

King David High School, Manchester

Discipline, Grievance & Related Issues
Policy

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1. STATUS OF THIS DOCUMENT

- 1.1 This procedure has been produced by Management Support to Schools Service. Management Support to Schools (MSS) is a provider of management and personnel support to all schools who purchase their services under the agreed Service Level Agreement (SLA).
- 1.2 The procedure in this document conforms to the requirements of the relevant Education Acts, articles of government and relevant employment legislation. Legislation requires each governing body to establish disciplinary rules and procedures and to make them known to all staff working in the school. The procedure also conforms to both the 2003 Staffing Regulations (Statutory Instrument no. 2003) the 2009 Staffing Regulations (Statutory Instrument no. 2680) as well as the statutory Code of Practice on Disciplinary and Grievance Procedures published by ACAS and with the rules of natural justice.
- 1.3 This document has been the subject of consultation with Manchester City Council.
- 1.4 This procedure applies to all school employees whose employment is under the purview of the governing body.
- 1.5 A governing body may be called to account at an employment tribunal or court of law where there is a complaint about a decision which it has taken. It is the normal practice of the City Council to formally seek to be joined as co-respondent in any such action. It is for Management Support to meet any award or costs awarded by a court of law or employment tribunal. However, where this procedure has not been adhered to, or where the advice of Management Support has either not been sought or subsequently been disregarded, Management Support may decide to refuse to meet either or both compensation awards and costs.
- 1.6 Where an employee's conduct warrants disciplinary action, this procedure should be carefully applied. The procedure does not apply in cases of redundancy, and in cases of ill health it should be implemented in the context of the school's attendance management policy and in cases relating to competence should be implemented in the context of the school's capability procedure.
- 1.7 Where, in exceptional circumstances those people with the responsibility for hearing a disciplinary determine/s that the merits of a particular case require a change or amendment to this procedure, which is considered essential to achieve a fair and equitable hearing; this shall be within their discretion subject to prior consultation with both parties.
- 1.8 All staff involved in investigating or hearing any disciplinary case will, at all times, be mindful not to discriminate on the grounds of race, religion or belief, gender, sexual orientation, transgender, age, marital status, civil partnership, disability or issues arising from disability.

2. INFORMAL STEPS

- 2.1 As part of their management duties, line managers, senior managers or headteachers will on occasions wish to discuss with members of their staff aspects of their general conduct. These discussions may take place on an informal basis. Issues of conduct are much more likely to be resolved successfully where both the manager and the member of staff have ample opportunity for full discussions and consideration at the earliest possible stage.
- 2.2 As a result of such discussions, the manager may wish to give employees informal oral and/or written guidance and instructions as to future conduct and the means of improving it. Such action will not form part of the formal disciplinary procedure and the member of staff should be informed of this. A written record will be kept which will be available to the member of staff concerned. On request the member of staff should be given the opportunity to submit a written statement of dissent and/or explanation if s/he disagrees with the manager's decision.

3. FORMAL STEPS

- 3.1 Where informal discussions have not been successful or where such an approach is inappropriate due to the nature or the alleged misconduct, it will be necessary to consider formal steps. Headteachers, governors and the DfE recognise that discipline is necessary for the conduct of the school's affairs and for the safety and well being of its employees. It is equally recognised that disciplinary action must be considered and applied equitably and fairly. The object of the procedure is to encourage improvement in the conduct of the member of staff and not primarily as a means of imposing sanctions.
- 3.2 Conduct which has led to formal disciplinary action has included:-
- a) Conduct which does not meet accepted standards;
 - b) Conduct which is not conducive to the safety of the children in the employee's care;
 - c) Behaviour which is not conducive to the efficient management of the school;
 - d) Conduct inconsistent with the terms of the individual's contract and/or his/her terms and Conditions of Service.

This is not an exhaustive list of conduct which may give rise to formal action under this procedure.

- 3.3 In any case where an outcome may be dismissal only the appropriate person or people can consider such a case. (The law delegates dismissal to one or more governors, the headteacher, or one or more governors and the Headteacher).
- 3.4 Where dismissal is an option in community, community special, voluntary controlled, other schools who adopt the policy or maintained nursery school a

representative of the Local Authority (usually an Adviser from Management Support) must be present.

