



Disciplinary Policy 2020-23

This Policy supersedes all previous issues and will be reviewed every three years, but can be revised as needed. Following consultation, this Policy will be approved by the Trust's Executive Team.

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1. Introduction

The University of Chichester Academy Trust ('the Trust') expects all employees to conduct themselves in an appropriate manner in their day to day work, including in their dealings with colleagues, pupils, parents, carers, visitors, contractors, consultants and external organisations.

This policy is designed to encourage and help all staff achieve and maintain high standards of conduct, and to ensure all disciplinary matters are dealt with in a fair, transparent, effective and consistent manner. Wherever possible issues should be managed without delay and on an informal basis, however, where an issue cannot be resolved informally then it may be pursued formally.

2. Legal Context

This Policy has been written to reflect The Employment Act 2008, Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008, the Teachers' Disciplinary (England) Regulations 2012 and the Teachers' Disciplinary (Amendment) (England) Regulations 2014 governing discipline at work. This Policy is written to comply with the ACAS Code of Practice.

3. Scope

The Disciplinary Policy is for matters of misconduct or negligence, including allegations of harassment and bullying. Issues relating to an individual's ongoing performance or capability to perform their role to an acceptable standard will be dealt with under the Trust's Capability Policy (including Capability due to Ill Health) 2018-21.

The Trust's Public Interest Disclosure (Whistleblowing) Policy 2018-21 and the Trust's Child Protection Policy should also be considered in determining the most appropriate Policy for the matter to be addressed.

The Policies are available to download from the Trust's website or available on request from the Academy's HR contact, or by contacting Central HR at unicathr@chi.ac.uk or telephone (01243) 793499.

This Policy applies to all employees in full-time or part-time employment who have completed their probationary period.

This Policy does not form part of an employee's contract of employment and may be amended at any time, subject to appropriate consultation.

4. General Principles

- This Policy is designed to ensure consistency and transparency across the Trust when dealing with disciplinary matters, ensuring employees are dealt with fairly.
- Matters should be dealt with promptly, with no unreasonable delays from all parties, whilst ensuring a robust process. At all stages, the process must be conducted without prejudice to the final decision.
- An investigation must be reasonable and thorough rather than exhaustive.
- Disciplinary matters will be treated with due confidentiality by all parties and all communication will be conducted directly with the employee and not their representative.
- Meetings will be held at a time and place, which, as far as possible, are acceptable to all parties.
- A meeting should be adjourned to another date after 5 hours or at the end of the employee's working day, whichever is the earlier, unless both parties agree otherwise.
- An employee may be accompanied by a work colleague or trade union official or representative at any formal disciplinary hearing/meeting.
- If an employee elects to invite a work colleague to accompany them, they must not be their partner or an immediate family member, i.e. husband, wife, partner, son, daughter
- Before any formal warning is issued, employees will have been informed of the allegations in writing and have had the opportunity to state their case at a disciplinary meeting, with the right to appeal against any disciplinary sanction.

5. Responsibilities

The Headteacher is responsible for:

- Ensuring allegations or problems relating to performance or conduct are investigated promptly and thoroughly and that the Trust Disciplinary Policy is complied with.
- Informing central HR prior to instigating informal or formal support under the Trust's Disciplinary Policy.
- Determining whether informal support has been reasonable and appropriate, and whether this has had an impact on resolving the issue, or whether the employee is advised formal procedures must be pursued.
- Ensuring no disciplinary action is taken against a member of staff until the situation has been investigated to establish the facts. At every stage of the procedure the member of staff will be advised of the nature of the complaint against them, and will be given the opportunity to state their own case before any decision is made.
- Determining who would be best placed to lead support, to ensure the employee receives clear direction and support to address any performance issues.

Managers are responsible for ensuring:

- Employees they line manage are aware of the Disciplinary Policy.
- Disciplinary issues are dealt with promptly with no unreasonable delays.
- Harassment, bullying or intimidation is not tolerated or accepted, and is managed in line with this Policy.
- Guidance is sought from Central HR and process followed.
- They respect the need for confidentiality in relation to disciplinary issues.
- They interpret this policy in line with all data protection legislation.

Employees are expected to:

- Engage with and adhere to the policy and procedures
- Conduct themselves in an appropriate manner in their day to day work
- Familiarise themselves with Trust and Academy policies and guidance which set out expected standards of behaviour, e.g. Capability Policy, Code of Conduct and relevant professional standards, e.g. Teachers' standards which are available from the academy's HR contact
- In the case of harassment or bullying, either ask the perpetrator to stop the harassing behaviour and/or report any incidents of harassment, bullying or intimidation observed, or received, to their line manager or Headteacher
- Co-operate fully and promptly in any investigation. This may include informing the manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of an investigation.

6. Disciplinary action in regard to a Headteacher

In the event a Headteacher is subject to an alleged unsatisfactory performance or misconduct, this Policy will apply with the exception that Central Trust will manage the process. This will include determining who would be best placed to manage the fact finding and if required, the investigation and form the Panel of a hearing or appeal.

7. Process Flow Map

Diagram 1 provides a flow map of the disciplinary procedure.

8. Establishing the Facts/Short Investigation

The Headteacher should determine the basic facts of the alleged performance or misconduct to determine whether an investigation is required under the Disciplinary Policy. This should be conducted without unreasonable delay, and normally completed within three days of being made aware of the concern or issue. The employee will be informed of the concern to help determine the facts. The Headteacher may delegate this activity to the employee's manager or a member of their senior leadership team.

Appendix B is a form that should be completed by the person who undertook the initial fact finding for the Headteacher. The Headteacher will decide whether the matter could be considered a minor

misconduct, or unsatisfactory performance and best dealt with informally, see **Appendix A** for examples.

A short investigation may be sufficient in many minor matters of misconduct, e.g. suspected timekeeping concerns, unauthorised absence. In such cases the Headteacher should meet with the employee and advise them they are conducting a short investigation to gain some basic facts. The Headteacher must write a note of any meeting and collate relevant documents or records.

As a result of the short investigation, the Headteacher will determine if:

- The information is insufficient to make a judgement and a fuller, more detailed investigation is needed under Stage One of the Disciplinary Policy;
- The matter is considered too serious to be considered minor and an investigation should be instigated under Stage One of the Disciplinary Policy;
- There is sufficient information to support a breach of conduct, and the employee should be called to a disciplinary hearing;
- That there are no grounds to proceed on a formal basis.

