contact the School's HR Advisor for advice
- 3.7 The City Council and maintained schools have joint responsibilities for any challenge received in relation to a disciplinary decision through the employment tribunal process and will be joint respondents in any challenge. The school is expected to take HR advice at all stages and failure to do this may have financial implications for the school.
- 3.8 It is expected that all schools, regardless of where they purchase their HR advice, will notify the Council's HR team of an impending case which has the potential for dismissal as an outcome, at least 10 working days in advance of any hearing. The Council, as the employer, has the right to be in attendance at any hearing and to represent the interests of the Council in any such decision.

#### **4. Establishing the Facts**

- 4.1 Where a matter arises which is suspected to be misconduct, this should be put to the employee as part of an establishing the facts meeting for their explanation, as soon as possible. The fact finding will usually be carried out by the line manager or other nominated manager. If, after the meeting, the employee recalls additional facts that they wish to add, they may do this. Dependent on the employee's response, the facts established and the seriousness of the misconduct, the manager may need to follow a formal disciplinary route. Where this is considered necessary, the case will be progressed by those who have delegated responsibility in the school. This may be the Headteacher and/or Governors (see Guidance for further information).
- 4.2 There may be cases, for example, of safeguarding concerns, possible criminality, fraud or financial irregularities, where an alternative process will need to be applied in the first instance. In these cases, the relevant agencies should be alerted prior to instigating the disciplinary process. **Where a safeguarding allegation (anonymous or otherwise) is made against a Nottingham City Council employee it will be necessary for the manager to make an urgent initial assessment of the situation in consultation with the LADO. All parties present at the incident should be asked to write an initial statement in their own words (without conferring with others), detailing what occurred from their perspective, and should be signed and dated as a true and accurate account of events. All parties present at the incident should be asked to write a statement in their own words, detailing what occurred, these should be signed and dated.** Advice should be sought from the school's HR Advisor in such cases.
- 4.3 Following the collation of the facts, the Headteacher/Governor will need to be satisfied that they have sufficient evidence to proceed to a formal hearing. The

Headteacher/Governor will consider whether the matter is one of potential gross misconduct or misconduct (see section 15 below). The Headteacher/ Governor will write to the employee to inform them whether or not further action is to be taken. Where they are facing formal allegations, they will be advised of the nature of these and the possible consequences if there are reasonable grounds to believe that the employee has committed a disciplinary offence.

- 4.4 Where further information is required to substantiate the facts, the Headteacher/ Governor may decide to commission additional investigation into the allegations. The detail and depth of any investigation will vary depending on the nature and complexity of the alleged misconduct but, in all instances, the investigation must be adequate enough to establish the full facts of the alleged misconduct.
- 4.5 It may be appropriate for an investigatory interview to take place with the employee to ensure that they have had the opportunity to fully explain their version of events. Where this is necessary, the employee will be given reasonable notice (minimum two days) of the interview date. Although there is no statutory right, the employee may be accompanied by a companion, either a trade union representative or work colleague; however, the meeting will not be unreasonably delayed if such representation is not available at the planned time and may still go ahead.
- 4.6 After any further facts have been collated, the Headteacher/Governor will re-consider if there is a case to answer and, if so, arrange a disciplinary hearing as soon as possible. Alternatively, the Headteacher/Governor may decide that they can manage a correction in the employee's conduct outside of the formal process (see section 6, below), or the Headteacher/Governor may conclude that there is no case to answer and will inform the employee in writing that no formal disciplinary action will be taken.

## **5. Suspension**

- 5.1 A period of suspension may be considered necessary in some cases and this will be on full pay. This is a neutral act and will not prejudice the outcome of the process.
- 5.2 Only the Headteacher or Governing Body can suspend an employee. In all cases where suspension is being included (including the suspension of the Headteacher) advice should be sought from the school's HR Advisor.
- 5.3 Wherever possible, the employee will be informed of the decision to suspend in a face-to-face meeting. This will then be confirmed in writing by the Headteacher/Governor (attached model letter), detailing the arrangements for the period of suspension, including any relevant safeguarding considerations.
- 5.4 The suspension should be kept under regular review, initially this will be after four weeks and, thereafter, should circumstances change.