4. THE RIGHT TO BE ACCOMPANIED

- 4.1 A member of staff will have the right to be accompanied at any meeting called under the formal stage of this procedure by a friend or by a colleague from within the school who will be known as the companion.

5. INITIATING A FORMAL DISCIPLINARY INVESTIGATION

- 5.1 Disciplinary investigations can only be initiated by the headteacher (by delegated power) or the Chair of Governors. Once initiated, the investigation can then be delegated to an appropriate person. In such cases, the member of staff concerned shall be notified in writing and Management Support informed. Other than in cases where suspension is deemed appropriate (see paragraph 7), any information provided to the Chair of Governors or Headteacher (or other Governor[s]) must be limited at this stage. This is in order not to compromise the ability to deal with the matter should it proceed to a formal disciplinary hearing.
- 5.2 The headteacher may invite the assistance of Management Support or other relevant individual.
- 5.3 Where the Local Authority receives information e.g. audit, safeguarding etc it considers disciplinary investigation to be appropriate a senior representative shall write to the headteacher requesting that such action should be initiated and stating the reasons.

6. THE ROLE OF THE INVESTIGATING OFFICER

- 6.1 Allegations of alleged misconduct may be investigated by the headteacher, senior member of staff, line manager or Management Support Adviser. Hereafter the individual will be referred to as the 'Investigating Officer'. The Investigating Officer may request the assistance of a Management Support Adviser or other relevant individual. Where the allegation of misconduct is against the headteacher, the provisions of section 15 will apply.

7. SUSPENSION

- 7.1 The governing body and the headteacher have the power to suspend any member of staff where in the opinion of the governing body or the headteacher his/her exclusion from the school is required in accordance with paragraph 7.2. A Management Support Adviser should be consulted before any such decision is implemented.

- 7.2 Suspension from duty will always be on full salary and is a neutral act which may apply in the following circumstances:
- a) Where it is believed to be in the interests of the pupils;
 - b) Where it is believed that the continued presence of the member of staff may prejudice enquiries or influence witnesses;
 - c) Where there is a possibility that the allegations, if proven, may constitute gross misconduct. Gross misconduct is misconduct which is serious enough to break the employment contract between the employer and employee by rendering any further working relationship and trust impossible.
- 7.3 A suspended member of staff must be advised not to return to the school or to contact colleagues other than in circumstances agreed beforehand with the Investigating Officer. School should ensure they obtain items belonging to the school – keys, IT equipment, resources etc before the employee leaves the premises and/or make arrangements for such items to be returned.
- 7.4 Where it is essential for the member of staff to return to school premises for the purpose of preparing his/her case, s/he should contact either by phone or in writing the Investigating Officer beforehand, setting out clearly the purpose of the visit. Such a request should not be unreasonably refused.
- 7.5 For staff who have pupils in school arrangements should be made for the pupils to be dropped off or to be collected by prior arrangement with the Headteacher.
- 7.6 Where the decision to suspend has been taken by the governing body of a Community or Voluntary Controlled school there is a duty to inform a representative of the Local Authority (via the Management Support Group) and the headteacher forthwith. Where the decision to suspend has been taken by the headteacher there is a duty to inform the chair of governors and a representative of the Local Authority (via the Management Support Group) forthwith. In order to ensure procedures are followed correctly it is recommended that those other schools covered by the SLA also contact Management Support.
- 7.7 Only the governing body has the power to end a suspension. The Local Authority must be notified when a suspension is terminated.

8. INVESTIGATION OF ALLEGED MISCONDUCT

- 8.1 Where allegations of misconduct against a member of staff are to be dealt with under the formal part of this procedure, arrangements shall be made for him/her to be interviewed by the Investigating Officer and for the Investigating Officer to carry out/supervise the necessary investigations.
- 8.2 The member of staff shall be notified in writing and be provided with details of the allegation at least 5 working days in advance of the investigation meeting and informed of the right to be accompanied (see paragraph 4). In the letter the

member of staff will be broadly informed of the nature of the matter under investigation, however it may not be possible to be specific about the exact nature of the allegations until the investigation stage is complete.