Where the Headteacher instigates an investigation, the fact-finding form will be passed to the person assigned to investigate.

9. Informal Action

Matters to be dealt with informally, are normally carried out as a meeting between the employee and the Headteacher, although this may be delegated. This should be a two-way process, aimed at discussing possible shortcomings in conduct or and encouraging improvement. Criticism should be constructive, with emphasis on finding ways for the employee to improve and for the improvement to be sustained. This may include outlining expected standards, agreeing a temporary adjustment, putting in place additional training, coaching, mediation, support or advice.

Within five working days of the meeting, the employee should receive a written communication clearly explaining the improvement or change required, and how progress will be reviewed. **Appendix C** should be used to detail the required improvement and timeline.

To ensure sustained improvement, a number of review meetings may be required. If during a review meeting it is clear informal action will not bring about the improvement required, the employee should be made aware formal action will be taken. In the event a further allegation or problem arises then informal action should cease and formal action instigated.

If during discussion it becomes apparent the matter may be more serious, the meeting should be adjourned. The employee should be told the matter will be continued under the formal Disciplinary Policy and procedure.

Brief notes of the meeting should be held, and a note-taker may be used where it is felt appropriate and would not curtail meaningful discussion. A copy of the notes should be provided to the employee within 5 working days of the meeting.

The employee has no right to be accompanied by either a workplace colleague or trade union representative at an informal meeting, however, the Headteacher can agree to such a request if it is felt it would support the process.

10. Formal procedure

The formal procedure should be used in the following circumstances:

- Where information becomes available which seems sufficiently serious to warrant investigation under the Disciplinary Policy.
- Where an incident has occurred in terms of behaviour, which appears to warrant a disciplinary investigation rather than managed under the Capability Policy.
- Where standards of performance or conduct of an employee falls outside acceptable limits and, where either informal discussion has failed to result in the necessary improvement(s), or the matter in question is too serious to be considered minor, see **Appendix A** for examples.

Where formal disciplinary action, including at the investigatory stage, is being considered, it is the responsibility of the Headteacher to inform Central HR before any action is taken.

Whilst staff governors may be a member of the disciplinary panel, it is on most occasions not appropriate for them to do so and therefore normal for them to choose not to be involved.

Entry in to the formal procedure may be at any stage if the employee's alleged misconduct is serious enough to warrant such action, see **Appendix A** for examples. In exceptional circumstances, for example where serious or gross misconduct is alleged, a final warning or dismissal may be given on the first occasion without recourse to previous stages.

Disciplinary and appeal hearings should normally take place within the working day of the employee.

There are three stages to the formal disciplinary procedure:

Stage One – Investigation: this involves an investigation into the alleged misconduct to obtain evidence which supports the employee's case as well as evidence against, to establish whether there is a case to answer.

Stage Two – Hearing: this involves a Disciplinary Hearing with the employee and may involve others attending as witness for the employer or employee. A decision will be taken following a hearing as to whether any disciplinary action is necessary, and if so, what is appropriate.

Stage Three – Appeal: employees have the right of appeal against any disciplinary action taken.

11. Considerations

11.1 Safeguarding and Referral to the Teaching Regulation Agency and the Disclosure Barring Service

Allegations of serious misconduct against a teacher working in a Trust Academy, regardless of employment status, may be referred to the Teaching Regulation Agency (TRA) and Disclosure and Barring Service (DBS). For all other staff or workers (whether paid or unpaid), referral to the DBS may be appropriate.

The Headteacher should contact central HR for advice if they are unsure whether a referral is appropriate. Any referrals must be approved by the Trust's CEO, except where the DfE Keeping Children Safe in Education guidance requires immediate action. In such cases, the Headteacher should inform the CEO of any action taken. Where the serious misconduct involves harm or risk of harm to a child, action required for the protection of the child is of paramount importance and the Trust's Child Protection Policy should be followed.

In the event of child protection allegations, disciplinary procedures will not commence unless, and until, there is written confirmation from the LADO, or their representative, the academy may proceed with an internal investigation.

11.2 Criminal offences outside employment

If an employee becomes the subject of police enquiries or faces charges relating to a criminal offence outside employment, or if they are absent from work because they have been remanded in custody, the Disciplinary Policy does not automatically come in to effect.

Where the charge or conviction is such as to affect, or be likely to affect the suitability of the employee for the position in which they are employed and will seriously undermine the Trust and Academy's trust and confidence in the employee, the Disciplinary Policy may apply. The Headteacher should discuss the matter with Central HR before action is taken.

11.3 Disciplinary action in regard to Trade Union Representatives

Once the facts have been established, if the employee of a proposed disciplinary procedure, short of gross misconduct, is a trade union representative, once the employee's consent has been given, the union official should be contacted to discuss the matter before any action is

taken. In the case of gross misconduct, discussion with the union official will take place as soon as possible.

11.4 Mediation

Mediation is a voluntary process which may in some circumstances help resolve disciplinary issues, but only where both parties are willing to engage in the process. Any mediator supporting an issue within the Trust, must be a trained and accredited mediator. The mediator is not there to judge, or to tell those involved in the mediation what they should do; any agreement comes from those in dispute.

Where it is believed there is a genuine commitment by all parties to resolve an issue and where the misconduct is suitable for mediation, the disciplinary procedure may be suspended to enable mediation in an attempt to resolve the issue, or may be an outcome of a disciplinary sanction.

Mediation may not be suitable if:

- Used as a first resort;
- Used by a manager to avoid their managerial responsibilities;
- A decision about right or wrong is needed, for example where there is possible criminal activity;
- The individual bringing a discrimination or harassment case wants it investigated;
- The parties do not have the power to settle the issue;
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

12. Representation

Employees should be encouraged to contact their trade union for support and advice. Whilst informal discussions or investigatory meetings do not attract the right to be accompanied, an employee may submit a request to the Headteacher. The right to be accompanied does not extend to an immediate family member who is also a work colleague, or to a lawyer. The Trust and the Headteacher reserves the right to refuse an employee's choice of companion.

The employee is entitled to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

The employee will be responsible for notifying their companion of the arrangements, and informing Central HR of their companion's name and trade union, if relevant, in advance of the meeting.

