

Guidance for Schools

Model Disciplinary Procedure for Staff in Schools with Full Delegated Status

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MODEL DISCIPLINARY PROCEDURES FOR STAFF IN SCHOOLS WITH FULL DELEGATED STATUS

1. Introduction

- 1.1 This procedure is designed to help and encourage all staff to achieve and maintain high standards of conduct at work and to provide a mechanism for dealing with problems as and when they arise. Its aim is to provide a model procedure for adoption by the Governing Body of a school which ensures consistent and fair treatment for all employees and to assist the Governing Body to comply with its duty to set up disciplinary procedures under regulation 6(1)(a) of the School Staffing (England) Regulations 2003.
- 1.2 This procedure covers matters relating to disciplinary issues right from the initial stages through to dismissal processes. The Disciplinary Procedure deals with issues of misconduct only. Concerns regarding capability/poor performance are dealt with separately under different procedures.
- 1.3 This procedure has been formulated in order to ensure compliance with relevant education and employment legislation, the Articles of Government of Schools and appropriate Conditions of Service. It also reflects advice contained in the relevant ACAS Code of Practice. While the Code does not amount to legislation, it is essentially statutory guidance which is enforceable to the extent that failure to comply, by either party, may lead to an automatic increase or decrease in any compensation awarded.
- 1.4 Officers of Children's Services Human Resources and the LA are available to assist Headteachers and Governing Bodies who are considering or implementing disciplinary action. Headteachers and Governors are advised to seek their advice at an early stage. This may include full involvement at any stage of the procedure.
- 1.5 Employees facing action under these procedures should seek advice from their professional association or trade union where appropriate.
- 1.6 Only in exceptional circumstances should any Governor who has taken part in detailed discussions concerning any particular issue or case be involved in any subsequent hearing or Appeal. Governors must consider this requirement before initiating any action under these procedures and particular care in this respect must be exercised regarding the position of the Chair of Governors.
- 1.7 Schools must formally adopt a procedure and ensure that this is formally recorded in Governing Body minutes. It is recognised that Voluntary Aided Church Schools may choose to adopt different procedures as drawn up by the relevant Diocesan authority.

1.8 Trade Union Officials

Prior to taking any disciplinary action against employees who are accredited trade union representatives a discussion concerning the case should take place with a full-time Senior Trade Union Representative. Similarly, the opportunity to be represented will be given before any formal warnings are issued or further disciplinary action taken.

Children's Services Human Resources will be available to provide advice in such circumstances.

2. Interpretation

- 2.1 A school with full delegated status means any school with full delegated status as laid down in the County Council Scheme of Local Management of Schools.
- 2.2 References to the Director of Children's Services shall include any officer acting on his/her behalf.
- 2.3 References to the Chair of Governors shall include any Governor acting on his/her behalf and with his/her authority.
- 2.4 References to the Headteacher shall include any nominated Deputy Headteacher/Line Manager acting on his/her behalf. In the case of teachers, only the Headteacher, or in his/her absence, the Deputy Headteacher may act on his or her behalf.
- 2.5 Periods of time and deadlines in this document may be varied by the mutual agreement of the parties concerned. (Governing Bodies and Headteachers are asked to give particular consideration when employees are unable to obtain representation for a particular date.)
- 2.6 For the purposes of this procedure 'working days' shall mean a designated term-time or Teacher Education Training Day or any other contractual working day.

3. Principles

- 3.1 The day to day supervision of staff is part of the normal managerial process and should be outside the scope of a formal procedure.
- 3.2 Problems should be raised and discussed as early as possible and resolved whenever possible without recourse to the formal procedure. Informal meetings are normally referred to as Management Meetings. Sometimes these discussions will need to be fairly formal in manner but nevertheless fall outside the disciplinary arrangements. They are not disciplinary interviews but such a meeting could be used to issue a direct instruction to an employee in writing, the breach of which could then lead to disciplinary action.
- 3.3 The procedure is intended to provide a full and fair opportunity for a member of staff to present their case before any disciplinary action is taken.
- 3.4 Dismissal for a first offence is not normally permissible unless gross misconduct is involved.

4. Disciplinary Purpose

- 4.1 Headteachers should first consider a "counselling approach" to improving conduct at work.
- 4.2 Disciplinary procedures should not be viewed purely as a means of imposing sanctions. They are designed to emphasise and encourage improvements in individual conduct. Minor faults can be dealt with informally but where the matter is more serious or persistent then the formal procedure should be used.