- 8.3 It is important that members of staff should be made aware of the likely consequences of their misconduct. In particular they should be given a clear indication as to whether their misconduct could be construed as gross misconduct, and which, as a consequence may lead to their dismissal.
- 8.4 Action which in the past has been construed as gross misconduct includes the following:-
- a) Theft, fraud and deliberate falsification of records
 - b) Physical violence
 - c) Serious bullying or harassment
 - d) Deliberate damage to property
 - e) Serious insubordination
 - f) Misuse of the school's property or name
 - g) Bringing the school into serious disrepute
 - h) Serious incapability during working hours or whilst on duty brought on by alcohol or illegal drugs
 - i) Serious negligence which might cause unacceptable loss, damage or injury
 - j) Serious breaches of health and safety rules
 - k) Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
 - l) Serious sexual misconduct

This is not however an exhaustive list of actions and much will depend on the individual circumstances of the case.

- 8.5 The Investigating Officer should consult Management Support before deciding whether the conduct in question is likely to amount to gross misconduct.
- 8.6 Where it is necessary to consider an allegation of misconduct against a headteacher under this formal procedure the provisions in paragraphs 15 shall apply.

9. OUTCOME OF INVESTIGATION

- 9.1 On completion of the formal investigation the Investigating Officer (assisted by Management Support) may:
- a) Decide that no further action is warranted;
 - b) Decide that no disciplinary action is warranted but issue a management note of guidance
 - c) Require the matter to be considered by the headteacher and/or governors at a disciplinary hearing (but see 9.2 below)

- 9.2 Where dismissal is an option an adviser from Management Support must be present at the hearing

10. THE DISCIPLINARY HEARING.

- 10.1 Where the Investigating Officer is a member of staff other than the headteacher the allegation will be heard by the headteacher and/or governors.
- 10.2 Where the allegation of misconduct is against the headteacher, the provisions of section 15 will apply.
- 10.3 Hereafter the individual/s hearing the case will be referred to as the 'Hearing Officer/s'. The Hearing Officer/s may request the assistance of a Management Support Adviser to act as Clerk. In cases where dismissal is a possibility it is recommended that a Management Support Adviser be present as Clerk.

11. CONDUCT OF DISCIPLINARY HEARING

- 11.1 At least ten working days' written notice of any disciplinary hearing must be given together with full details of the allegations to be considered. The member of staff must be informed of his/her right to be accompanied by a companion (see paragraph 4) who may act on her/his behalf.
- 11.2 The allegations against the member of staff will be presented by the Investigating Officer or Management Support Adviser.
- 11.3 All documents to be presented at the hearing must be available to all parties at least 5 working days before the hearing. No "new" documents may be presented at the hearing itself. A list of witnesses to be called during the hearing must also be provided by both parties at least 5 working days before the hearing. No "new" witnesses may be called at the hearing.
- 11.4 The Hearing Officer/s must not have had previous involvement in the case which renders them incapable of giving the member of staff a fair hearing.
- 11.5 The conduct of the proceedings shall be at all times in accordance with the rules of natural justice and will afford full opportunity for both parties to state their case and cross examine each other and witnesses. The Hearing Officer/s shall have the right to ask questions of all parties.
- 11.6 The member of staff's companion has a statutory right to address the Hearing Officer/s but this right does not extend to answering questions on the member of staff's behalf unless so permitted by the Hearing Officer/s. A member of staff's companion has an important role to play and should be allowed to ask questions and, with the agreement of the Hearing Officer/s, be allowed to participate as fully as possible in the meeting. Reasonable time should be offered for the member of staff to confer privately with his/her friend / companion / advisor either in the meeting room itself or outside by means of an adjournment.