Where the employee's choice of companion is refused, or the companion is unavailable, the Hearing will be rescheduled to a time proposed by the employee, provided the alternative time is reasonable and not more than five working days after the original date. This is to enable the companion to attend, or an alternative companion to be sought. The Hearing or Meeting will normally go ahead in the employee's absence if the employee fails to attend.

The companion should be allowed to address the Hearing to put and sum up the employee's case, respond on behalf of the individual to any views expressed and confer with them during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the Hearing if the employee does not wish it, nor prevent the employer from explaining their case.

13. Cooling off periods

There may be occasions where the Headteacher needs to address a situation at work quickly. This could include asking any employees involved in the situation to stop work and go home for the day to allow a 'cooling off period' before a decision is taken on how to handle the matter.

This is not classed as suspension from work or considered as annual leave. In the context of this procedure, sending an employee home in these circumstances is a neutral act: there neither is, nor should there be an inference of guilt as a result of an employee being sent home.

14. Suspension from duty

In serious or exceptional circumstances, it may be appropriate for the employee to be removed from the workplace to enable an investigation to take place, to reduce possible tension, or where the alleged misconduct represents a potential risk to pupils or staff. Any suspension should take place as soon as possible after the alleged incident has occurred and the Headteacher must speak with a member of Central HR before taking any action to suspend.

Suspension is not and should not be considered a form of disciplinary action, with no presumption of guilt, imposed to enable a fair investigation to take place.

Suspension will only be imposed after careful consideration including alternatives to suspension, such as temporary re-deployment, removal of duties subject to the investigation/disciplinary, or re-location within the Academy or Trust.

Suspension will normally be necessary on the following grounds:

- Where a serious incident has occurred involving an actual physical assault or the verbal threat of assault;
- Where the allegations may be of a criminal nature e.g. theft or fraud;
- Where there are reasonable grounds that the continuing presence of the individual in the workplace may inhibit the effectiveness of an investigation;
- Where the continuing presence of the individual in the workplace may be deemed to be detrimental to workplace relations in the short term;
- On medical/health grounds as permitted under legislation;
- For some other substantial and urgent reason.

The employee should receive written notification of the suspension from the Headteacher or Trust, within 4 working days. The notification should:

- set out the grounds on which the decision to suspend has been taken and
- detail the duration of the suspension;
- state the person who is allocated as the employee's contact whilst on suspension;
- advise the employee they must make themselves available during working hours for Central HR or the Academy to make contact, and be available to attend meetings.

The suspension should be regularly reviewed to ensure it is not unnecessarily protracted.

The employee should continue to receive their full pay during suspension unless they become sick, in which case the employee's contractual sickness entitlement would apply.

During any period of suspension, depending on the circumstances, the employee may be advised not to contact their work colleagues during the period of suspension. Consideration must also be given to the employee's access to the Academy, and any computerised records.

Where an investigation is likely to involve a lengthy process, it is important the employee is contacted on a regular basis. This will depend on the circumstances of the case, but should not normally be longer than fortnightly, and some instances, contact on a weekly basis may be appropriate.

The Headteacher, liaising with central HR can agree to lift a suspension. Where a suspension is lifted and the employee has been absent for more than 4 weeks, a plan should be agreed with the employee to ensure the employee feels supported back to work.

15. Stage One - Investigation

Except for matters where the initial fact finding provided full evidence to move to disciplinary action, prior to any disciplinary action being taken, a prompt and thorough investigation must take place to establish the circumstances and gain a balanced view of the facts in order to decide whether further action is necessary.

The Headteacher will inform the employee of the Investigating Officer assigned to undertake the investigation and of the allegations that form the investigation. Exceptionally, where the allegations

include public interest disclosure (whistleblowing), child protection issues or potential criminal matters, it may not be possible to disclose the full nature of the allegations in the early stages of an investigation.

The Headteacher will decide how the investigation will be conducted, in consultation with Central HR. A member of the Academy's senior leadership team, a governor, a senior leader within the Trust, or a member of the Trust central team, may undertake the investigation depending on the circumstances and where there is no prospect of a conflict of interest. The Investigating Officer appointed will normally have previous experience of carrying out investigations relating to disciplinary, capability or grievance issues, or have received training. A member of Central HR will be assigned to work with the Investigating Officer to advise on process and to take relevant notes.

The investigation must be completed as promptly as possible, before recollections fade. As a guide, this should be between 3 and 20 working days dependent upon the complexity of the case. In exceptional cases, the process of investigation may inevitably take longer. The Investigating Officer will ensure that parties are kept informed of timeframes.

Investigative interviews are solely for the purpose of fact finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

In some circumstances, the Investigative Officer may decide to obtain a written statement, signed and dated by a witness, but may not interview the witness.

Save in exceptional circumstances, the investigation will always include an interview with the member of staff concerned, as well as other relevant witnesses. Where children are to be interviewed as part of the investigation, appropriate arrangements for their support during the process must be made, with parental consent obtained prior to any interview taking place. Particular care must be taken in securing evidence from children. Children will never be called as a witness to a hearing/meeting convened under this procedure.

Notes of the investigation and any witness meetings do not have to be verbatim but should reflect the key issues/points discussed so that they can be referred to later in the investigation for clarification. Neither the Investigating Officer nor an employee can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

If the employee needs to attend an investigation meeting but does not attend, the Investigating Officer will rearrange the meeting within 5 working days. The Investigating Officer may allow the employee to be accompanied if the employee has not attended because they are worried, or may hold the meeting elsewhere, if the employee is worried about coming to the workplace. If rescheduling the meeting, the employee still does not attend, or is too sick, the Investigating Officer will look at all other evidence and make a reasonable decision to conclude the investigation.

The facts should be summarised by the Investigating Officer in a brief written report, to which any relevant information should be attached. The Investigating Officer should recommend one of the three courses of action detailed below. The report should be submitted to the Headteacher who will decide what to do. In the event of action 3, the Headteacher should contact Central HR to arrange a disciplinary hearing.

Three courses of action will be open:

- 1) To decide there is no substance to the allegation and/or insufficient evidence and the matter may be closed. OR
- 2) To decide there is substance to the allegation but that the matter should be handled informally such as through advice, counselling, mediation, or training and development. The Headteacher will arrange a meeting with the employee to discuss. OR
- 3) To decide there is substance to the allegation and a disciplinary hearing must be convened. Central HR will write on behalf of the Headteacher to the employee, to confirm the details of the hearing.