5. Scope

- 5.1 The procedure covers all staff employed at a school with full delegated status other than those who are direct employees of the Local Authority (such as peripatetic teachers) and for whom the Governing Body have no direct responsibility. Alternative arrangements apply to such employees.
- 5.2 This procedure has been drawn up so that it can be used by all types of maintained schools, whether the Governing Body is the employer of the staff in question or whether the LA is the employer. Voluntary Aided Church Schools may choose to adopt a different procedure as drawn up by the relevant Diocesan authority. Whichever policy is adopted by such schools they should always keep the relevant Diocesan authority informed if they are taking disciplinary action against staff.
- 5.3 *Probation – Support Staff only*

The purpose of the 6 month probationary period is to ensure that all employees newly employed by Worcestershire County Council understand and are encouraged to achieve and maintain the standards of conduct required with a reasonable time. If, after receiving sufficient guidance, support and training, an employee is unable to achieve and maintain acceptable standards his/her contract may be terminated without recourse to the full disciplinary procedures. The detailed Probation Policy & Procedures and further advice are available from Children's Services Human Resources.

6. Suspension

- 6.1 Within the context of this procedure, suspension from duty may be considered. It is not intended as a disciplinary measure in itself and should not be seen as punitive or pre-judging the outcome of any investigation.
- 6.2 Suspension is usually only appropriate:
- in cases which appear to involve gross misconduct; or
 - in order to allow a thorough and unhindered investigation to take place; or
 - for reasons of safety.

In such cases the member of staff should be instructed by the Headteacher to leave the workplace immediately and should be informed that their suspension will be with full pay. Any verbal instruction should be confirmed in writing within 1 working day. The member of staff is expected to be available for interview during working hours throughout the period of suspension.

- 6.3 Immediately following suspension, the position should be investigated and clarified as soon as possible. The outcome of the investigation may lead to one of the following actions:
- the decision that there is no case to answer and that the employee should return to work;
 - that the employee should return to work pending a disciplinary hearing;
 - that the employee should remain suspended pending a disciplinary hearing.

In all cases the employee should be informed in writing of the decision and the reasons for it.

- 6.4 Only the Governing Body has the authority to end the suspension of a member of staff.
- 6.5 During suspension a member of staff may be permitted by prior arrangement with the Headteacher to return to the place of work to collect personal belongings or any "material" that they may need in the preparation of their case.

If the suspended member of staff wishes to contact staff at school to gather witness statements this will normally be arranged but may be delayed if there is any police investigation underway. Arrangements to interview witnesses during working time should be agreed with the Headteacher.

- 6.6 In all cases the suspension should be reviewed by the Headteacher every 15 working days. The employee must be informed in writing of the outcome of each review. If the employee and/or their representative notifies the Headteacher that they wish the review to take the form of a meeting at which they attend and make representations, this should be arranged. Timescales for these reviews may be varied by mutual agreement.

The suspended member of staff should be given the name of an LA Officer as an information contact. The main role of the contact person is to provide information as to the progress of the investigation. Social contact with the staff member's school colleagues and friends is not precluded except where likely to be prejudicial to the gathering and presentation of evidence.

- 6.7 The Headteacher, Governing Body and Director of Children's Services must be informed immediately of any suspension or the ending of the suspension.

7. Investigations and Preliminary Considerations

- 7.1 Disciplinary action should not be taken until the alleged misconduct has been properly and fairly investigated in such a manner which does not prejudge the outcome.
- 7.2 Such investigations may be undertaken by the Headteacher or senior staff from the school. In cases involving the Headteacher this will normally be the Chair of Governors/nominated Governor(s).

Note – careful consideration should be given at this stage to who should conduct the investigation as, where practicable, the Investigating Officer should not be the person who hears the case at any future hearings.

- 7.3 An investigation must whenever possible involve an interview with the employee concerned who may be accompanied by a colleague or trade union representative.

If it is anticipated that witness evidence will be used at a disciplinary hearing, signed and dated witness statements or a report should be produced, wherever possible, as part of the investigation.

- 7.4 The Investigating Officer may decide on one or more of the following:
- that no action is required in which case the employee concerned must be informed as soon as possible

- in certain circumstances it may be appropriate for the employee to be warned about his/her conduct in an informal manner in order to register concern but without recourse to the formal procedures
- alternatively he/she may conclude that it would be appropriate to offer assistance to resolve the problems or otherwise to bring about an improvement, e.g. by guidance or other appropriate procedures.

