

# **Swift Academies**

## **Disciplinary Policy & Procedure for Teachers & Support Staff**

**Accepted by:** Board of Directors March 2018

**Approving Body :** Board of Directors

**Committee :** Standards

**Review Cycle:** 2 years

**Last reviewed:** October 2022

**Date for next review:** October 2024

### **DEFINITIONS**

In this Disciplinary Policy and Procedure, unless the context otherwise requires, following expressions shall have the following meanings:

- ‘Chair’ means the Chair of the Board of Directors.
- ‘Clerk means the Clerk of the Board of Directors.
- ‘Board of Directors’ means the academy trust and its Board of Directors.
- ‘Directors’ means the Directors appointed to the Board of Directors of the Trust.
- ‘Academy’ means the academies within the Trust and includes all sites upon which the school undertaking is, from time to time, being carried out.
- ‘Vice-Chair’ means the Vice-Chair of the Board of Directors.
- ‘Head Teacher/Head of School’ also refers to Chief Executive Officer.
- Companion means their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest.

### **1. SCOPE OF PROCEDURE**

- 1.1 This Disciplinary Policy and Procedure applies to you if you are an employee of the Trust. (hereinafter referred to as an “employee” or “you”).
- 1.2 The purpose of the procedure is to provide a structure to address any issues or concerns that the Trust/academy may have relating to an employee’s conduct.
- 1.3 The Directors delegate their authority in the manner set out in this procedure.

- 1.4 There may be some occasions where an employee's behaviour could also be described as incapability. This Disciplinary Policy and Procedure and the Trust's Capability Policy and Procedure may be used concurrently whilst the Academy endeavours to ascertain if the behaviour is misconduct or incapability.
- 1.5 There may be occasions where an employee's conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular, if an employee is absent from Academy on sick leave following this Disciplinary Policy and Procedure being invoked, the Academy may use its Sickness Absence Policy and Procedure.
- 1.6 There may be occasions when an employee attempts to use the Trust's Grievance Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any delay or pause in the conduct of any matters under this Disciplinary Policy and Procedure.
- 1.7 There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Directors at appropriate stages.
- 1.8 In this policy "working day" means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and nonteaching staff but will not be different on the basis of whether an employee is full-time or part-time.

## **2. INFORMAL PROCESS**

- 2.1 The Academy will always seek to resolve cases of minor misconduct informally where possible and appropriate. If such issues can be settled at an early stage, they are normally less time-consuming and less likely to damage working relationships. However, managers should seek agreement from the Head Teacher/Head of School and advice from the Academy's HR provider before instigating the informal process.
- 2.2 In many cases the right word at the right time and in the right way will often be a more satisfactory way of dealing with issues. This involves managers talking to the employee in a two-way conversation, aimed at discussing possible shortcomings in conduct and encouraging improvement. Although the employee does not have a legal right to representation at this stage of the process, both this and HR involvement may be agreed in certain cases.
- 2.3 The aim of the discussion is to ensure that the member of staff understands the concerns and that the reasons for this are explored. The employee should be made fully aware of the standards expected of them. The manager will ensure that the employee understands what needs to be done, how their conduct will be reviewed and the timescale for review if necessary and confirm this in writing to the employee as a letter of management advice.

- 2.4 The review period should not normally exceed **6** months. If the required improvement is not achieved and/or sustained or there are further incidents of a similar nature during this time the formal disciplinary procedure may be invoked and the letter of management advice referred to. Where there are no further areas of concern during the time limit the letter of management advice should be disregarded for disciplinary purposes.
- 2.5 However, if the informal process has been tried unsuccessfully, or the circumstances of the case make the informal route inappropriate, the Academy will seek to address the matter under the formal process.