- 11.7 At the conclusion of the proceedings the Hearing Officer/s will require the Investigating Officer, the Management Support Adviser, member of staff and companions and witnesses to withdraw. The Clerk shall remain to advise the Hearing Officer/s on matters of procedure. See Appendix A for details of conduct of the disciplinary hearing.
- 11.8 When considering an appropriate disciplinary sanction the Hearing Officer/s will act reasonably given all circumstances. In particular they will take into account which standards have been breached, precedent, the individual's record of the school, position, length of service and any other special circumstances which might have impact on the severity of sanction.
- 11.9 Where a member of staff fails to attend at the prescribed time, a written explanation should be sought, a new date set and the member of staff informed that unless a satisfactory explanation is offered, the matter will be considered on the second occasion in his/her absence if s/he fails to attend again. Any sickness absence should be covered by a medical note. If the member of staff is unable to attend the re-arranged hearing they will be able to send their companion to represent them and submit questions or written statements in support of their case.

12 THE OUTCOME OF THE DISCIPLINARY HEARING

Hearing officers may deliberate at the hearing or may reserve judgment so as to have more time to consider the case.

Hearing officers will then give their decision and may also provide (at their discretion), at a later date, a further reasoned judgment

- 12.1 After deliberation the Hearing Officer/s may;
- a) Dismiss the allegations and consequently instruct that no further action be taken against the member of staff;
 - b) Find the allegations to be substantiated wholly or in part but determine that no further action be taken;
 - c) Find the allegations to be substantiated wholly or in part and issue a verbal warning;
 - d) Find the allegations to be substantiated wholly or in part and issue a written warning;
 - e) Find the allegations to be substantiated wholly or in part and issue a final warning;
- NB Where a staff member is already in receipt of a live final warning, further misconduct may result in a decision to dismiss.
- f) Find the allegations to be substantiated wholly or in part and determine that gross misconduct has taken place but that given exceptional

circumstances the member of staff should receive a sanction of a final written warning.

g) Find the allegations to be substantiated wholly or in part and determine that gross misconduct has taken place and that the member of staff should cease to work at the school.

- 12.2 Except for gross misconduct no member of staff will normally be dismissed for a first breach of discipline.
- 12.3 In reaching the decision that the member of staff should cease to work at the school (as in 11.1(g) above) this decision shall in the first instance be a provisional one and each of the following alternatives will be considered in turn:
- Disciplinary transfer
 - Loss of seniority
 - Disciplinary demotion
- 12.4 A **disciplinary transfer** is a permanent transfer, within the school, to a post of comparable status and seniority to that currently held and at the same level of remuneration. The new post will be within the experience and expertise of the member of staff concerned. There will be no loss of remuneration.
- 12.5 A **loss of seniority** means a permanent transfer, within the school, to a post of lower seniority and status to that currently held but within the experience and expertise of the member of staff concerned. There will be no loss of remuneration.
- 12.6 A **disciplinary demotion** is a permanent transfer within the school to a lower seniority and status to that currently held but within the expertise and experience of the employee concerned. There will be a consequent loss of remuneration. The conditions of service applicable shall be those attached to the new substantive post.
- 12.8 When the Hearing Officer/s determines that one of the alternatives at paragraphs 12.3 to 12.6 is appropriate, they will instruct the Clerk to inform the member of staff accordingly. The member of staff will have a period of ten working days to confirm his/her written acceptance. If the member of staff rejects, in writing, the alternative which has been determined by the Hearing Officer/s, or does not respond within the prescribed timescale, the provisional decision shall automatically become the final decision.
- 12.9 Where the provisional decision that the member of staff shall cease to work at the school is confirmed as the final decision, the Clerk will communicate this in writing to the member of staff concerned (subject to the provisions for appeals referred to in paragraph 13 below)
- 12.10 Where a member of staff accepts one of the alternatives offered under paragraphs 12.3 to 12.6 this shall be deemed to be by mutual agreement. The

member of staff will be required to accept in writing a revised contract, revised terms/particulars and a new job description as appropriate, to reflect the range of duties and responsibility which comprises the new post. Where a reduction of salary is involved, the Local Authority will inform the employee there may be potential implications for their pension entitlement and recommend the employee contact their pension provider as soon as possible.