7.5 If none of these courses of action is appropriate and formal action is to be considered the appropriate sections of the procedure must be followed.

DISCIPLINARY PROCEDURES UP TO AND INCLUDING ALL SANCTIONS SHORT OF DISMISSAL

8. Delegation of Authority

8.1 Staff other than the Headteacher

By adopting these procedures the Governing Body delegates responsibility for matters of discipline relating to such staff to the Headteacher. For the avoidance of doubt this includes the imposition of all disciplinary sanctions short of dismissal. Powers of dismissal may also be delegated to the Headteacher, see Section 11.

8.2 The Headteacher

By adopting these procedures the Governing Body delegates responsibilities for matters of discipline relating to the Headteacher to the Chair or to one or more Governors. For the avoidance of doubt this includes the imposition of all disciplinary sanctions short of dismissal.

9. Warnings

9.1 Written warnings

If it has been established that the misconduct is sufficiently serious to warrant action under the disciplinary procedure and there is found to be substance to the allegations, a written warning may be issued.

First written warnings will remain in force normally for 6 months but can be valid for up to 12 months in more serious cases. Failure to improve, a repeat of the misconduct or acts of further misconduct may lead to a final written warning.

A final written warning may be issued depending on the circumstances. Employees will be advised when such a warning is issued that any further act of misconduct whether similar or not could lead to dismissal. Final warnings will usually remain in force for 18 months. However they can be made for up to three years as an alternative to dismissal in matters verging on gross misconduct.

9.2 All formal warnings will be confirmed in writing and employees will be advised that a record of all formal warnings will be kept on file.

When deciding on the appropriateness of any such warning, regard may be given to the employee's previous employment history with the school.

- 9.3 Prior knowledge of the existence of expired disciplinary warnings shall be discounted in deciding any disciplinary sanction. In exceptional circumstances the nature of the offence and the circumstances surrounding it could give rise to concern where an individual's future deployment or promotion is concerned. In these circumstances an employee should be told what information is being held and why, and should have access to the grievance procedure if there is any dispute about the matter.
- 9.4 A note of the effective life of warnings should appear at the beginning of any record on an employee's file.

10. Hearings up to and including Sanctions Short of Dismissal

- 10.1 For matters where informal measures would not be appropriate or where an informal approach has not been effective the Headteacher will arrange a disciplinary hearing. This is a hearing to consider whether any of the following actions are appropriate; issue of a:

- (a) First written warning; or
- (b) Final written warning.

This hearing will be before the Headteacher normally with an officer of the Authority present in an advisory capacity. If the Headteacher is the subject of the disciplinary action this should be before the Chair of Governors/nominated Governor(s).

The member of staff must be given 10 working days written notice of the hearing setting out:

- (a) the date, time and location of the hearing;
- (b) the right of the member of staff to be accompanied by a colleague or trade union representative and to call witnesses;
- (c) the nature of the allegation giving enough details to enable the member of staff to prepare a response; together with copies of any documentary evidence which it is proposed to present at the hearing.

Any document or statements that either side wishes to use or refer to during any disciplinary hearing and details of any witnesses to be called must be made available to all parties as soon as possible and ideally not later than 5 working days before the hearing.

- 10.2 A copy of the disciplinary procedure must be sent to the member of staff with the notice of the hearing.
- 10.3 The Headteacher must ensure that the hearing is conducted in a fair and reasonable manner and in accordance with the principles of natural justice.
- 10.4 The member of staff should be quite clear as to the nature of the complaint against him/her and have every opportunity to state his/her own version of events.
- 10.5 Where someone has produced a witness statement or report they may be required to attend to give evidence depending upon the circumstances. The member of staff must notify the Headteacher in advance if he/she intends to call any witnesses as soon as possible before the hearing.

10.6 The procedure to be used at the hearing is shown in Appendix 1.

10.7 If, having regard to all the circumstances the Headteacher considers it appropriate to issue a:

First written warning, or
Final written warning

the decision should normally be given verbally and confirmed in writing within 5 working days of the hearing. The letter should clearly set out:

- (a) The date of the hearing.
- (b) Details of the unsatisfactory conduct, including reference to any previous warnings which have been considered.
- (c) The standards now expected and details of any monitoring or review to be operated during a specified period.
- (d) Any facilities, support or training being made available to the member of staff to secure an improvement.
- (e) A warning that further unsatisfactory conduct could lead to more serious disciplinary action, including dismissal.
- (f) The period of time after which the warning will lapse.
- (g) The right to lodge an Appeal within 10 working days of receipt of the letter confirming the decision and the right to representation including trade union representation. See Appeals procedure at Section 19.