## **6. Managing conduct short of formal action**

6.1 Where the facts point to a less serious shortfall in conduct, the Headteacher/Governor may consider managing an improvement in the employee's conduct outside of the formal stage. Advice from the school's HR Advisor should be taken with regard to the appropriateness of this approach.

6.2 The Headteacher/Governor should meet with the employee to:

- Inform them that there is an unacceptable shortfall in their conduct;
- Give them the opportunity to explain matters from their perspective;
- Make clear the impact that their shortfall in conduct has had; for example, in relation to colleagues, the business, the school/service's reputation

6.3 The Headteacher/Governor should set out the required improvement and any necessary support measures for achieving and sustaining this. Copies of relevant school policies and professional standards should be provided to the employee. It should also be made clear that a failure to improve their conduct or a repeat in the future, will result in the instigation of the formal procedure.

6.4 The manager may wish to confirm in writing the improvement required and state what action will be taken if there is a failure to improve or sustain an improvement. A note of the written improvement requirement should be placed on the employee's local supervision file for the duration of the improvement period.

## **7. Disciplinary Hearing**

7.1 In cases of misconduct (see 15.2), it is common practice for the Headteacher to exercise their delegated responsibility for managing the disciplinary process and decision making.

In cases of gross misconduct which may result in dismissal, the case should be heard by a panel, chaired by a proficient governor.

In gross misconduct cases, it is recommended that the following arrangements are observed:-

- The panel will be impartial, chaired by a proficient governor and supported by two other governors
- Where there are insufficient governors available, Governor Services may be called upon for support and may involve governors from another school

For both misconduct and gross misconduct, the school's HR Advisor will support at the hearing stage of the process.

7.2 Where the hearing has the potential to result in dismissal, maintained schools must ensure that they invite a representative of the City Council's HR team to attend, regardless of whether their school purchases the Council's HR Advisory Service.

- 7.3 The Chair of the panel will write to the employee giving 10 working days' notice to attend a disciplinary hearing. The notification will include:
- The purpose of the hearing;
  - The allegation(s) against them;
  - Copies of any reports and/or documentary evidence relating to the allegation(s);
  - The right to be accompanied by a trade union representative or work colleague;
  - Details of what to do if the employee or their companion cannot make the hearing (see 7.4 and 7.5, below);
  - The details of any witnesses to be called to attend the hearing by the panel;
  - The process for letting the Chair know of any witnesses that they may wish to attend the hearing to substantiate the facts – character witnesses will not be permitted;
  - Clarity around the maximum sanction possible as an outcome.
- 7.4 The employee has a right to be accompanied by a trade union representative or work colleague. If the employee's preferred companion cannot attend the hearing on the date provided, the hearing must be postponed. The employee has a duty to propose an alternative time within 5 working days of the original date and, providing this is reasonable, the hearing will be re-arranged for this time or another mutually agreed date.
- 7.5 If the companion remains unavailable to attend, the employee will be expected to attend alone or to arrange for another companion. Alternatively, the employee may be offered the opportunity to submit a written submission, or any additional evidence, to the panel or to their chosen companion, who may present their case on their behalf. If the employee fails to attend without good reason, or is unable to do so (for example, for health reasons), the panel may have to take a decision in their absence, based on the available evidence.
- 7.6 The Chair will conduct the hearing in accordance with [Appendix 1 – Order of Proceedings for Disciplinary Hearings](#).
- 7.7 All those involved in the process are expected to maintain confidentiality and should be instructed that they must not discuss the case with anyone, outside the hearing. Additionally, all documentation relating to the case must be stored securely in compliance with the General Data Protection Regulations.
- 7.8 Chairs should ensure that accurate and good quality notes are recorded at the hearing. These should be retained securely by the school and may be required as evidence of their decision in case of future challenge, such as internal appeal, employment tribunal or another enquiry. Schools may wish to contact Governor Services to provide appropriate resources.
- 7.9 After the hearing is concluded, the Panel will carefully consider the evidence presented at the hearing and decide on an appropriate outcome. The employee

may be informed verbally of the decision and the reasons for it. However, the Chair of Panel will always confirm the disciplinary outcome in writing within 5 working days, unless there are exceptional circumstances which delay the decision. The employee must be advised of their right of appeal in the outcome letter.