The outcome/s of the investigation will be communicated by the Headteacher to the employee, in writing (as indicated in points 1-3), as soon as possible (normally within 5 working days). In the case of the first action, the Headteacher will arrange to meet with the employee to discuss the outcomes of the investigation and the reasons why the matter is not being pursued formally. The Headteacher may also consider and discuss the need for any further informal action following the outcome.

16. Stage Two - Disciplinary Hearing

The disciplinary meeting or 'Hearing' will comprise a panel of three, normally chaired by the Headteacher. The Panel must not have had any direct involvement with the specific allegations of the case or the detailed process of the investigation. For clarity, 'direct involvement' does not include being informed of the outline circumstances of the case, nor involvement in normal administrative processes, such as letters of suspension, initiation of investigation, etc. This means if after the initial fact finding a disciplinary hearing was called without any further investigation, the Headteacher could be part of the Panel.

The employee will receive written notification at least five working days prior to the Hearing taking place, detailing:

- The date, time and place of the Hearing and the name(s) of those who will hear the case.
- Who will be present at the Hearing.
- The issues or allegations to be discussed. (A copy of the investigation notes will normally be enclosed with the letter).
- Copies of any documents to be used in evidence
- The names of any witnesses to be called to support the Academy's case.
- the employee's entitlement to be accompanied by a trade union representative or a workplace colleague.
- That the employee is entitled to call witnesses in support of their case, where appropriate.
- The opportunity to send any written submission or evidence to the panel up to 3 days prior to the Hearing. A copy of any such submission should be made available at the same time to the Investigating Officer, or representative who is presenting the case.
- The possible outcomes of the Hearing.
- A copy of the Trust's Disciplinary Policy.
- A request to confirm attendance at the Hearing.

For an employee with a special requirement, or who may need support, reasonable adjustments will be made which may include changing the Hearing location, or allowing access to an interpreter or learning support specialist.

The employee must provide the names of all their witnesses to the Chair of the Panel, together with any documentary evidence to be presented at the Hearing at least 3 working days before the Hearing, unless otherwise agreed. It would be unusual to call witnesses who have not previously been involved in the investigation. The Chair may refuse to allow a witness to be called to give evidence, but should not unreasonably refuse requests.

If on the day of the Hearing the employee or their companion is unable to attend, the employee should notify the person calling the Hearing immediately. The Panel will be informed and decide whether to go ahead or adjourn and re-arrange the Hearing within 5 working days. If the employee does not attend at the time scheduled for the Hearing, the Panel will adjourn, whilst an attempt is made to try to establish the reason. The Panel will then decide whether to adjourn and reschedule the hearing within 5 days, or proceed without the employee in attendance. Usually only one postponement and re-arrangement will be agreed. Where an employee is persistently unable or unwilling to attend a disciplinary hearing without good cause, the Panel may take a decision on the evidence available and the employee will be informed that is to be the case.

Appendix D details what can be expected at a Disciplinary Hearing.

17. Special Circumstances

17.1 Absence due to Sickness

If the employee is on sick leave, or goes on sick leave during the disciplinary procedure, the Hearing Panel will determine the nature of the sick leave and determine whether the Hearing should be postponed or go ahead without the employee.

17.2 Resignation during Disciplinary Action

The Hearing Panel will submit a recommendation to the Trust's CEO on whether Disciplinary Action should cease or continue if the employee has resigned and their employment ended before the Hearing meeting was convened. The CEO will review the recommendation and decide on the course of action.

18. After the Hearing

The employee and their companion will be asked to withdraw while the Panel members deliberate. In some circumstances, it may not be possible to reach a decision on the day of the Hearing. In this case, the employee should be recalled to the meeting and the Chair should explain the reasons why, and inform the employee when the decision is likely to be reached. This must be no more than five working days after the Hearing unless there are exceptional circumstances.

The Panel will decide whether to accept or dismiss any or all of the allegations and what (if any) disciplinary action to take. The Panel will consider the facts of the case, and decide 'on the balance of probabilities' whether the employee concerned carried out the alleged misconduct.

The type of disciplinary action will depend on the circumstances of the case and consider the employee's past performance, previous disciplinary record, the disciplinary action imposed in similar cases in the past, any mitigating circumstances given by the employee or their companion, which might make it appropriate to lessen the severity of the action or any advice given by central HR.

Guidance on the disciplinary penalty stages is outlined in **Appendix E**.

The Chair of the Panel will write to the member of staff concerned as soon as possible (normally within five working days of the hearing) to confirm the action taken and the right of appeal. If it is necessary to vary this timescale the employee will be notified at the conclusion of the Hearing. The letter to the employee will include:

- The decision and type of action to be imposed
- Warning the employee of the consequences of any failure to correct their actions
- The period of time during which any recurrence of similar circumstances would result in further disciplinary action being taken.

A copy of the warning or action will be held on the individual's HR file.

During the period of warning the employee's conduct will be monitored. At the review date, if a marked improvement has occurred, a note to this effect will be sent to the employee, from the Headteacher, confirming the period of warning has been completed successfully.

If there is further misconduct during the period of warning, further disciplinary action may be considered under this Policy.

The Panel will report the decision to Central HR following the decision. The outcome of the appeal may be reported to the Academy's local governing body, and must be confidentially minuted. Such reporting is excluded from the usual rules concerning publication of governing body proceedings.

Central HR will maintain such non-attributable statistical records regarding disciplinary warnings as are appropriate for equality monitoring, Trust reporting and statutory purposes, including under The Teachers' Disciplinary (England) Regulations 2012.

19. Stage Three - Appeal

An employee against whom formal disciplinary action has been taken has the right of appeal. The purpose of any appeal is to enable an impartial review to consider whether the disciplinary action taken was fair and reasonable. A member of Central HR, or a designated representative, will normally be present at all hearings and appeals to advise on procedure and to take notes.

An appeal, in writing, against disciplinary action should be submitted to the Chair of the disciplinary hearing panel that heard the case. The appeal should be lodged within five working days of receiving written notification of the outcome. The notification of appeal must include the full grounds for the appeal.

On occasions new evidence may be presented which was unavailable or not known about at the investigation stage. This may mean the Hearing is more than a review of process and action. Any new evidence to be considered must be submitted to the Panel within 3 working days of the Hearing. The employee, or companion if the employee wishes, and person presenting the case will be given the opportunity to comment on any new evidence arising during the appeal before any decision is taken.