10.8 A copy of the warning will be sent to the employee's colleague or trade union representative.

10.9 Where no Appeal is made the employee may submit a statement of mitigation to be held on file with the warning.

10.10 Any further incidents of misconduct occurring during the period of the initial warning may lead to further action being taken under these procedures and may include:

- an extension of the warning for a period of 3 to 6 months
- a first written warning being increased to a final written warning
- some other sanction such as redeployment or demotion, as appropriate to the particular circumstances
- dismissal

DISMISSAL PROCEDURES

11. Delegation of Authority

11.1 Dismissal of Staff other than Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that any person employed or engaged by the LA to work at the school should cease to work there (Community, Voluntary Controlled, Community Special and Maintained Nursery) or to dismiss its staff (Foundation, Voluntary Aided, Foundation Special) to:

- (a) one or more Governors and the Headteacher (which may be called a Staff Dismissal Committee)
- (b) one or more Governors
- (c) the Headteacher.

For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel. The Headteacher may not sit on the Dismissal Appeal Panel.

11.2 Dismissal of The Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that the Headteacher should cease to work at the school or be dismissed to one or more Governors.

For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel.

For ease of understanding, those who have delegated authority to dismiss will be referred to in these proceedings as 'Decision-Makers'.

12. Rights of Attendance/Advisory Rights

12.1 Where the Governing Body has delegated powers to dismiss staff, other than the Headteacher, to one or more Governors, the Headteacher has a right under the 2009 Regulations to attend at and give advice to all relevant meetings/hearings held by those Governors and they must consider that advice in coming to their decisions. That advice shall be given by the Headteacher in the course of the presentation of the case against the employee.

12.2 For community, voluntary controlled, community special and maintained nursery schools, the LA has a statutory duty to send a representative and offer advice to all proceedings relating to the dismissal. Those to whom the function has been delegated must consider that advice in coming to their decision.

Note - The Clerk to the Governors will usually take notes at dismissal hearings. In the event of the Clerk to the Committee being unavailable an LA Officer, Governor or other delegated member of staff may act as Clerk at a particular meeting.

13. Gross Misconduct – Dismissal Without Notice

13.1 Gross misconduct is defined as misconduct which is of such a serious nature that, if substantiated, amounts to a fundamental breach of the Contract of Employment by the employee which destroys the relationship of mutual trust and entitles the employer to terminate the contract without notice. A dismissal on the grounds of gross misconduct is a summary dismissal, without payment of notice or pay in lieu of notice. Examples of gross misconduct are:

- Abuse of children
- Physical violence or bullying
- Serious insubordination
- Serious incapability brought on by alcohol/illegal drugs
- Theft, fraud, deliberate falsification of records.

Please note, however, that other actions might constitute gross misconduct depending on the circumstances.

13.2 The member of staff should be suspended with full pay as soon as it appears that the allegations may amount to gross misconduct until the case has been investigated.

14. Hearings

If a view is taken, following any necessary investigations, that dismissal is a possible/likely or proposed option, the person(s) with the delegated authority to require that someone cease to work at the school or to dismiss must set up a disciplinary hearing.

Before determining that a member of staff should cease to work at the school or should be dismissed, the Governing Body (or whoever they have delegated the role to) must enable the employee to make such representations, oral and/or written, as they wish and have regard to them. This must be done by arranging a disciplinary hearing before the person(s) who have the delegated authority to dismiss. The detailed procedures for this are set out below at Appendix 2.

The member of staff must be given at least **10 working** days' written notice of the hearing. This written notice must include the following:

- (a) A written account of the alleged conduct, characteristics or any other circumstance which leads the decision-makers to contemplate dismissal and an explanation of why those factors have been included. In other words, the member of staff must be given a clear account of the case he/she is facing.
- (b) Copies of any documentary evidence the Headteacher intends to rely on at the hearing including any witness statements and details of any witnesses to be heard.

