



Children and Young People's Services

DISCIPLINARY PROCEDURE - STAFF IN SCHOOLS (OTHER THAN HEADTEACHERS)

This procedure has been agreed by the following professional associations/ trade unions representing staff in schools:

- National Union of Teachers
- National Association of Schoolmasters Union of Women Teachers
- Association of Teachers and Lecturers
- National Association of Headteachers
- Association of School and College Leaders
- UNISON
- GMB

Revised May 2009

DISCIPLINARY PROCEDURE - STAFF IN SCHOOLS

1. INTRODUCTION

- 1.1 This disciplinary procedure, agreed by Shropshire Council with the appropriate professional associations/trade unions representing staff employed in schools, is commended to Governors of Locally Managed Schools for adoption and use in the exercise of their powers. The aim of the procedure is to set standards for employees' conduct and to ensure fairness and consistency in the treatment of employees who are subject to disciplinary investigation and action. Copies of the procedure will be made available to all staff in the school.
- 1.2 The procedure is drawn up to ensure compliance with relevant employment legislation (in particular the ACAS Code of Practice on Disciplinary and Grievance Procedures which came into effect from April 2009 and repealed the Employment Act 2002 (Dispute Resolution) Regulations 2004), the School Staffing (England) Regulations 2003 and relevant regulations relating to school governance and the relevant terms and conditions of service for staff employed within the school. It also reflects fully advice contained in the. A Local Authority (LA) representative will be available to provide advice to Headteachers and Governors on the operation of the procedure.
- 1.3 Headteachers have an obligation to advise their staff when their conduct falls below acceptable standards. Staff also have a right to be advised of management concerns, to have the opportunity to express views and opinions about the concerns, and, if necessary, be clearly advised what they need to do to rectify any failings.

2. SCOPE

- 2.1 This procedure covers all teaching staff (other than Headteachers) employed under the Conditions of Service for Schoolteachers in England and Wales, including those employed by the governors of an Aided school where adopted. It also applies to support staff employed in schools covered under the NJC where adopted National Agreement on Pay and Conditions of Service.
- 2.2 The procedure will be applied fairly and consistently to such staff regardless of:
- Race (i.e. race, colour, ethnic or national origin, nationality or citizenship)
 - Gender
 - Disability
 - Sexual orientation
 - Age
 - Religion or belief
 - Trade union membership
 - Contract type (i.e. it applies to full time and part time staff and also to staff employed regularly on a temporary or fixed term contract, but not the non-renewal of such contract)

This procedure does not apply in respect of staff who is employed on a casual basis, including "supply teachers", where further employment is not offered or guaranteed. The Local Authority has agreed with the appropriate professional associations/trade unions a separate procedure for use in relation to the employment of supply teachers.

3. GENERAL

- 3.1 This disciplinary procedure will be used when an employee's conduct at work is considered to be unacceptable. Disciplinary action may also be considered in relation to acts of misconduct which take place outside of work depending on the nature of the misconduct in relation to the member of staff's role at the school. When considering action under this procedure because of concerns about an employee's conduct, the Headteacher should seek advice from an appropriate LA Officer.
- 3.2 Under the terms of the School Staffing Regulations, 2003, the governing body may delegate its power to dismiss any member of staff at the school to:
- a) the Headteacher
 - b) one or more governors, or
 - c) one or more governors and the Headteacher

In adopting this procedure the Governing Body has resolved to delegate such power for all staff to a Staff Dismissal Committee comprising at least three members to be appointed by the Governing Body.