7.10 In all cases where the decision is to dismiss an employee in a maintained school, a copy of the dismissal letter must be sent to the HR department of the City Council.

## **8. Disciplinary outcomes**

8.1 Possible outcomes of a disciplinary hearing may be: -

- No disciplinary sanction necessary
- Written Warning
- Final Written Warning
- Dismissal with notice
- Summary dismissal without notice for Gross Misconduct
- Other Disciplinary Action (see below)

Please see Guidance when considering appropriate disciplinary action.

8.2 The disciplinary action will depend on the severity and/or repetition of a misconduct/gross misconduct (see Section 15 for examples of these) and any mitigating circumstances.

8.3 An employee cannot be dismissed for a first disciplinary offence, except in cases of gross misconduct.

8.4 Where live warnings exist for previous misconduct/gross misconduct, further occurrences of misconduct are likely to result in a more serious sanction.

8.5 In certain cases, consideration may be given to previous disciplinary history. This will particularly apply in relation to safeguarding concerns, possible criminality, fraud or financial irregularities (see section 11 below).

## **9. Disciplinary outcomes**

### **9.1 No disciplinary sanction**

Where the decision panel have decided that there is no case to answer, the reason for the decision will be communicated in writing.

#### **Written warning**

A record of the warning will be kept on file but considered spent after six months as long as satisfactory conduct has been sustained.

#### **Final written warning**

A record of the final warning will be kept on file but considered spent after twelve months as long as satisfactory conduct has been sustained.

### **Dismissal with notice**

Dismissal with notice may be considered in certain, specific circumstances and HR advice should always be sought.

### **Summary dismissal without notice for gross misconduct**

Where the panel have determined that an employee has committed an act of gross misconduct (see examples in 15.3, below), which can include repeated misconducts (see 15.2, below), summary dismissal will take place without notice.

### **Other Disciplinary Action**

Other disciplinary action may be considered and this will usually be accompanied by a warning. Examples of such action may include recommendations for training/development, consideration of alternative working arrangements or other appropriate measures. A record of any other disciplinary action will also be kept on file for the duration of the warning, after which time it will cease as long as satisfactory conduct has been sustained. In cases of alternative working arrangements/lower graded work, records will be retained for the duration of employment.

9.2 Warnings should be regarded as spent following the specified period, subject to satisfactory conduct, and should be disregarded for future disciplinary purposes unless relating to serious concerns.

9.3 A copy of the disciplinary outcome letter, together with all notes and statements, will be kept securely on the staff member's employment file until considered spent, with a further copy retained by the school's HR Advisor.

## **10. DISMISSALS BY THE LOCAL AUTHORITY**

10.1 Staff dismissals are normally a matter for the school (with the Council's HR knowledge), but the Council may dismiss staff in its employment directly in the following circumstances:

a) Where the school's delegated budget has been suspended;

b) Where the Secretary of State or the Teaching Regulation Agency (TRA) have prohibited further employment of any member of staff because of previous conduct or capability;

c) Where an unqualified teacher has failed to secure qualified teacher status within the time limits set out in the regulations.

10.2 The circumstances in 10.1 above will remove the governing body's responsibilities for the dismissal process including dismissal hearings and appeals.

## **11. Disciplinary Employment History**

11.1 The Headteacher/Panel should take account of any current live disciplinary warnings.

In certain cases, consideration may be given to previous disciplinary history, for example, in relation to safeguarding concerns, possible criminality, fraud or financial irregularities. Consideration of disciplinary history should only take place after taking advice from the school's HR Advisor.

## **12. Referral to External Groups and Professional Bodies**

12.1 The outcome of a disciplinary process, which results in a dismissal, may need to be referred to a range of bodies. Examples of such bodies include: the Teaching Regulation Agency (TRA) and the Disclosure and Barring Service (DBS). A resignation prior to the outcome of a disciplinary process will not necessarily prevent a referral.