- (c) The right of the member of staff to be accompanied by a colleague or trade union representative at the hearing; to present evidence/make oral submissions to the hearing and to call witnesses.
- (d) The fact that a decision that the member of staff should cease to work at the school or be dismissed is a possible outcome of the meeting and that it is very important for him/her to attend.
- (e) A copy of this procedure.

If the member of staff wishes to present documentary evidence (including witness statements) at the hearing that should be made available to the Headteacher as soon as possible and not later than 5 days before the hearing. Details of any witnesses to be called should likewise be provided.

Note – New information/documents/statements produced only at the hearing itself will only be considered at the discretion of those hearing the matter and may lead to adjournments.

Note – In exceptionally serious circumstances, or where the member of staff is not a member of a trade union, consideration must be given to allowing representation by an alternative advocate, if requested.

15. Procedure at the Hearing Itself

(This is set out in detail at Appendix 1.)

The essential aim is to ensure that all relevant information is brought out in order to ensure the highest possible quality of decision making. The staff member should know the case being faced and have the opportunity to state their case fully. Each side should have the opportunity to question the other. Those running the hearing and those giving professional advice to the hearing are responsible for ensuring that it is carried out in a fair and reasonable manner and in accordance with the principles of natural justice.

16. The Decision

Dismissal/Ceasing to Work at the School

Wherever possible this decision will be given orally on the same day and followed up in writing within 5 working days. If the decision is that the staff member should cease to work at the school or should be dismissed, the oral decision should include the **ground(s)** for dismissal, e.g. conduct.

Note – These hearings may result in any available disciplinary sanction less than dismissal being imposed if dismissal is not thought appropriate.

17. The Follow Up Letter

(a) Community/Voluntary Controlled/Community Special/Maintained Nursery Schools

If the outcome is that the Governing Body determine the person should cease to work at the school, the school will need to write two separate letters.

1. To the staff member confirming the date of the hearing, the fact that the decision is that the person should cease to work at the school, the grounds for that, the fact that the LA will shortly be giving them notice of dismissal and details of the Appeal process plus an Appeal Form.
2. To the LA confirming the date that the hearing took place, the outcome and the grounds for that outcome.

The LA has 14 days from receipt of this notification to issue the member of staff with notice of termination of contract, i.e. dismissal.

(b) Foundation/Voluntary Aided/Foundation Special Schools

If the outcome is dismissal the letter should confirm the date of the hearing, the outcome and the grounds of dismissal. It should go on to give the staff member the relevant notice of dismissal (if any) and the date of termination of employment.

It should then inform the staff member that they have 10 working days from receipt of this letter to lodge an Appeal.

Appeal Forms should be included in all letters giving details of where it should be returned.

18. Outcomes other than Dismissal/Ceasing to Work

At any hearing to consider a dismissal there is discretion to take an alternative course of action. This action may involve, where appropriate to the terms and conditions of the member of staff concerned:

- (a) Restriction or withdrawal of benefits.
- (b) Delay in progression through the pay scales.
- (c) Transfer to an alternative, possibly differently graded post, together with any appropriate retraining thought necessary.
- (d) Extension of the period of final warning.
- (e) Such other action thought appropriate in all the circumstances.

In all such cases the school should write to the staff member confirming the date the hearing took place the outcome and any Appeal rights against disciplinary sanctions (for which see the section on disciplinary hearings where dismissal is not being considered).

19. Appeals against Warnings/Dismissal/Ceasing to Work

- 19.1 The member of staff has a legal right to Appeal against a dismissal decision or other disciplinary sanction. The detailed procedures for this are set out below.

- 19.2 An Appeal may take the form of a full re-hearing in some circumstances but by mutual consent this need not be the case, depending on the grounds of Appeal.

The procedure is intended to provide a member of staff with a full and fair opportunity to present an Appeal against a disciplinary warning or first instance decision to dismiss or requirement to cease to work at the school.

- 19.3 Any Appeal should be heard by a Committee of three Governors (other than in exceptional circumstances), referred to as the Appeal Panel. No Governors who have been directly involved in any previous stages of the case will sit on this Panel.
- 19.4 The respondent at an Appeal hearing will normally be the Headteacher, even in cases where they were not the decision maker at the first hearing. The chair of the decision making panel should be called as a witness.

20. Lodging the Appeal

The Appeal must be lodged in writing using the form supplied within 10 working days of the date of receipt of the letter giving the outcome of the previous hearing. It must include the grounds of the Appeal. The Appeal Form should be returned to the Headteacher. If the Headteacher is the subject, this should be returned to the Chair of Governors/nominated Governor(s).