- 3.3 A Committee comprising at least three members to be appointed by the Governing Body will have delegated responsibility to hear and decide upon appeals for all staff against disciplinary action taken against them by the Headteacher in accordance with this procedure. It shall also have the other functions delegated to it as outlined within the disciplinary procedure in connection with the review at predetermined dates of previous disciplinary decisions. Its decision in all matters of appeal is final. There is a right of appeal to a Committee with delegated responsibility against a decision to dismiss a member of staff.
- 3.4 Where a Committee is convened to hear an appeal against disciplinary action taken by a Committee of governors, including dismissal, then in accordance with the School Governance (Procedures) (England) Regulations 2003 no members of the first Committee shall take part in the proceedings of the Committee established to consider the appeal.
- 3.5 A Committee acting in accordance with this procedure shall report, as necessary, on its actions to the Governing Body.
- 3.6 The procedure shall not be construed as restricting the right of the Employer to dismiss a member of staff summarily after a hearing for gross misconduct or as requiring the Employer to give notice in any case where a contract of employment is terminated by expiration of time, frustration or any other rule of law.
- 3.7 The objective of this procedure at all stages before dismissal should be to encourage improvement in the member of staff's conduct. Both parties should adopt a constructive approach.
- 3.8 The existence of this procedure must not prevent the Headteacher and others from dealing with matters of concern about a member of staff's conduct on an informal basis where appropriate. In such cases the member of staff should be spoken to informally, the cause for concern should be outlined and the member of staff should be given a right of reply. The desirability of giving a member of staff reasonable time to improve his/her conduct is emphasised. Advice to Headteachers on dealing with matters of conduct on an informal basis is given in Appendix A.

- 3.9 No formal disciplinary steps should be initiated against an official of a recognised trade union unless the circumstances of the case have been discussed beforehand with a full-time paid official of the union concerned. (N.B. Suspension is not a disciplinary step although whenever possible there will be similarly such discussion prior to suspension).
- 3.10 In cases where gross misconduct may have occurred, or where there are grounds for doubt as to the suitability of a member of staff to continue at work pending investigation by the police, the member of staff will be suspended. During a period of suspension a member of staff will continue to receive full pay subject to their Conditions of Service (see Section 4 - Suspension from Duty).
- 3.11 The procedure is based upon the assumption that the investigation of disciplinary matters is normally carried out by an appropriate person appointed by the Headteacher. It may be appropriate, following discussion with an LA representative to involve Officers or Advisers of the LA or of other Council directorates. The task of the investigating officer is to establish, as far as possible, the facts of the case, calling on assistance as necessary in order to do so.

4.0 SUSPENSION FROM DUTY

- 4.1 Under the School Staffing Regulations, 2003 the Headteacher and the Governing Body both have the power to suspend without loss of emoluments any member of staff at the school where, in their opinion, exclusion from the school is required. It is the duty of the Headteacher or Governing Body, when exercising that power, to inform the LA (and each other) forthwith. This procedure assumes that an action to suspend will be instigated by the Headteacher, in consultation with the Governors' Committee responsible for staff discipline or with the Chair of the Governing Body alone. Any suspension may only be ended by the Governing Body. The Governing Body, on ending a suspension, shall immediately inform the Headteacher and the LA. (In practice suspension by the Governing Body or the lifting of suspension will be an action taken by the Chair of Governors under emergency powers)
- 4.2 A member of staff may be suspended in cases where they are thought to have committed an act of gross misconduct or where misconduct may have occurred and there are grounds for doubt as to the suitability of the person to continue at work pending an investigation.
- 4.3 A suspension should not be imposed automatically however, and in all cases where the suspension of a member of staff is being considered, an appropriate Officer of the Local Authority should be notified and consulted. Specific reasons for the suspension must be included in the letter of suspension which should be issued within one working day of the employee being suspended.
- 4.4 Wherever possible, a member of staff, if he/she is a trade union/professional association member, should be given opportunity to have a representative present at any meeting where suspension is to be considered. Where this is not possible, a meeting to include a representative will then be organised to discuss the terms of suspension. In an emergency where immediate advice is not available, the Headteacher may send a member of staff home whilst advice is sought over whether a suspension is required. As referred to in paragraph 3.9, if the member of staff is an official of a recognised trade union, then prior to suspension there should be discussion with a full-time paid official of the union concerned.

- 4.5 Suspension in itself does not constitute disciplinary action. During a period of suspension a member of staff will normally continue to receive basic pay in accordance with the relevant conditions of service, provided they comply with the conditions outlined in the letter of suspension.
- 4.6 On being suspended, a member of staff will be assigned a named point of contact at the school, who is not involved in the investigation, with whom the member of staff may keep in contact throughout the period of their suspension. They will also have support available to them from the Counselling Service.
- 4.7 If during suspension, there is a change in the member of staff's contact address or other personal circumstances, he/she should notify their named contact immediately. They should also be available during the period of the suspension to attend an interview at any time during normal working hours. This includes attendance at either an interview with the investigating officer or the formal disciplinary interview itself.
- 4.8 If the member of staff is certified as sick and produces a doctor's certificate during their suspension, this will be treated as sickness in accordance with the rules of the relevant sick pay scheme. Medical certificates should be sent to the school. The terms of the suspension will continue to apply during any such period of sickness.