12.11 Any verbal, written or final warning issued to the member of staff shall state:-

- the reason for the warning;
- the action which the member of staff and line manager/s should take to bring his/her conduct to the standard required;
- the level of disciplinary sanction being
- any right of appeal.

12.12 Where the decision of the hearing is that the member of staff shall cease to work at the school, legislation requires the authority to dismiss the member of staff within 14 calendar days of the Clerk's letter. (In foundation and voluntary aided schools the governing body will confirm the dismissal but may ask the authority to send the letter on their behalf) The Hearing Officer/s will decide whether the dismissal is with notice or summary. Where it is summary the member of staff's pay will be stopped from the date of the Hearing Officer/s decision.

12.13 Ordinary Misconduct – 'Totting Up'

If the decision is to award a cumulative or further sanction and the employee is already in receipt of a live final warning the Hearing Officer may also decide to dismiss the employee but in these circumstances, it would normally be with the appropriate period of notice.

13 APPEAL AGAINST A DISCIPLINARY SANCTION

13.1 The member of staff may, within a period of 14 calendar days from the date of either the Hearing Officer's or the Clerk's letter, appeal against the decision by writing to the Hearing Officer or Clerk setting out the grounds for their appeal. The Hearing Officer or Clerk will convene a panel of governors who have delegated authority to hear such an appeal on behalf of the governing body. The governors panel will normally comprise three governors who have not previously been involved in any action or decision connected with the case. Where there are not enough such governors available the appeal may be heard by a panel of two governors. However the panel of governors hearing the appeal shall not include fewer members than the original number of Hearing Officer/s

13.2 At least ten working days' written notice of the Appeal Hearing must be given to the member of staff by the Clerk. The member of staff must be informed of her/his right to be accompanied at the hearing (see paragraph 4),

13.3 The appeal letter must fully state the grounds on which the employee is appealing against the disciplinary decision. Appeals will be considered on the following grounds:

- I. The procedure i.e. did a procedural fault(s) affect the fairness of the decision?
- II. The facts i.e. were the facts considered not relevant? Were the facts not substantiated? Are there new facts to be considered since the original decision?
- III. The disciplinary sanction/penalty ie were all the comments of the employee and all relevant issues explored? Are there new surrounding or mitigating circumstances that could affect the decision?

13.4 Appeal hearings will be structured around the grounds of the employee's appeal and will not be a re-hearing of the case.

13.5 The Appeals Committee may:

- a) confirm the original decision;
- b) substitute for the decision a lesser disciplinary sanction;
- c) uphold the appeal and instruct that no action be taken against the member of staff

13.6 The decision of the Appeals Committee will be final.

13.7 An alternative to appeal against a verbal (stage 1) or written (stage 2) warning shall be by the inclusion on the member of staff's file, held by the Authority/school, of a statement of dissent and/or an explanation by the member of staff.

14. OUTCOME FOR APPEALS AGAINST A DECISION THAT A MEMBER OF STAFF SHALL CEASE TO WORK AT THE SCHOOL

14.1 If the outcome of an appeal is ether of those described in 13.5(b) or 13.5(c) above, the member of staff's pay will immediately be re-instated and backdated to the date it was stopped.

15. DISCIPLINARY ACTION AGAINST A HEADTEACHER

INFORMAL STEPS

15.1 Where a governing body has a concern about the conduct of the headteacher, it is desirable that this should be discussed on an informal basis within the context of their working partnership. The chair of governors will usually represent the governing body in such discussions. These discussions should take place at the earliest possible opportunity in the belief that issues of conduct are much more likely to be resolved successfully through such means.

15.2 As a result of such discussions, the Chair of Governors may wish to give the headteacher informal oral and/or written guidance and instructions as to future

conduct and the means of improving it. Such action will not form part of the formal disciplinary procedure and the headteacher should be informed of this. A written record will be kept which will be available to the Headteacher. On request the Headteacher should be given the opportunity to submit a written statement of dissent and/or explanation if s/he disagrees with the Chair of Governors decision.