An appeal for an action short of dismissal will be heard by a panel comprising a member of the central Executive team or nominated person, a local governing body member or Trust governor, and a Headteacher within the Trust. The panel selected should not have been previously involved in the disciplinary decision. The appeal should take place as soon as possible after the initial hearing, but the employee should be given at least 5 working days' notice. The employee will be given written notice of the date, time and place of the appeal hearing and a copy of the Disciplinary Policy. At the appeal, the disciplinary action imposed will be reviewed and the outcome will be one of the following:

- To uphold the original decision; OR
- To find in favour of the employee in whole, or in part, and to outline recommendations and provisos in relation to the original decision.

The Chair of the disciplinary hearing or Investigative Officer may be required to attend the Hearing, and be given the opportunity to comment if any new evidence is presented.

The Appeal Panel cannot increase the level of the original disciplinary sanction, neither can the Panel make any award or compensation to the employee, or vary unilaterally the employee's contract of employment.

Ideally the Panel should reach a consensus. However, if no consensus is possible, the Panel may apply a two-thirds majority decision, provided that the two-thirds majority includes the Chair of the Appeal Panel.

Notification, in writing, of the outcome of the Appeal Hearing will be provided to the employee as soon as possible, and usually within five working days of the Appeal Hearing taking place, unless another timescale is agreed. The employee should be informed there is no further right of appeal.

20. Appeal against dismissal

The employee will be entitled to appeal against the decision to dismiss. The purpose of any appeal is to consider whether the termination of employment was fair and reasonable under the circumstances.

To be potentially 'fair', a dismissal must be for one of five reasons:

- Capability or qualifications
- Conduct
- Illegality or contravention of a statutory duty
- Some other substantial reason
- Redundancy.

An appeal against dismissal should be made in writing to Central HR, within five working days of the date of the formal written notice of dismissal. In the case where the employee is unable to consult with their trade union within the timeframe stated, the written notice of appeal can be submitted no later

than ten days of the formal written notice of dismissal setting out the grounds for appeal against the decision to dismiss.

An appeal hearing will be convened by Central HR or their representative before a panel of three comprising members of the Trust's Executive Team and Board or Advisory Group, and who were not involved in the dismissal decision. Details should be confirmed in writing to the employee not less than five working days prior to the date of the Hearing.

The Chair involved in the decision to dismiss the employee will be required to attend the Hearing to provide the reasons for recommending dismissal.

The employee will be notified of the outcome of the appeal hearing as soon as possible after the Hearing (normally within five working days unless another timescale has been agreed).

The decision of the Appeal Panel will be final and binding and there will be no further right of appeal. Where the decision to dismiss is upheld, notice and outstanding holiday entitlement will be paid in accordance with the contract of employment and employment legislation applicable to the dismissal. Where the decision to dismiss is not upheld, the employee may be reinstated to their post or to an agreed alternative post.

21. Grievances during a Disciplinary Case

If an employee has concerns regarding the reasons for a disciplinary investigation and/or hearing, this will be dealt with as part of the disciplinary hearing. Concerns should be raised to the Chair of the disciplinary hearing panel who will consider the representations. An employee may not raise a grievance purely because disciplinary action is taken against them. Where it is deemed necessary to hear the grievance both the disciplinary and grievance processes will run concurrently. If the grievance is about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

Where an employee is involved in vexatious claims this may result in disciplinary action being taken against them.

Where another procedural policy applies, e.g. sickness or capability, it may be possible to manage the procedure at a single meeting, so as to minimise the letters and meetings required.

22. Confidentiality

Employees who are tasked with managing a disciplinary hearing and/or appeal, or are subject to disciplinary action should maintain total confidentiality throughout and after the process. Details of the case should not be discussed with anyone other than Human Resources and those employees involved, or the employee's companion and their direct family unless they are also a workplace colleague. The Trust reserves the right to contact relevant external parties should allegations concerning either safeguarding or criminal activity emerge during the process.

23. Disclosure of Disciplinary action

The local governing body will be informed of any disciplinary action taken at their academy. They will be informed of the outcome, but will not receive details which will identify the employee. The Trust's HR Report will include details of all formal disciplinary action taken across the Trust, but will not include data to identify an employee.

24. Audio and Video Recording

The audio or video recording of any meetings or hearings held under this Policy is not permitted. Where an employee is unable to take their own notes due to a physical, sensory or mental impairment, it is expected the employee's representative will take notes on their behalf, or alternative options will be considered to remove any potential disadvantage an employee may have. Only in exceptional cases may an employee request an audio or visual recording of the meeting as an alternative. In such cases, consideration will be given as to whether or not recording the meeting is appropriate in all circumstances, including an assessment of whether other options have been considered.

25. Retention of Records

Records will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 2018, Education and Skills Act 2008 and any other such statutory regulation.

Records will include:

- The complaint against the employee
- The employee's defence
- Findings made and action taken
- Whether an appeal was lodged
- The outcome of the appeal
- Any grievances raised during the disciplinary procedure
- Subsequent developments
- Notes of any formal meetings.
- Emails, texts, notes of telephone calls relating to the disciplinary action and communication.

The legislative requirements to retain records is indefinite, in regard to the safeguarding of children and young people, where investigations and/or warnings arise from the allegation of abuse.

26. References

Reference will not be made to spent warnings when producing employment references, unless they are related to safeguarding issues.

27. Monitoring arrangements

This policy will be reviewed prior to the end of every third year, but can be revised as needed.

This policy will be approved by the Trust Executive Team after consultation.

The following misconduct examples are offences which may lead to disciplinary action. This list is not exhaustive and is indicative only of the types of matters justifying the application of disciplinary procedures.

For the purpose of the disciplinary procedure, the terms 'misconduct' and 'gross misconduct' are also taken to include 'negligence' or 'gross negligence' where the concern amounts to a breach of duty.

Potential minor misconduct include:

- An employee makes a number of mistakes, either due to being in a new role or duty they are required to undertake, or that they not previously made such errors.
- A valued and generally reliable employee is late for work on a number of occasions causing difficulty for other staff who have to provide cover.