### **3. SUSPENSION**

- 3.1 In cases where the Investigating Manager considers that it is appropriate the Head Teacher/Head of School/CEO or the Chair may suspend you. With the exception of gross misconduct cases, suspensions will generally be considered as a last resort if temporary alternative work is not suitable or available.
- 3.2 The period of suspension will be as brief as possible and will be kept under review and the investigating officer will write to the employee to explain their reason(s) for any delay(s).
- 3.3 In some cases it may be appropriate to grant paid leave of absence to a member of staff in order that preliminary investigations can take place to establish whether formal suspension is appropriate. Leave of absence should not normally exceed three working days. In addition consideration should be given to alternatives to suspension such as moving the employee to another place of work if possible. Suspensions may be made prior to the start of the investigation or later during the course of the investigation (if this becomes necessary).
- 3.4 The Head Teacher/Head of School must inform the Chair of the suspension or, in the event of suspension by the Chair, the Chair must inform the Board of Directors (excluding staff Directors).
- 3.5 Only the Board of Directors may end the suspension or Chair acting on behalf of the Directors can end the suspension.
- 3.6 Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.
- 3.7 ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:
- (a) Relationships have broken down
  - (b) Gross misconduct is alleged
  - (c) There are reasonable concerns that evidence or witnesses could be compromised
  - (d) There are responsibilities to other parties
  - (e) It is necessary for the protection of pupils, staff or property

- (f) The presence at work of the employee under investigation may be an obstacle to a proper investigation.
- 3.8 Suspension is not a disciplinary sanction. You will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).
- 3.9 During a period of suspension the Academy may require that you do not:
  - 3.9.1 Attend the Academy at any time (except with the prior agreement of the Head Teacher/Head of School or Chair);
  - 3.9.2 Communicate in any way with parents, pupils or governors except:
    - (a) with the prior agreement of the Head Teacher/Head of School/Chair; or
    - (b) where following the investigation you are called to a formal disciplinary hearing, when you may then approach parents, pupils or Directors as potential witnesses but this must be done via the Investigating Manager.
  - 3.9.3 Discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:
    - (a) with the prior agreement of the Head Teacher/Head of School/Chair;
    - (b) for communication with your Companion who is a Trade Union representative;
    - (c) where you are called to an interview with the Investigating Manager or a Disciplinary Hearing, when you approach a Companion who is a colleague; or
    - (d) where you are called to a formal disciplinary hearing you may approach work colleagues as potential witnesses in support of your case.
- 3.10 During a period of suspension the Academy may suspend your access to your email account and to the Virtual Learning Environment (VLE).
- 3.11 The suspended member of staff should be given the name of a contact at the Academy as an information contact. The main role of the contact person is to provide information as to the progress of the investigation. Suspended employees may experience significant levels of stress and support must be offered throughout the suspension e.g. access to counselling.
- 3.12 During a period of suspension the Academy may take such steps as necessary to cover your lessons or other commitments.
- 3.13 During any period of suspension your contractual duties to the Academy and to the Board of Directors (whether express or implied) remain in force and enforceable.

## **4. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS**

- 4.1 The table at (**Appendix 1**) sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings.
- 4.2 In cases relating to any alleged gross misconduct that would bring the Academy into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Directors' Disciplinary Panel.

## **5. FORMAL PROCESS**

### **5.1 Step 1 - Investigation**

- 5.1.1 The Investigating Manager will conduct an investigation into the alleged misconduct.
- 5.1.2 The Investigating Manager should write to the employee informing them that a detailed investigation will be conducted and inviting them to an interview as part of the investigation. The letter should include the allegations under investigation and the terms of reference for the investigation. The employee should be informed of the right to be accompanied at the investigation meeting and a copy of this policy should be enclosed.
- 5.1.3 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.
- 5.1.4 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:
- (a) A Disciplinary Manager be appointed and a Disciplinary Hearing be convened in accordance with Step 2 below; or
  - (b) There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure.

- 5.1.5 You will be informed of the outcome of the investigation including where there is no further action.

### **5.2 Step 2 – Disciplinary Hearing**

- 5.2.1 If it is considered necessary to convene a disciplinary hearing the employee will be informed of this in writing. The employee should be given at least 7 calendar days' / 5 working days' notice of the hearing to allow sufficient time to prepare and arrange representation. The letter will include:

- That there is to be a disciplinary hearing;
- The date, time and location of the hearing;
- Sufficient information about the alleged misconduct and its possible consequences to allow the employee to answer the case including supporting documents and witness statements (The employee has a responsibility to provide his/her representative with a copy of this information)
- The right to be accompanied by a trade union representative or work colleague;
- A copy of the disciplinary policy and procedure;
- Names of any witnesses that the Investigating Manager is requesting to attend;
- Requesting from the employee confirmation of attendance, the name of their representative, the name of any witnesses the employee intends to call and copies of any additional documentation that the employee intends producing at the hearing. (This information should be provided at least 48 hours prior to the hearing);
- Enquiring as to whether the employee has any reasonable adjustments for the hearing venue, for example, accommodating the needs of a person with disabilities.