- 15.4 Where it is appropriate and acceptable to both the chair and the headteacher, a member of the Management Support group can be invited to participate in such discussions. Such discussions will not form part of the formal disciplinary procedure.

FORMAL STEPS

- 15.5 Disciplinary action against a headteacher shall only be initiated by the chair of the governing body who shall consult a Senior Management Support Adviser beforehand. The Chair will inform the vice chair of governors that action is to be initiated but will not include any detail of the allegations at this stage.
- 15.6 Where the Local Authority has serious concerns about the performance of a headteacher, the authority will (in accordance with the relevant Regulations) prepare a written report for consideration by the chair of governors stating the reasons.
- 15.7 Whilst initial investigation of the allegations may be undertaken by the chair of governors, the authority would normally expect a Management Support Adviser to work closely with them in this task. Where the circumstances warrant it, the Management Support Adviser may perform this task on the chair's behalf.
- 15.8 Where a formal investigation is required the formal stages of this procedure will be followed as laid out above. Where the allegation of misconduct is against the headteacher the Investigating Officer will be either the chair of governors or a Management Support Adviser as applicable.
- 15.9 In relation to the suspension of a headteacher the provisions of paragraph 7 onwards will apply.

16. GENERAL INFORMATION

- 16.1 A recorded verbal, or written or final warning shall remain in force for a period to be specified by the Disciplinary and Dismissal Committee or Disciplinary and Dismissal Appeals Committee. This warning will not remain live for longer than 12 months. In accordance with the ACAS Code of Practice a note of any warning and a copy of any written warning should be kept on file but should be disregarded for disciplinary purposes when the specified period has elapsed.
- 16.2 If the employee has a live warning on their record and receives a further sanction the sanctions will have a cumulative effect. Further sanctions could lead the Hearing Officer/s to make a decision to dismiss the employee, in these

circumstances the dismissal would usually be with the appropriate period of notice, see 12.14 above.

- 16.3 There is a requirement to make a referral to the Authority's LADO (Local Authority Designated Officer) for any allegations relating to the safeguarding of children on the day the allegations come to light. The view of the LADO must be taken into account when deciding on future actions.
- 16.4 There is a requirement to make a referral to the ISA (Independent Safeguarding Authority) when a person is removed from regulated or controlled activity, resigns, retires, is made redundant or is transferred to a position which is not regulated or controlled activity when certain criteria are met as set out by the ISA.
- 16.5 There is also a requirement on the Local Authority to make a report to the General Teaching Council for any upheld allegations which could impact upon an individual's suitability to be a teacher. A referral may also be made in cases where the teacher resigns. The Local Authority will also notify any other relevant professional bodies of upheld allegations which could impact upon an individual's suitability to carry out their role.
- 16.6 A person who, on grounds of gross misconduct or conviction of a criminal offence, is determined by the Independent Safeguarding Authority, General Teaching Council or other professional body to be unsuitable for employment, or suitable for employment as such only to a limited extent, shall not be employed as such or only to the extent determined by the relevant Regulations.
- 16.7 Should any disciplinary action be rescinded and effectively withdrawn, any written reference will be expunged from the member of staff's file and the member of staff will be notified immediately.
- 16.8 Proceedings in disciplinary and appeal hearings shall remain confidential until a final decision has been taken at which time the Governing Body may be informed of the outcome.
- 16.9 Investigations into alleged disciplinary offences and any subsequent disciplinary action deemed necessary shall be conducted without unreasonable delay.
- 16.10 The Clerk will seek to agree a mutually convenient date with the member of staff and his/her companion for all meetings convened under this procedure. Where the member of staff and/or his/her companion objects to a date set by the Clerk, they can propose an alternative time and date so long as it is reasonable and the new date proposed falls before the end of the period of five working days beginning with the first working day after the day proposed by the Clerk. Hearings will normally be held at the school and after school hours (eg 17.30 onwards).
- 16.11 When a member of staff is convicted of a criminal offence or subject to criminal proceedings/investigations, it will not normally be necessary to await

the outcome of the criminal proceedings before concluding the disciplinary action.