Potential misconduct include:

- Inappropriate attitude/behaviour towards pupils, colleagues, and contacts external to the Academy, including using bad language in front of pupils
- Repeated unauthorised absence, or unacceptable attendance, poor timekeeping or persistent lateness
- Failure to follow the policies, practices and requirements of the Trust and Academy, or any legal requirements or code of conduct placed upon an individual by virtue of their employment with the Trust
- Any acts or omissions bringing the Academy or Trust in to disrepute or prejudicial to good order in the Trust
- Repeated refusal to carry out a reasonable instruction by a line manager or other appropriately authorised employee **or** wilful neglect of duties
- Mishandling of official contracts or transactions
- Inappropriate use of official vehicles e.g. Academy minibus
- Breach of confidence e.g. unauthorised disclosure of information relating to an individual or the Academy/Trust
- Offences against Environmental Health and Safety regulations
- Misuse of drugs or alcohol to an extent which impairs the employee's ability to carry out their duties
- Threatening, intimidating or abusive verbal conduct or behaviour
- Conduct detrimental to the Academy or Trust inside or outside employment
- Misuse of computer software, hardware or other Academy property
- Malicious or vexatious accusations against a colleague
- Other actions and personal behaviour which are incompatible and/or inconsistent with the expectations of staff working with children and young people

Potential Gross Misconduct include:

Acts of gross misconduct are likely to result in dismissal. Some acts of gross misconduct are so serious in themselves or have such serious consequences that they may call for summary dismissal without notice for a first offence.

- Acts or threats of physical violence **or** threatening or abusive behaviour.
- Inappropriate relationships with pupils or any other actions that would be classed as serious safeguarding issues
- Access and/or downloading (via school resources) and/or possession at school of inappropriate material (i.e. pornographic, offensive or obscene material)
- Engaging in inappropriate online contact and / or relationships with pupils, young people or vulnerable adults through social networking sites, text messaging, instant messaging or other IT media
- Deliberate damage to Academy or Trust property causing loss, damage or injury through wilful negligence

- Acts of wilful dishonesty e.g. misrepresentation of academic or professional qualifications, provision of inaccurate or misleading information, e.g. in an application for employment.
- Failure to self-disclose a criminal offence, conviction or caution in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
- Gross misuse of Academy computers e.g. accessing of internet sites containing pornographic, offensive or obscene material.
- Breaches of professional standards laid out in Standards or Code of Conduct for the given profession, including teacher misconduct identified by the National College for Teaching and Leadership
- Behaviour which may make continued employment untenable or which brings the Academy or Trust in to actual or potential disrepute including misuse of the Academy or Trust property or name i.e. on internet sites e.g. 'Facebook', 'Twitter' or other social media.
- Criminal activities outside work, where such conduct is judged to be incompatible with the individual's employment, and where it could bring the Academy or Trust in to disrepute
- Any serious breach of environmental health and safety regulations or rules i.e. any reckless actions which endanger the perpetrator's own or the safety of other people at work (including pupils, staff, visitors to the Academy, contractors).
- Any serious breach of the GDPR regulations.
- Any serious issues breach of the Safeguarding/Prevent regulations/policies.
- Theft, fraud or deliberate falsification of records, e.g. expense claims.
- Deliberate contravention of the Trust's financial regulations.
- Misuse of drugs or alcohol to an extent which seriously impairs the employee's ability to carry out their duties.
- Acts constituting discrimination or victimisation (including on the grounds of a protected characteristic).
- Bullying, harassment or offensive conduct, either physical, verbal or psychological
- Deliberate serious breaches of confidentiality, except for disclosures made through the Trust's Public Interest Disclosure (Whistleblowing) Policy.
- Improper use of the employee's position for private advantage, or an attempt to do so.
- A breach of the Data Systems Security Policy.
- De-registration from a professional, statutory or regulatory body, where that registration is a condition of employment.
- Damage to the Academy or Trust by vexatious claims. This includes claims or allegations designed vexatiously to secure penalties under this procedure.
- Bribery; any act of bribery covered by the Bribery Act 2010.
- Any other act or omission that repudiates the contract of employment and/or leads to loss of trust and confidence in an employee, and their ability to fulfil the duties for which he or she is employed.

Dismissal

Where there is a single act of serious misconduct, or a series of acts of more minor conduct, dismissal may be an outcome of a disciplinary hearing

Dismissal should be with notice, and only where an employee has a final written warning on file in cases where conduct merits a disciplinary action to be imposed. Dismissal due to an act of gross misconduct may be actioned without notice and without previous warnings held on file.

Appendix B
Initial Findings of Alleged Misconduct or Negligence

Reason for instigating fact-finding activity:

What have you done to establish the facts?

What have you concluded from this?

What evidence have you to support your initial findings:

Signed:

Name:

Dated:

Appendix C
Improvement Plan/Notice

NAME:

What action is required	What is the expected standard	How will the improvement be achieved	What will be the measurement to confirm satisfactory improvement has been made	By When (must be realistic and sustained)	Review dates	Resource/Support to achieve action	Review Comments

Appendix D

What to expect at a Disciplinary Hearing

The Disciplinary Hearing panel will usually comprise the Headteacher, as Chair, a Governor and member of the Trust Executive or Board, or senior leader from a different Trust Academy. A member of central HR, or representative, will normally attend the hearing to take notes and advise on process. Alternatively, the Trust or Academy will nominate a person to take a note of the meeting and act as a witness to what was said.

The Chair of the disciplinary hearing panel would normally:

- Open the meeting with introductions, confirmation of the names of witnesses, where relevant, and confirmation of the documents to be considered during the meeting. If there are additional documents to be added, or discrepancies, the meeting will be adjourned to enable the documents to be copied and read.
- Explain the purpose of the meeting and state precisely the allegation against the employee and outline the process.
- Ask the Investigating Officer to explain the allegations that led to the disciplinary hearing and present the evidence gathered, which may include calling any relevant witnesses. The Investigating Officer may be accompanied by a member of central HR for support. If the Investigating Officer is unable to attend, a representative may be appointed instead.
- Allow the employee to set out their case, answer any allegations made, and if relevant, call witnesses.
- The Panel may raise any points or queries about the information provided for clarity.
- The Investigating Officer or representative, employee or representative will be given an opportunity to raise points about any information provided by witnesses, actioned through the chair of the panel.
- Where a trade union official/representative or work colleague attends the hearing, they may sum up the employee's case to the Panel and confer with the employee during the hearing (if necessary during an adjournment), but they do not have the right to answer questions on the employee's behalf, or to prevent the Investigating Officer from explaining their case.