The letter must include reference to the potential range of outcomes if the hearing concludes that there has been a breach of disciplinary rules, up to and including dismissal.

The procedure to be followed at the disciplinary hearing is at **Appendix 2**.

5.2.2 The Disciplinary Hearing shall take place at least 7 calendar days' / 5 working days' after the employee has been informed of the outcome of the investigation in accordance with Paragraph 5.1.5.

5.2.3 In advance of, and at the Disciplinary Hearing, the Disciplinary Manager shall consider:

- (a) Evidence presented in support of the allegations of misconduct against the employee;
- (b) Evidence presented in defence of the allegations of misconduct against the employee; and
- (c) Where misconduct is admitted, whether in whole or in part, any evidence presented in mitigation.

5.2.4 The Disciplinary Manager may adjourn the Disciplinary Hearing to allow for further investigations in the light of your evidence and will reconvene the Disciplinary Hearing to give you an opportunity to comment on any further evidence produced by further investigations.

5.2.5 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Hearing in writing to you within 5 working days of the date of the Disciplinary Hearing ("the Disciplinary Decision Letter") being either:

- (a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or
- (b) the issue of a Letter of Management Advice to include training and additional support if appropriate
- (c) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure.

### 5.3 **Step 3 – Appeal**

- 5.3.1 In the event that you are unsatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 working days' of receipt of the Disciplinary Decision Letter.
- 5.3.2 Your appeal letter must clearly state the grounds of your appeal. This will enable the Clerk and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.
- 5.3.3 The Appeal Hearing will normally be held within 20 working days' of your appeal letter being received by the Clerk.
- 5.3.4 The employee will be given 7 calendar days' / 5 working days' notice of the date of the Hearing in writing. Employees have a legal right to be accompanied at Appeal Hearings by their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest. The procedure to be followed at the appeal hearing is at **Appendix 3**.
- 5.3.5 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.
- 5.3.6 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.
- 5.3.7 The Appeal Manager will confirm the outcome of the Appeal Hearing in writing to you within 7 calendar days' / 5 working days' of the date of the Appeal Hearing. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Hearing are:
- (a) the Appeal Manager may uphold the decision of the Disciplinary Manager; or
  - (b) the Appeal Manager may uphold the employee's appeal and overturn the decision of the Disciplinary Manager.

## 6. **FORMAL SANCTIONS**

The Disciplinary Manager may impose the following sanctions:

### 6.1 **A First Written Warning**

- 6.1.1 A First Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you or on the date on which the decision was announced orally whichever is the earlier.

6.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response, apart from cases of gross misconduct.

## 6.2 **A Final Written Warning**

6.2.1 A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to you or on the date on which the decision was announced orally whichever is the earlier.

6.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning

6.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

## 6.3 **Dismissal on notice**

6.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 In the event that your employment is terminated in accordance with this Paragraph your contract of employment contains a payment in lieu of notice clause the Academy may exercise that clause to bring your contract to an end.

## 6.4 **Dismissal without notice or compensation**

6.4.1 Dismissal without notice or compensation (also known as Summary Dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Board of Directors.

6.4.2 For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the Academy considers may amount to gross misconduct:

- (a) Conduct that is likely to bring the Academy into disrepute
- (b) Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment
- (c) A serious breach of any relevant code of conduct or professional standards
- (d) Theft of any property



- (e) Malicious or wilful damage to any property
- (f) Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- (g) Ordering any goods or services on behalf of the Academy from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Directors' Finance Committee
- (h) Dishonesty
- (i) Violence to any person
- (j) Unlawfully restraining a pupil
- (k) Abusive threatening or offensive language or behaviour to any person
- (l) Unlawful discrimination or harassment
- (m) Bullying
- (n) Deliberate refusal to carry out a lawful and safe instruction
- (o) Absence from work without leave or reasonable explanation
- (p) Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent
- (q) Concealing any actual or attempted cheating by any pupil or colleague
- (r) Attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs
- (s) Misuse of the Trust's ICT (including internet and email access and any social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (t) Supplying your personal contact details to a pupil without express authorisation from the Head Teacher/Head of School
- (u) Interacting with a pupil online out of school hours other than through the VLE
- (v) Making any sexual or romantic contact with any pupil whatever the age of the pupil
- (w) Breaching the confidentiality or data protection obligations surrounding the Academy, a parent, pupil, colleague or Director
- (x) Covert recording of any meetings without the knowledge or consent of all persons present
- (y) Serious breach of health and safety procedures
- (z) Serious negligence (whether or not leading to any actual loss)
- (aa) Criminal activity during the course of employment
- (bb) Making a deliberately false malicious or vexatious allegation against the Academy, a parent, pupil, colleague or Director