5. DISCIPLINARY ACTION

5.1 Formal Warning

- 5.1.1 If the circumstances warrant, the member of staff will be given a formal warning unless it is a case where dismissal is regarded as the appropriate disciplinary action. The reason for the warning, the period of review and the corrective action required must be stated clearly (see paragraph 7.9).
- 5.1.2 In the case of minor offences the member of staff may be given a formal oral warning. A note of the oral warning should be retained on the individual's school file.
- 5.1.3 In the case of more serious offences or where there is more than a single minor offence the member of staff may be given a formal written warning setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement necessary. A period over which the warning will be subject to review will also be confirmed.
- 5.1.4 In the case of further offences or of serious misconduct the member of staff may be given a final written warning setting out the precise nature of the offence, the period over which the warning will be subject to review and indicating that any recurrence of this or other misconduct may lead to dismissal.
- 5.1.5 It should not be considered that there is a graduated system of warnings which will apply in all cases. Depending on the nature of the offence, it may be appropriate to issue a warning at any of the levels described.

5.2 Dismissal

- 5.2.1 Normally, dismissal will follow an earlier warning or warnings to which the member of staff has failed to respond or to respond adequately. In a case of gross misconduct, however, a member of staff may be dismissed without a prior warning. Where the reason for dismissal is other than for gross misconduct, the member of staff's statutory and contractual notice entitlements shall be observed, although payment in lieu of notice may be appropriate.

5.2.2 Acts of gross misconduct fundamentally breach the trust and confidence required in any employment relationship and will normally lead to dismissal without notice. Whilst such acts cannot be comprehensively defined, the following list gives examples of offences which are deemed to fall into this category and may warrant dismissal:

- a) theft, fraud, unauthorised possession of school property, deliberate falsification of records or any other form of dishonesty
- b) acts or threats of physical violence, obscene or abusive behaviour
- c) acts that seriously breach the schools adopted Equal Opportunities policy, including any form of unlawful discrimination, victimisation, bullying or harassment of pupils or colleagues.
- d) deliberate and serious damage or misuse of school property
- e) deliberate and serious misuse or abuse of the school's ICT facilities or equipment
- f) serious acts of insubordination
- g) incapability whilst on duty through use of alcohol or illegal or non-prescribed drugs
- h) unauthorised disclosure of confidential information, bringing the school into serious disrepute

6. COMPLIANCE WITH STATUTORY PROCEDURES

New disciplinary standards came into force from April 2009 under the ACAS Code of Practice on Disciplinary and Grievance Procedures which has repealed the Employment Act 2002 (Dispute Resolution Regulations). The new Code of Practice

- applies to all stages of disciplinary action from written warnings to dismissal.
- removes automatic unfair dismissal for a failure to follow the new Code.
- does not apply to any redundancy dismissals or non-renewal of fixed- term contracts

This procedure has been amended to reflect the change in legislation and to allow employers to deal with disciplinary matters fairly and consistently as follows:

7. PROCEDURE AT AND AFTER FORMAL DISCIPLINARY INTERVIEWS

7.1 Following investigation, which should be fair and thorough, it may be necessary to hold a formal disciplinary interview. This is a matter for the Headteacher's judgement. The member of staff must be told in writing at least five clear working days (Monday to Friday excluding bank holidays) in advance of the date and time of the interview and its purpose. In that communication a summary will be given of the matters giving rise to concern in sufficient detail for a response at interview to be prepared. A copy of this disciplinary procedure should also be attached to the letter requiring the member of staff to attend. The letter should be delivered by hand or by prepaid recorded delivery post to the individual's last notified home address. A copy of the letter should be sent to the Director of Children and Young People's Services or representative without delay.