The Panel may recall anyone who attended to give evidence at the hearing to clarify points on evidence already given, provided the two parties are also in attendance.

Appendix E Guidelines on the Disciplinary Penalty Stages

Where informal procedures have been exhausted and it has been decided that formal disciplinary action is needed, there are four possible outcomes of formal disciplinary action:

- Stage 1: Written warning
- Stage 2: Final written warning
- Stage 3: Dismissal or other action

At every stage in the procedure the employee will be advised of the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required and timeline against each allegation against them, and will be given the opportunity to state his or her own case before any decision is made.

In some cases, the misconduct may be admitted and the only evidence put forward by the employee relates to mitigating circumstances. Based on the facts the panel has found, it will then need to consider any mitigation put forward by the employee to decide what penalty should apply. The panel will also need to take account of the employee's previous disciplinary record in deciding what level of action is appropriate.

The Panel is not able to impose a penalty higher than the level at which the meeting was convened.

Written warning

It is not possible to set out disciplinary rules which will cover every eventuality likely to be treated as a minor or serious act of misconduct constituting a serious breach of contract. The following acts as a guide only. Written warnings can be appropriate in the following circumstances:

- Persistent lateness
- Unauthorised absence/failure to report absences in a timely manner
- Damage to property or equipment resulting from careless use or negligence
- Unacceptable behaviour, rudeness, swearing, abuse directed personally at colleagues, students, clients or visitors or in public areas/meetings.
- Inappropriate use of facilities including unauthorised use of equipment
- Failure to follow University Policies and Procedures

Stage I – First Written Warning or Improvement Note

In cases of unsatisfactory performance an employee should be given an 'improvement note', setting out:

- The nature of the unsatisfactory performance and the improvement/s required
- The timescale/s to achieve the improvement/s which should be realistic and may vary depending on the improvement required
- A review date/s
- Any support, including any training, coaching to be provided to assist the employee
- That the note represents the first stage of a formal procedure and is equivalent to a first written warning and that failure to improve could lead to a final written warning, and ultimately, dismissal
- details of the right of appeal.

In cases of misconduct the employee should be given a written warning setting out:

- The nature of the misconduct and the change in behaviour required
- that failure to improve could lead to a final written warning, if there is further misconduct
- details of the right of appeal.

A record of the written warning or improvement note will be kept on the employee's file, but disregarded for disciplinary purposes after a specified period of time agreed by the hearing panel, but usually for six months. Where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter and a pattern emerges, or the warning is immediate prior to the end of summer term, the employee's disciplinary record and ability to demonstrate improvement, should be considered in deciding how long any warning should last.

No further action will be taken unless issues relating to the employee's performance or conduct arise again.

Stage 2 – Final Written Warning

If the conduct or performance remains unsatisfactory following Stage 1, or the employee has a current warning and there is further misconduct or unsatisfactory performance (whichever is relevant) then a final written warning may be appropriate. Alternatively, where the 'first offence' misconduct is sufficiently serious, but would not justify dismissal.

The employee should receive the same information as detailed at Stage 1, with warning that further misconduct or unsatisfactory performance may lead to dismissal.

A copy of the final written warning will be kept on the employee's file for 12 months. However, where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter and a pattern emerges, or the warning is immediately prior to the end of summer term, the employee's disciplinary record and ability to demonstrate improvement, should be considered and the period held on file may be extended for up to two years and will be decided by the Panel.

No further action will be taken unless issues relating to the employee's performance or conduct arise again.

In exceptional circumstances, the Headteacher in agreement with the Trust Executive team may determine that an extended final written warning should be issued rather than to move immediately to Stage 3. In such cases, the warning letter will detail the duration and reason for the extension.

Stage 3 - Dismissal or other action

Dismissal is normally fair if an employer can show that it is for one of the following reasons:

1. a reason related to an employee's conduct
2. a reason related to an employee's capability or qualifications for the job
3. because of a redundancy
4. because a statutory duty or restriction prohibited the employment being continued
5. some other substantial reason of a kind which justifies the dismissal.

And that they acted reasonably in treating that reason as sufficient for dismissal.

Dismissal should only be considered where:

- a) the required improvement in performance or conduct has not been made within the period specified following the issue of a final written warning; or
- b) there has been a re-occurrence of similar or related poor performance or conduct within the period specified following the issue of a final written warning; or
- c) an employee is found to have committed an act of gross misconduct, such as an example outlined in **Appendix A** (this list is not exhaustive).

In cases where the performance or conduct falls short of dismissal, the panel may determine an alternative action such as:

- disciplinary transfer
- demotion
- loss of seniority

- loss of increment.

These alternative actions will only apply if the employee's contract allows or with the employee's agreement. In such cases the detail of the action, and period of time it will be in place, or remain 'live' on the employee's file will be stated.

Gross misconduct is defined by ACAS as 'misconduct serious enough to overturn the contract between the employer and the employee thus justifying summary dismissal'. **Appendix A** details some examples of what could be considered as gross misconduct. The omission of any other category of behaviour will not preclude it from being considered as gross misconduct. Similarly, it will be for hearing panel to decide whether there are exceptional mitigating circumstances which might allow the examples mentioned above to be treated less seriously than gross misconduct.

In the case of gross misconduct, the contract of employment is regarded as having been breached and the employer is entitled to dismiss the employee without the normal period of notice or pay in lieu of notice given.

If an employee is to be dismissed, the hearing panel will give consideration as to whether the employee's appointment should be terminated with due notice, whether pay should be given in lieu of notice, or summarily dismissed in serious cases of gross misconduct. The employee will be invited to a meeting with the chair of the hearing panel to confirm the terms of the dismissal. The employee is under no obligation to attend such a meeting, but if exercising this right may be accompanied at the meeting by a trade union official/representative or workplace colleague. Failure to attend the meeting will not affect the person's right to appeal under this procedure.

The employee will receive a written statement of the reasons for the dismissal within fourteen days following the meeting, or the date scheduled for the meeting.

Use of Spent warnings

A previous warning should not usually be referred to as part of a later disciplinary. In some limited circumstances, spent warnings may be referred to if they are relevant; e.g. if an employee has been given repeated warnings for related matters, in order to demonstrate a chronology of events or to indicate a pattern of behaviour. In such cases, the fact that previous warnings have been given, may be taken in to account when considering disciplinary action.