## **6.5 Voluntary demotion as an alternative to higher formal sanction**

6.5.1 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

6.5.2 Where Paragraph 6.5.1 applies, the Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction. Any such offer shall be made in writing.

## **7. DIRECTORS' PANELS**

- 7.1 Directors' Disciplinary and Appeal Panels shall comprise three non-staff Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair.

## **8. COMPANION**

- 8.1 If you are the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager or the Appeal Manager, you may be accompanied at such interview or meeting by a Companion.

Companion means their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest

- 8.2 You must let the relevant Manager know who your Companion will be at least 48 hours before the relevant interview or meeting.
- 8.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.
- 8.4 Your Companion can address the relevant interview or meeting in order to:
- (a) put your case;
  - (b) sum up your case; and
  - (c) respond on your behalf to any view expressed at the relevant interview or meeting.
- 8.5 Your Companion can also confer with you during the relevant interview or meeting.
- 8.6 Your Companion has no right to:
- (a) answer questions on your behalf;
  - (b) address the relevant interview or meeting if you do not wish it; or (c) prevent you from explaining your case.
- 8.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant Manager will postpone the relevant interview or meeting for no more than five working days from the date set by the Academy to a date or time agreed with your Companion provided that it is reasonable in all the circumstances.

## **9. TIMING OF INTERVIEW MEETINGS**

- 9.1 Interviews or meetings under this procedure may:

- need to be held when you were timetabled to teach.

- exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation.
- be held after the end of the Academy day.
- Not be held on days on which you would not ordinarily work.

## **10. VENUE FOR INTERVIEWS OR MEETINGS**

10.1 If the allegations are sensitive the relevant Manager may hold the interview or meeting off the Academy site.

## **11. TRADE UNION OFFICERS**

11.1 The Trust notes and adopts the ACAS Code of Practice’s statement “Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.”

## **12. REFERRALS**

12.1 Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the Academy must consider whether to refer the circumstances to the Teaching Regulation Agency (TRA), acting on behalf of the Secretary of State for Education

12.2 Where a person working within the Academy (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child
- (b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him
- (c) involving sexual material relating to children (including possession of such material)
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images)
- (e) of a sexual nature involving a child

The Academy must refer that person to the Disclosure & Barring Service (“DBS”) under section 35 of the Safeguarding Vulnerable Groups Act 2012.

## **13. REVIEWING THE POLICY**

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following necessary consultation with the trade unions.

## INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

### Appendix 1

The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

Employee Level	Sanction Level	Investigating Manager	Disciplinary Manager	Appeal Manager
CEO/Head Teacher/Head of School	Up to and including dismissal	Chair of Directors <u>or</u> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors <u>or</u> external independent advisor	Directors' Disciplinary Panel appointed by the Vice Chair of Directors	Directors' Appeal Panel appointed by the Vice Chair of Directors
Head Teacher/Head of School	Up to and including dismissal	CEO/Head Teacher/Head of School <u>or</u> Chair of Directors <u>or</u> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors	Directors' Disciplinary Panel appointed by the Vice Chair of Directors	Directors' Appeal Panel appointed by the Vice Chair of Directors
Other Leadership Spine Posts	Up to and including dismissal	Head Teacher/Head of School (appointed by CEO/Head Teacher/Head of School)	CEO/Head Teacher/Head of School <u>or</u> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors	Directors' Appeal Panel appointed by the Vice Chair of Directors
	Up to final written warning	Member of Leadership Team (appointed by Head Teacher/Head of School)	Head Teacher/Head of School <u>or</u> CEO/Head Teacher/Head of School	Chair of Directors <u>or</u> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors

Other Teaching and Support Staff	Up to and including dismissal	Head Teacher/Head of School (appointed by CEO/Head Teacher/Head of School) <b>or</b> Member of Leadership Team (appointed by Head Teacher/Head of School)	CEO/Head Teacher/Head of School <b>or</b> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors	Directors' Appeal Panel appointed by the Vice Chair of Directors
	Up to final written warning	Member of Leadership Team (appointed by Head Teacher/Head of School)	Head Teacher/Head of School <b>or</b> CEO/Head Teacher/Head of School	Chair of Directors <b>or</b> a non-staff Director (other than the Vice Chair of Directors) nominated by the Chair of Directors

**Introduction**

The DISCIPLINARY MANAGER will invite all parties present to introduce themselves and their role in the hearing. N.B. A representative from HUMAN RESOURCES must be present at the hearing.

**Statement of case by the Employer**

The INVESTIGATING MANAGER will put the case in the presence of the EMPLOYEE and his/her representative and may call witnesses.

The EMPLOYEE (or his/her representative) will have the opportunity to ask questions of the INVESTIGATING MANAGER on the evidence given by them.

The DISCIPLINARY MANAGER and HUMAN RESOURCES will have the opportunity to ask questions of the INVESTIGATING MANAGER and his/her witnesses.

**Statement of case by the Employee**

The EMPLOYEE (or his/her representative) will put the case in the presence of the INVESTIGATING MANAGER and will call witnesses.

The INVESTIGATING MANAGER will have the opportunity to ask questions of the EMPLOYEE and his/her witnesses.

The DISCIPLINARY MANAGER and, HUMAN RESOURCES will have the opportunity to ask questions of the EMPLOYEE and his/her witnesses.

**Summing Up**

The INVESTIGATING MANAGER and the EMPLOYEE (or his/her representative) will have the opportunity to sum up their cases if they so wish.

**Parties to Withdraw**

The INVESTIGATING MANAGER and the EMPLOYEE (and his/her representative) to withdraw.

**Consideration by the Disciplinary Manager**

The DISCIPLINARY MANAGER and HUMAN RESOURCES will deliberate in private, only recalling the INVESTIGATING MANAGER/ and the EMPLOYEE (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary,

both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

### **Decision**

When the DISCIPLINARY MANAGER has reached a decision the INVESTIGATING MANAGER and the EMPLOYEE (and his/her representative) will be invited back in and informed of that decision orally if possible including the right to appeal against any formal action. Written confirmation will be sent to the employee within 5 working days of the date of the hearing.

**Introduction**

The APPEAL MANAGER will invite all parties present to introduce themselves and their role in the hearing. A representative from HUMAN RESOURCES will be in attendance.

**Statement of case by the Employee**

The EMPLOYEE (or his/her representative) will put the case in the presence of the INVESTIGATING MANAGER and will call witnesses.

The INVESTIGATING MANAGER will have the opportunity to ask questions of the EMPLOYEE and his/her witnesses.

The DIRECTORS' APPEAL PANEL and the representative from HUMAN RESOURCES will have the opportunity to ask questions of the EMPLOYEE and his/her witnesses.

**Statement of case by the Employer**

The INVESTIGATING MANAGER will put the case in the presence of the EMPLOYEE and his/her representative and will call witnesses.

The EMPLOYEE (or his/her representative) will have the opportunity to ask questions of the INVESTIGATING MANAGER and his/her witnesses.

The DIRECTORS' APPEAL PANEL and the representative from HUMAN RESOURCES will have the opportunity to ask questions of the INVESTIGATING MANAGER and his/her witnesses.

**Summing Up**

The INVESTIGATING MANAGER and then the EMPLOYEE (or his/her representative) will have the opportunity to sum up their cases if they so wish.

**Parties to Withdraw**

The INVESTIGATING MANAGER and the EMPLOYEE (and his/her representative) withdraw from the hearing.

**Consideration by the DIRECTORS' APPEAL PANEL**

The DIRECTORS' APPEAL PANEL and the representative from HUMAN RESOURCES will deliberate in private, only recalling the INVESTIGATING MANAGER and the EMPLOYEE



(and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

### **Decision**

When the DIRECTORS' APPEAL PANEL has reached a decision the EMPLOYEE (and his/her representative) and the INVESTIGATING MANAGER will be invited back in and informed of that decision if requested. Written confirmation will be sent to the employee in 7 calendar days' / 5 working days' of the decision of the hearing being given. The appeal decision concludes the process within the Trust.