## **13. Appeal**

13.1 The employee has a right of appeal against any disciplinary sanction including dismissal. The appeal must be registered within 10 working days of receipt of the disciplinary outcome letter.

13.2 The appeal will be heard by an impartial Governing Body Appeal Panel (see guidance), who have had no previous involvement in the case. Where there are insufficient governors available, Governor Services may be approached to arrange support. The Appeal Panel will be advised by the school's HR Advisor at the appeal hearing.

13.3 The appeal hearing will be carried out in accordance with [Appendix 2 – Conducting an Appeal Hearing](#).

13.4 The appellant will have a right to be accompanied by a trade union representative or work colleague at the appeal hearing.

13.5 The appellant will be given 10 working days' notice in writing of the appeal hearing date. If the employee's companion cannot attend on the date provided, the hearing must be postponed. The employee has a duty to propose an alternative time within 5 working days of the original date. Providing this is reasonable, the hearing will be re-arranged for this time or another mutually agreed date.

13.6 The purpose of an appeal hearing is not to repeat the process followed at the Disciplinary Hearing or to rehear the case in full. The appellant will be expected to focus on specific factors that they feel have been dealt with unfairly, or which have received insufficient consideration, such as:

- New evidence coming to light since the Disciplinary Hearing.
- An inconsistent, inappropriate or excessively harsh penalty
- Alleged bias of the decision maker
- Alleged unfairness in the conduct of the hearing

13.7 The appellant can request that witnesses attend the appeal hearing and should provide reasonable notice to the chair of the Appeal Panel of who they intend to

call; however, these should be present to substantiate the specific factors in 13.6 and should not be character witnesses.

13.8 Witnesses may also be required to attend by the Headteacher/Chair of Disciplinary Panel, who issued the original sanction, and by the Appeal Panel.

13.9 The appeal should not be used as an opportunity to punish the employee for appealing the original decision and it should not result in an increased sanction.

13.10 The appeal decision and reasons will be confirmed to the appellant in writing within 5 working days, unless there are exceptional circumstances, in which case this will be communicated to the appellant.

13.11 There is no further right of appeal.

#### **14. Raising Concerns during a disciplinary process**

14.1 Concerns relating to a live disciplinary process should be raised with the Headteacher/Chair of the Disciplinary Panel as part of the disciplinary process. It is not appropriate to use the Resolution and Grievance Procedure to raise such concerns.

14.2 If an employee raises a concern during a disciplinary process, it may be appropriate to consider a pause, for example, where the concern relates to a perceived conflict of interest or impartiality on part of the Headteacher/Disciplinary Panel.

#### **15. Disciplinary rules and standards of performance**

15.1 There are two types of disciplinary offence: misconduct and gross misconduct. The lists of disciplinary offences below are examples only and are neither exclusive nor exhaustive. In addition, there may be other offences of a similar gravity which will constitute misconduct or gross misconduct. Headteacher/Disciplinary Panel will determine the severity of each case in the light of the circumstances and available evidence, and will take advice from their HR Advisor.

##### **15.2 Misconduct**

Certain types of offences will warrant the issue of a warning and examples of those offences are listed below. Where a final written warning remains live for a previous offence and further misconduct is committed the employee may be dismissed, unless there are acceptable mitigating circumstances.

##### **Harassment, Discrimination, Victimisation and Bullying (HDVB)**

HDVB is considered a serious disciplinary offence and would usually be considered as a gross misconduct matter; however, there may be occasions when a lesser offence has occurred which could be considered to be misconduct. HR advice should always be sought in HDVB cases.

This is defined as the harassment, discrimination, victimisation or bullying of a colleague, pupil or member of the public on the grounds of a protected characteristic, including: sex, transgender status, marital status, civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership.