- 7.2 The member of staff must be informed in the letter that he/she may be accompanied by a trade union/professional association representative or any other person of his/her choice.
- 7.3 The disciplinary interview shall be postponed for a reasonable period if the Headteacher is satisfied on medical or other grounds that the member of staff is unavailable or is unable to be represented at the time given. Where a member of staff is persistently* unable or unwilling to attend a disciplinary hearing without good cause, a decision made be made on the basis of the available evidence.

* Persistent non-attendance is likely to imply at least two meetings have been convened which the employee was unable to attend.

- 7.4 Members of staff are entitled to know the evidence which has given rise to the disciplinary interview. Any documentary evidence which the investigating officer or interviewing officer wishes to introduce into the proceedings shall be supplied to the member of staff and his/her representative. Where other employees, pupils or individuals are named it may not be appropriate to release complete documents but an extract must be provided sufficient to enable the member of staff to respond to the matters which have given rise to the disciplinary interview. This documentary evidence will normally be attached to or included in the letter convening the interview.

- 7.5 Each interview held within this procedure shall normally be conducted by the Headteacher on the basis set out below. The Director of Children and Young People's Services or nominated representative will normally attend the interview in order to provide advice.

- (a) The interviewing officer, normally the Headteacher, will introduce those present, and confirm the status and purpose of the meeting.
- (b) The interviewing officer (or investigating officer(s), where appointed separately) will present a report setting out the grounds for complaint against the employee.
- (c) The interviewing officer may ask questions of the investigating officer if a report has been presented in this way.
- (d) The employee together with his/her representative may ask questions of the investigating officer(s) and/or the interviewing officer.
- (e) The employee or his/her representative may make an oral or written statement.
- (f) The interviewing officer (and the investigating officer(s)) may ask questions of the employee and his/her representative.
- (g) The interviewing officer will ask the parties present whether there are any final points which they wish to have taken into consideration.

- 7.6 Witnesses will not normally be called at formal disciplinary interviews, although the report by the interviewing officer or investigating officer should give sufficient detail about information provided by witnesses which is relevant to the proceedings.

- 7.7 Where the interviewing officer decides that action short of dismissal is appropriate he/she will make a decision, taking into account any advice received from the LA representative at the interview. Wherever possible an oral decision will be given following the interview and followed up in writing. Where this is not possible confirmation of the decision should be sent by letter to the member of staff as soon

as possible after the interview, with a copy provided for the member of staff to give to the representative involved, if he/she so wishes. A copy should also be sent to the Director of Children and Young People's Services.

- 7.8 Where the interviewing officer decides that consideration should be given by the Governors' Staff Dismissal Committee to dismissal, the interviewing officer will refer the matter for consideration in accordance with paragraph 8.1 of this procedure. Wherever the question of dismissal is referred to the Staff Dismissal Committee the interviewing officer shall wherever possible inform the member of staff orally following the interview. Where this is not possible the interviewing officer shall write and confirm his/her decision as soon as possible after the interview and provide a second copy of the letter for the member of staff to give to the representative involved, if he/she so wishes.
- 7.9 In any case a record of the interview will be prepared and attached to the letter, or if this is not practicable, provided as soon as possible. The record will reflect the content of the interview but will not be a verbatim report. If the member of staff is dissatisfied with the record of the interview, the reasons for his/her dissatisfaction shall be considered and, unless satisfactorily resolved, shall be recorded.
- 7.10 Where the decision of the interviewing officer is to issue the member of staff with a warning, the letter confirming the decision should include:
- confirmation of the status of the warning
 - a summary of the reasons for the decision
 - clear details of the corrective action required of the member of staff
 - confirmation of the period over which the warning will be reviewed
 - a statement of the consequences of failing to achieve the desired improvement. This will usually involve reference to further disciplinary action being considered, or, in the case of a final written warning, to the possibility of dismissal
 - confirmation of the member of staff's right of appeal against the decision.
- 7.11 Where, after a formal disciplinary interview, the interviewing officer is satisfied that the grounds for complaint against the member of staff have not been substantiated, no disciplinary action shall be taken. The interviewing officer will be responsible for ensuring that all papers relating to the matters giving rise to the interview are removed from the member of staff's file. The individual shall be notified of the position in writing.