Impact of Sickness on a Warning

If during a warning period an employee commences a period of sickness absence, this will not count as part of the warning period and therefore, the warning period should be extended by a period equal to that of the sickness absence.

Persistent short term sickness absence during the period of a given warning should be calculated on a cumulative basis. If the persistent short term absence is more than one week cumulatively (or equivalent for part time staff), then it may be applied as an extension to a given warning period.

The employee must be informed in writing, by the Headteacher, as early as possible, of any extended period applied to a given warning, and that the reason for the extension is due to the period of sickness absence occurred during the original warning period.

Impact of Pay on a Warning

If an employee has a formal warning on file which is live, and if they are not at the top of their salary scale, then the Headteacher may authorise for the employee's increment to be withheld until the warning has lapsed. The increment would be effective from the date the warning lapsed and not eligible to be further backdated. If this is to be actioned, the employee will be told in writing and be given the right to Appeal.

Appendix F

Initiating, Conducting and Attending an Appeal Hearing

Purpose

Staff have a right of appeal against any formal disciplinary action made against them, provided an appeal is submitted within the timeframe required. An Appeal Panel ('the Panel') will be convened to hear the point(s) of appeal and representations concerning the case. The Panel will determine whether the original decision and any action imposed should be upheld, reduced or overturned.

Appeal Panel

The Panel will comprise three people appointed by the University of Chichester Academy Trust, but cannot include any member of the Disciplinary Hearing Panel that the Appeal relates to. The nominated members must confirm they are not tainted in respect of the case under determination. Whilst staff governors can form the Panel, it may not be appropriate for them to do so and will be determined on a case by case basis. The Trust reserves the right to seek external representation in order to ensure a fair hearing.

The Panel must appoint a member of the Committee to chair proceedings.

HR Advisor

The Panel may appoint an HR Advisor to support the Committee and take notes to ensure a fair, appropriate and legally compliant process.

Notetaker

An individual appointed by the University of Chichester Academy Trust will take notes, but will not be verbatim. The notes will be approved by the Chair of the Panel and made available to the employee.

Right to be Accompanied

The employee has the right to be accompanied to the appeal hearing, and will be responsible for liaising with their trade union representative or work colleague. The employee is responsible for preparing documentation they wish for the appeal panel to consider. Documentation must be forwarded to the HR Advisor supporting the hearing at least five days before the appeal hearing. The documentation will be copied to members of the appeal panel.

Meetings

Meetings will be scheduled as required. When an appeal has been received, it may be necessary to convene a meeting of the Panel prior to the appeal hearing. Such circumstances would include determining whether an appeal is out of time and/or determining whether the grounds of the appeal are sufficient to warrant progress to an appeal hearing.

Timeframe

An appeal should be submitted in writing to Central HR within 5 working days of receiving the decision which forms the grounds of the appeal. The appeal statement should be submitted no later than 10 days setting out the basis for the appeal and any part/s of the process in which the employee is appealing against.

Central HR will acknowledge receipt of the appeal within five working days of the appeal being lodged, as long as it is reasonably practicable to do so.

A suitable appeal hearing date will be arranged (usually within 15 working days of the date of receipt of the employee's written appeal statement wherever possible), giving the employee at least five working days' notice of the date, time and place for the appeal hearing. The employee will be kept informed of the reasons for any delay (e.g. availability of employee and trade union representative or appropriate panel members, taking in to account booked annual leave commitments and bank holidays).

Postponement

If the employee and/or their trade union representative or work colleague are unable to attend the scheduled date, then a new date may be proposed. The proposed new date should be within five

working days of the original date. Only under exceptional circumstances will an applicant be permitted more than one postponement. If the employee does not attend on the new date, the appeal panel may proceed in their absence.

Determination

The Panel will adjourn to consider its decision and may need to investigate any matters raised, for example to seek clarity on a point which resulted in the disciplinary sanction. This might mean that the decision cannot be determined within a reasonable waiting time. The Panel will seek to reach its decision by consensus and majority decision. In reaching its decision the Panel will take into consideration the contents of the appeal hearing and any relevant documents submitted, including any procedural documents. The Chair will summarise the contents of the appeal hearing.

Potential outcomes

Following the appeal hearing, the Panel has the authority to determine one of the following:

- uphold the decision taken at the original hearing;
- overturn the decision taken at the original hearing and remove any record from the employee's HR file;
- where the appeal relates to an absence, conduct or capability issue, replace the original sanction with a lower sanction as illustrated by the following table:

Original sanction	Replace with
First written warning	Removal of sanction
Final written warning	First written warning OR removal of sanction
Dismissal	Final written warning OR First Written Warning OR Removal of sanction

The Panel does not have the authority to increase any sanction imposed at the original hearing.

Reporting

The Chair will provide the employee with written confirmation of the decision and the reasons behind it within five working days of hearing the appeal where reasonably practicable.

The Panel will report the decision to Central HR following the decision. The outcome of the appeal may be reported to the Academy's local governing body, and must be confidentially minuted. Such reporting is excluded from the usual rules concerning publication of governing body proceedings. Central HR will collate and report all appeal outcomes in its HR Report to the Trust's Board, Advisory Group and JCG, ensuring academy anonymity.

Confidentiality

The strictest confidentiality must be upheld by all parties and details of the hearing must not be disclosed to any one who has a legitimate reason to be informed, unless it is for the purpose of the Panel requiring clarity from a third party on any point/s that could affect the sanction.

What to expect at an Appeal Hearing

On arrival the two parties will be in separate rooms prior to the hearing. At the commencement of the hearing, both parties and their representatives will be summoned to the hearing. Either parties may request adjournments at any time throughout the hearing. These requests will not be unreasonably refused.

The order of the Hearing will normally be as follows:

1. The Chair will outline the format of the appeal hearing and formal introductions will be made and recorded.
2. The Chair will ask the individual presenting the management case to explain the details of the case.
3. The Chair will ask the employee to put forward their case. The employee's trade union representative or work colleague may address the panel to put forward the employee's case.
4. Panel members have the opportunity to ask questions of the manager and of the employee.
5. The employee and/or their representative have the opportunity to ask the panel questions. The trade union representative or work colleague cannot answer questions on behalf of the employee.
6. The Panel may agree the individual presenting the management case may ask questions of the employee and vice-versa. The Panel may stop a question being answered at any time if it is felt inappropriate to the case.