**Breaches of rules, regulations and procedures, such as:**

- Unsatisfactory timekeeping including taking excessive breaks
- Abuse of attendance records, or failure to follow rules on recording attendance
- Less serious breach of health and safety rules
- Less serious breaches of the Council's policies, procedures or regulations, for example, Data Protection legislation, sickness policies, smoking policy, financial regulations, etc.
- Less serious misuse of computer facilities including misuse of email and Internet access
- Refusal or failure to obey legitimate instructions
- Less serious safeguarding, e.g. an uncharacteristic, seemingly minor, oversight which could have had potentially serious impact

**Less serious negligence, such as:**

- Carelessness in the performance of duties
- Failure to take proper care of the property of the school/Council, a colleague, child or member of the public, including misuse of property

**Other misconduct, including:**

- Rudeness or offensive behaviour including the use of abusive language to colleagues, pupils or members of the public
- Using the Council's time and resources for personal purposes

15.3

**Gross Misconduct**

Gross misconduct is so serious that it would result in you being summarily dismissed (immediately and without notice), unless there are exceptional mitigating circumstances.

**Gross misconduct might include:**

**Theft and wilful damage**

- Unauthorised removal, possession or theft of property belonging to the school/Council, a fellow colleague, child or member of the public.
- Deliberate, wilful or malicious damage to property belonging to the school/Council, a colleague, child or member of the public, including misuse of property.

**Acts of violence, abuse or inappropriate behaviour**

- Breaches of the school and/or Council's safeguarding policies.
- Acts of violence or abuse, including the physical assault or threat of physical assault against anyone
- Rudeness or offensive behaviour including the use of abusive language

**Harassment, Discrimination, Victimisation and Bullying (HDVB).**

- Serious or repeated bullying or intimidation, including threatening behaviour.
- Acts of incitement or deliberate/malicious acts of harassment or discrimination of a colleague, pupil or member of the public on the grounds of sex, transgender status, marital status, civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership.

**Fraud and deliberate falsification of records**

- Deliberate falsification of time recording methods, mileage or other expense claims etc.
- Deliberate falsification of qualifications or information which is a statutory or essential requirement of employment or which results in additional remuneration
- Engaging in work or activities which are in conflict or competition with the school/Council business
- Engaging in work or activities which are incompatible with absence whilst receiving sick pay

**Breaches of rules, regulations and procedures**

- Deliberate unauthorised disclosure of confidential information (including serious breaches of data protection legislation)
- Serious breaches of health and safety rules
- Deliberate, repeated or serious failure to follow the school/Council's policies procedures and regulations, for example, safeguarding policies, code of conduct, attendance policies, smoking policy, financial regulations, etc.
- Serious misuse of IT infrastructure and computer facilities including the misuse of email and Internet access or any other breach of the IT Acceptable Use policy
- Refusal, failure or persistent failure to obey legitimate instructions

**Gross negligence**

- Failure to apply safeguarding standards
- Gross negligence in the performance of duties
- Sleeping whilst on wakeful duty
- Failure to comply with health and safety law – putting self and/or others at risk

**Serious breaches of trust and confidence**

- Serious safeguarding concerns

- Serious or repeated breach of the Code of Conduct for school
- Being under the influence of drink, drugs or illegal drugs at work.
- Absence from the work place without permission, for a significant amount of time, without a reasonable explanation
- Any absence which amounts to dereliction of duty and results in service provision being compromised.
- Acceptance of bribes or other corrupt practices.
- Criminal conduct, including that which is committed outside of work that is relevant to the employee's employment.
- Failure to inform the school of any changes to circumstances which may have a bearing on their employment, including criminal allegations, convictions or cautions which may affect their professional status, disqualify them by association, or affect their DBS (or other) status
- Failure to register and/or maintain registration with regulatory or governing bodies where this is a statutory or essential requirement for employment, for example, teachers' professional registration,
- Serious breach of a Code of Conduct as stipulated by a relevant regulatory body, for example teachers' professional registration.
- Bringing the school or Council's image, name or service into disrepute.
- Making a malicious or untruthful allegation/complaint against the school/Council or its employees.

## **Appendix 1 – Order of Proceedings for Disciplinary Hearings**

Headteachers/Chairs of Panels (referred to as 'Chairs') should use this Order of Proceedings as a guide to help set out the process to be followed during formal disciplinary hearings.