- 16.12 When a member of staff is absent without prior notification from a disciplinary hearing the reasons will be investigated promptly and a written explanation sought. If, after investigation, it appears there were no acceptable explanations for the absence, the absence should be treated as a conduct issue and dealt with under this procedure. Where it is claimed that the absence was on the grounds of illness medical certification will normally be sought.

17. GRIEVANCE PROCEDURE

- 17.1 If a member of staff has any grievance relating to their employment, they should raise the matter with their line manager / head of department
- 17.2 If they are dissatisfied with the response, they should write to the Chair of the Staffing Sub-committee, setting out the grounds for their grievance and he / she will notify them of his / her decision
- 17.3 If the decision is not acceptable, they may appeal against the decision in writing to the Chair of Governors whose decision will be final.

CONDUCT OF DISCIPLINARY HEARINGS FOR ALL STAFF COVERED BY THIS PROCEDURE

The procedure set out below is to be followed in the case of all Disciplinary Hearings conducted under this procedure.

- 1 The Hearing Officer/s will introduce all the parties present.
- 2 The Investigating Officer/Management Support Adviser will put the case in the presence of the member of staff and his/her companion and call witnesses as necessary.
- 3 The member of staff and/or his/her companion will have the opportunity to ask questions of the Investigating Officer/Management Support Adviser and witnesses on the evidence given by him/her and any witnesses.
- 4 The Hearing Officer/s will have the opportunity to ask questions of the Investigating Officer/Management Support Adviser and Witnesses. The witnesses will leave the hearing when they have given their evidence and answered all questions.
- 5 The member of staff (or his/her companion) will put his/her case in the presence of the Investigating Officer/Management Support Adviser and call such witnesses as s/he wishes.
- 6 The Investigating Officer/Management Support Adviser will have the opportunity to ask questions of the member of staff and his/her witnesses.
- 7 The Hearing Officer/s will have the opportunity to ask questions of the member of staff and his/her witnesses. The witnesses will leave the hearing when they have given their evidence and answered all questions.
- 8 The Hearing Officer/s will have discretion as to the admissibility of any evidence/witness.
- 9 The Investigating Officer/Management Support Adviser and the member of staff (or his/her friend) will have the opportunity to sum up their case if they so wish. The summing up will be without interruption.
- 10 The Investigating Officer/Management Support Adviser and the member of staff (and his/her friend) will withdraw.
- 11 The Hearing Officer/s will deliberate in private and only recall the parties to clarify points of uncertainty on procedure or on evidence already given. If recall is necessary both parties will return notwithstanding that only one is concerned with the point given rise to doubt.
- 12 If the Hearing Officers reach a decision, they or the Clerk acting on behalf of the Hearing Officer/s will read the decision of the Hearing Officer/s to the Investigating Officer/Management Support Adviser and the member of staff (and his/her friend). The hearing will end at this point.
- 13 Alternatively, hearing officers may reserve judgment so as to have more time to consider the case. In such a case, the hearing officers or the clerk will notify the parties of the decision as soon as it has been made.

**CONDUCT OF DISCIPLINARY APPEALS HEARINGS FOR ALL STAFF
COVERED BY THIS PROCEDURE**

The procedure set out below is to be followed in the case of all Disciplinary Appeal Hearings conducted under this procedure.

The Appeals Hearing is not a re-hearing of the case. The Appeals process follows the line more commonly associated with that found in the appellate courts.

- 1 The parties present the pleadings, together with evidence which was presented to the Disciplinary Hearing panel.
- 2 The parties will also present any additional background information which is relevant.
- 3 The appealing party pleads the grounds for appeal as per paragraph 13.3
- 4 The school presents its response

A bundle containing all of the above should be presented to the panel and to the parties at least 5 days before the date set for the hearing.

- 5 At the hearing, the appealing party may present a verbal summary of its case.
- 6 The school will present a verbal summary of its case
- 7 The panel may seek further clarification from each of the parties
- 8 The panel may issue its decision immediately or may reserve judgment in which case the panel or the clerk will notify the parties of the decision as soon as it has been made.