8. REFERRAL OF THE QUESTION OF DISMISSAL TO THE GOVERNORS' STAFF DISMISSAL COMMITTEE

- 8.1 Where, following a formal disciplinary interview, the interviewing officer decides that consideration should be given by the Governors' Staff Dismissal Committee to dismissal; the interviewing officer shall refer the matter to them. The interviewing officer shall, at the same time as he/she notifies the member of staff of the decision to refer the matter, notify the Clerk to the Governors, the Chair of Governors and the Director of Children and Young People's Services forthwith.
- 8.2 The Clerk to the Governors shall as soon as practicable convene a meeting of the Staff Dismissal Committee giving to the parties at least ten working days notice of the meeting. An LA representative will attend the meeting in an advisory capacity. The meeting will normally be held during working hours.
- 8.3 The procedure to be followed at the meeting shall be as set out at Appendix B. The member of staff may be accompanied at the meeting by a trade union/professional association representative or other person of his/her choice.

- 8.4 The decision of the Staff Dismissal Committee will, wherever possible, be issued orally at the conclusion of the hearing. Any decision of the Committee must be confirmed by the Chair of the Committee in a letter sent to the member of staff and in the case of dismissal must clearly state the grounds of dismissal, and his/her right of appeal. Two copies of the letter will be sent to the member of staff who should be asked to sign and return one copy as an acknowledgement. A copy of the letter must also be sent without delay to the Director of Children and Young People's Services. Formal notice of dismissal, where appropriate, will be issued (by the Authority in accordance with the provisions of the School Staffing (England) Regulations 2003) following receipt of written notification of the initial dismissal decision. Notice will be withdrawn should an appeal be successful.

9. APPEAL AGAINST ACTION SHORT OF DISMISSAL

- 9.1 A member of staff shall have a right of appeal to the Governors' Committee with delegated responsibility against any formal disciplinary action short of a decision of dismissal taken against him/her (excluding a decision to suspend) and must be notified of this right in the written confirmation of the action taken. In all cases an intention to appeal must be notified in writing to the Clerk to the Governors stating the grounds of appeal within ten working days of receipt of the letter confirming the disciplinary action that has been taken. The grounds of appeal should make it clear whether the appellant contests the evidence put forward by way of new evidence or otherwise or whether the appeal is on the grounds of undue severity or inconsistency of the disciplinary sanction. The meeting will normally be held during working hours.
- 9.2 The appeal will allow for a re-hearing of the evidence, including any new evidence arising. Evidence which has been submitted at the earlier hearing should be circulated in advance of the appeal. Where possible this should indicate where evidence is disputed.
- 9.3 The procedure to be followed at the meeting will be as set out at Appendix C. The member of staff may be accompanied by a trade union/professional association representative or other person of his/her choice. An LA representative will be invited to attend the meeting in an advisory capacity.

10. APPEAL AGAINST A DECISION TO DISMISS

- 10.1 The arrangements for appeal against a decision of dismissal will be made by the Clerk to the Governors. An intention to appeal must be notified in writing to the Clerk to the Governors stating the grounds for appeal within ten working days of receipt of the letter confirming the decision that has been taken. The meeting will normally be held during working hours.
- 10.2 The appeal will be by way of a rehearing of the evidence, including any new evidence arising. Evidence which has been submitted at the earlier hearing should be circulated in advance of the appeal. Where possible this should indicate where evidence is disputed.
- 10.3 The procedure to be followed at the appeal is as set out at Appendix B. The member of staff may be accompanied by a trade union/professional association representative or other person of his/her choice. An LA representative is entitled to attend the meeting in an advisory capacity.

11. CURRENCY, REVIEW AND REMOVAL OF WARNINGS

- 11.1 Other than in the case of a final written warning, where it will be indicated that any recurrence of this or other misconduct may lead to dismissal, it will be appropriate for

future disciplinary purposes only to remove and disregard a warning on a member of staff's record after a period of satisfactory conduct. In the case of a formal oral warning the period will be three months from the issue of the disciplinary sanction. In the case of a formal written warning the period will normally be six months from the issue of the disciplinary sanction.