- The Chair will introduce the hearing, explain its purpose and how it will be conducted. The purpose of the hearing is to establish the facts and determine whether formal disciplinary action needs to be taken against the employee and, if so, the level of disciplinary action.
- The Chair will introduce the persons present and explain their respective roles in the hearing. The employee is entitled to be accompanied by a trade union representative or a work colleague if they wish.
- The Chair will confirm that tape recordings will not be permitted and ask that all mobile phones are switched off for the duration of the hearing. This instruction will be repeated to all witnesses who are to be in attendance at the hearing.
- The Chair will confirm the names of any witnesses who have been asked to attend the hearing in person.
- The Chair will set out the nature of the allegations to be considered at the hearing
- The Chair may ask the fact finder or investigator ('investigator') if in attendance/if applicable to set out the key facts arising from the investigation
- Witnesses will be called in turn where there is a discrepancy in the evidence and may be questioned by the Chair, the HR Advisor, the employee or their chosen companion on the content of their statement.
- The employee will be allowed a full and fair opportunity to state their side of events, the employee may do this personally, or the employee's chosen companion (if applicable) may do this on the employee's behalf.
- The Chair and the HR Advisor will question the employee on their evidence and raise points about any information provided by witnesses. Although the employee may confer with their chosen companion (if applicable) at any time during the hearing on request, the Chair has the right to ask the employee personally to answer any question put to them.
- The Chair will ask the investigator to confirm whether any substantial or relevant information has been presented that was not part of the initial investigation.
- The employee (or their chosen companion on their behalf) will be given the opportunity to sum up their case and make any final points they wish to have considered.
- The Chair will sum up the key points of the hearing and confirm with the employee that all substantial and relevant information has been presented at the hearing.

- The Chair will inform the employee on when a decision will be made.
- The Chair will adjourn to consider their decision in private with the HR advisor. All other persons (including the investigator) will be asked to leave the room.
- The Chair will reconvene the hearing to inform the employee of their decision and what disciplinary action, if any, is to be taken.
- The Chair will inform the employee that they have the right of appeal against any disciplinary action.
- The decision will be confirmed in writing within a reasonable timescale (usually within five working days).

NB At any point during the hearing, the Chair may adjourn the hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information).

## Appendix 2 - Conducting an Appeal Hearing – Guidance document

### Summary

- This guidance applies to any employee who wants to appeal against any sanction, including dismissal, arising from the application of the school's Disciplinary Procedure.
- This guidance details the process that will normally be followed.
- The appeal will be heard by a Governing Body Appeal Panel (see 13 above).
- This guidance does not form part of your contract of employment and may be amended from time to time.

1. The format below provides a framework for the appeal process that will normally be followed; however, the Chair of the Appeal Panel ('Appeal Chair') does have the discretion to vary this format if it is considered necessary and appropriate.

- 1.1
- a) The appellant or their representative will present their grounds for the appeal and introduce any witnesses.
  - b) The Disciplinary Representative (DR) (Headteacher or Governor representing the Disciplinary Panel) may ask questions of the appellant and their witnesses.
  - c) The Appeal Panel and the HR Advisor may ask questions of the appellant and their witnesses.
  - d) The DR will provide a response to the grounds for the appeal, based on their decision making at the original Disciplinary Hearing.
  - e) The appellant and their representative may ask questions of the DR and their witnesses.
  - f) The Appeal Panel and HR Advisor may ask questions of the DR and their witnesses.
  - g) The appellant or their representative will provide a summary of their appeal.
  - h) The DR will provide a summary of their response.

## 2 The Decision

2.1 At the completion of the hearing, the Appeal Panel will adjourn to consider their decision. The Appeal Panel, supported by the HR Advisor, will consider their decision in private, only recalling the appellant or the DR to clarify points of uncertainty. The appeal decision and the reasoning behind it will be confirmed in writing to the appellant as soon as possible.

## 3. Further right of Appeal

3.1 There will be no further right of appeal.