- 11.2 During the periods of time referred to above the member of staff's conduct should be monitored. This monitoring should result in a review meeting half way through the period and again before the period terminates. Immediately prior to the review meeting, a written report on the member of staff's conduct should be provided for consideration at the meeting. If the review indicates that there has been a satisfactory improvement in conduct, a note to that effect should be placed on the member of staff's personal file. If the review indicates insufficient improvement in conduct further disciplinary steps may need to be initiated in accordance with this procedure.
- 11.3 When deciding what disciplinary action is to be taken against a member of staff after an earlier formal warning or warnings, the Headteacher will consider all relevant factors including periods of satisfactory service, the length of time which has elapsed since any disciplinary action, any instructions previously issued, and any pattern in conduct which is a cause for concern.
- 11.4 In the case of a final written warning the Headteacher shall monitor the warning for a period not more than two years from the issue of the disciplinary sanction. A review meeting should be held following a period of one year and again one month before the period terminates. If the Headteacher decides not to remove the warning following the final review meeting, the member of staff may request a written statement of the reasons for the decision and shall be entitled to appeal against the decision to the Governors' Committee with delegated responsibility for hearing appeals under this procedure.
- 11.5 Other than where on an appeal the Committee decides that a final written warning should remain in force for a specified period, the Headteacher shall thereafter review the warning normally at intervals of two years and inform the member of staff of his/her decision. At each such review, if dissatisfied with the Headteacher's decision, the member of staff shall be entitled to appeal as above.
- 11.6 Where it is decided to remove and disregard a disciplinary warning for future disciplinary purposes, a note recording this decision shall be placed on the member of staff's personal file. A copy will be sent to them for information. A copy should also be sent to the Director of Children and Young People's Services.

12.0 PROCEDURE - FLOWCHART

A flowchart showing the steps expected in the course of this procedure operating is set out at Appendix D.

INFORMAL ACTION

1. The Headteacher has a duty under the School Teachers Pay and Conditions Document to control the internal organisation, management and control of the school. This duty will require the Headteacher from time to time to use informal advice or admonition in relation to the conduct of staff.
2. In discharging the responsibility the Headteacher may need to take informal action in relation to staff whose conduct gives cause for concern. Such informal action will include constructive criticism and providing support and advice as appropriate. This informal action will be directed towards registering with the individual the nature of the concern in order to bring about improvement. The Headteacher may involve in this process a senior member of the school staff. The member of staff should be informed that they may be accompanied at the meeting if they so wish. However this is not equivalent to being represented formally at a formal disciplinary interview. The aim of the informal meeting is to adopt a positive approach to the issue by a direct dialogue between manager and employee.
3. Where the attention of a member of staff is drawn to an aspect of his/her conduct an appropriate note of the cause of concern, together with any response from the member of staff and any remedial action proposed or taken, may be included on his/her personal file. It is expected that such action will be taken by the Headteacher and no further report will be required. Any such note must state clearly that it relates to informal action only, and a copy be given to the member of staff concerned. It is agreed that it will be appropriate for the Headteacher to remove from the file and disregard material relating to informal action after a period of satisfactory conduct. The Headteacher should notify the member of staff of the decision to remove from the file the note of the informal action.
4. If following informal action there exists a need to continue to address matters of conduct, the Headteacher will consider whether further informal action is appropriate or whether to take action under the formal disciplinary procedure.
5. The disciplinary procedure envisages the exercise of management functions by the Headteacher as indicated above where the concerns which arise are such that they warrant being addressed on an informal basis.

**GOVERNORS' STAFF DISMISSAL COMMITTEE
GOVERNORS' STAFF DISMISSAL APPEAL COMMITTEE
(This procedure applies to meetings of either Committee)**

1. The Chair will introduce those present, confirm the purpose of the meeting and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The Headteacher will be invited to present the case (calling such witnesses as may be necessary).
3. The employee, or his/her representative, may ask questions of the witnesses (where called) and of the Headteacher.
4. The Headteacher may re-examine the witnesses (where called).
5. The employee, or his/her representative, will be invited to present the case (calling such witnesses as may be necessary).
6. The Headteacher may ask questions of the witnesses (where called), the employee and, where the employee's representative gives evidence, of the representative.
7. The employee or his/her representative may re-examine the witnesses (where called).
8. Members of the Committee may ask questions of the parties or witnesses at any stage but will seek to confine questioning until after questioning of witnesses is completed and prior to re-examination of the parties.
9. The Headteacher will be invited to sum up the case.
10. The employee or his/her representative will be invited to sum up the case.
11. At the conclusion of the hearing the parties and any other persons present with the exception of the Director of Children and Young People's Services, or representative, shall withdraw whilst the Committee deliberates. The decision will be notified in accordance with paragraph 8.4 of the Disciplinary Procedure.

Notes:

- Arrangements will be made for a record of the meeting to be taken. This record will not normally be a verbatim report but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.
- The Chair of the Committee may during the process above recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 11. above) then both parties must be recalled.
- Either party may present documentary evidence, copies of which shall be served upon the other party at least five working days in advance of the hearing date.

- The employee, in addition to his/her representative or friend who may present his/her case, may be accompanied by one other assistant who takes no active part in the proceedings. The Headteacher, in addition to making use of a clerical assistant, may receive advice from a representative or friend who will take no active part in the proceedings.
- Witnesses shall only be present whilst giving evidence unless the Chair of the Committee directs otherwise.
- Any party may call for an adjournment during proceedings. Whenever possible a room will be provided for the employee and his/her representative for use outside of the hearing.
- Where the Committee decide that dismissal is not appropriate, they may impose a sanction short of dismissal in accordance with this procedure. There will be a right of appeal against a sanction short of dismissal in accordance with Section 9 of this procedure.

APPEAL HEARING AGAINST DISCIPLINARY SANCTION SHORT OF DISMISSAL: PROCEDURE

Where the appeal is against action by the Headteacher short of dismissal, the appeal will be heard by the Governors' Committee with formally delegated responsibility to hear such an appeal. Under this procedure the Committee has the power to confirm or vary any decision of the Headteacher, taking into account any advice from the LA representative at their meeting. Their decision is final.

1. The Chair will introduce those present, confirm the purpose of the meeting and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The employee or his/her representative will be asked to present the grounds for the appeal (calling such witnesses as may be necessary).
3. The Headteacher may ask questions of the witnesses (where called), the employee and, where the employee's representative gives evidence, of the representative.
4. The employee or his/her representative may re-examine the witnesses (where called).
5. The Headteacher will present the case (calling any witnesses as may be necessary).
6. The employee or his/her representative may ask questions of the witnesses (where called) and the Headteacher.
7. The Headteacher may re-examine the witnesses (where called).
8. Members of the Committee may ask questions of the parties or witnesses at any stage but will seek to confine questioning until after questioning of witnesses by the parties is completed.
9. The Headteacher will be invited to sum up the case.
10. The employee or his/her representative will be invited to sum up the case.
11. At the conclusion of the hearing the parties and any other persons present, with the exception of the LA representative providing advice, shall withdraw whilst the Committee deliberates.

Notes:

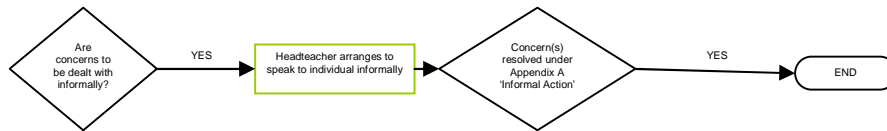
- Arrangements will be made for a record of the meeting to be taken. This record will not normally be a verbatim report but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.

- The Chair of the Committee may during the proceedings above recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 11. above then) both parties must be recalled.
- Either party may present documentary evidence, copies of which shall be served upon the other party at least five working days in advance of the hearing date.
- Witnesses shall only be present whilst giving evidence unless the Chair of the Committee directs otherwise.
- Any party may call for an adjournment during proceedings. Whenever possible a room will be provided for the employee and his/her representative for use outside of the hearing.
- In the event that the appeal is against action short of dismissal by the Staff Dismissal Committee (taken after giving consideration of dismissal), then the procedure in this Appendix will be followed save that the role of the Headteacher is taken by the Chair of the Committee responsible for the decision.

Disciplinary Procedure for School Staff excluding Headteachers

The intention in creating this flow chart is to set out, as a logical process, the steps to be followed in the operation of the procedure

Informal process



Formal process