The Appeal should be acknowledged by the Headteacher/Chair/nominated Governor.

21. Procedure for Hearing Appeals

The actual procedure at the hearing will be as set out in Appendix 3 to this document.

Note – LA advisers may attend any such hearing, ask questions at any point and advise the decision-maker as appropriate including after retirement of the Panel.

The employee will be given 10 working days written notice of the date, time and location of the Appeal hearing and must be advised of the right to be accompanied by a trade union representative.

22. The Decision

This will normally be given orally on the day and followed within 5 working days by written confirmation. The range of decisions the Appeal Panel can come to is as follows:

- (a) To dismiss the Appeal entirely – confirmation (orally and in the follow up letter) of the ground(s) for dismissal of the Appeal should be given.
- (b) To allow the Appeal.
- (c) To allow the Appeal to the extent of substituting a lesser penalty.

Note – The Appeal Panel may invite further submissions from the parties about any course of action they may be considering.

23. The Follow Up Letter

As regards all maintained schools this should go to the staff member giving the date of the original hearing, date of the Appeal hearing, outcome of Appeal and grounds for dismissal/requirement to cease working at the school, if applicable.

The letter should always be copied to the LA.

Note – If the original decision leads to notice of dismissal being given to the staff member by the school or the LA, the effect of a successful Appeal will be to effect reinstatement of the staff member as from the date of dismissal with continuity of employment preserved. This should be made clear in writing to the staff member by the school or LA as appropriate.

24. Informing the Secretary of State for Education and Skills

Where misconduct is of such a serious nature that the employee is dismissed or resigns rather than being dismissed the LA has a duty to inform the Secretary of State of the details of the misconduct or alleged misconduct.

**RECOMMENDED PROCEDURE FOR
CONSIDERATION OF SANCTIONS
SHORT OF DISMISSAL**

Present:

Headteacher/Deputy Headteacher/Line Manager (Management) as appropriate
(see section 2.4)
LA adviser(s) (if appropriate)
Member of staff
Colleague or trade union representative (if appropriate).

(Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

Order of Business:

- (a) Management to outline the allegation by going through the evidence that has been gathered including any witnesses' statements and the relevant records.
- (b) Management to call any witnesses to give evidence.
- (c) The member of staff and/or their colleague or trade union representative to raise any questions with the witnesses or Management.
- (d) The member of staff and/or their colleague or trade union representative to state their case including going through evidence and including any witnesses' statements and relevant records.
- (e) The member of staff to call any witnesses to give evidence.
- (f) Management or LA adviser(s) to raise any questions with the witnesses or member of staff.
- (g) The member of staff and/or their colleague or trade union representative to make any concluding statement.
- (h) The member of staff and colleague or trade union representative to withdraw.
- (i) Management to consider the matter taking advice from the adviser(s) present.

RECOMMENDED PROCEDURE FOR CONSIDERATION OF DISMISSAL

Order of Business:

1. Pre-meeting of the decision-maker(s)*, Clerk and LA Officer adviser(s) to clarify any procedural matters.
2. Hearing: In addition to those attending the pre-meeting:
 - Member of staff and representative
 - Headteacher** and other management (Management)

(Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

 - (a) The decision-maker(s)* will introduce those present, explain the order of business and outline the case for dismissal by going through the evidence.

All parties will be reminded of the confidential nature of the proceedings and that the decision-makers do not intend to make available notes of this meeting. No unreasonable restriction will be placed on the employee or representative if they wish to make notes for their own use.
 - (b) Management will put forward the case and call their witnesses, who will either read their witness statement or it may be taken as read.
 - (c) The member of staff and/or their representative and the decision-makers may raise questions of management/management's witnesses.
 - (d) The member of staff/their representative will state their case.
 - (e) The member of staff/their representative will call any witnesses, who will either read their witness statement or it may be taken as read.
 - (f) Management and the decision-makers may raise with the member of staff and their witnesses any questions - these should be answered by the staff member or witness not the representative.
 - (g) Management may sum up but will introduce no new factors.
 - (h) The staff member/their representative may sum up but will introduce no new factors.
 - (i) The staff member/their representative, management and all witnesses withdraw and the decision-makers retire to consider their decision.

* Depending upon who has the delegated power to dismiss the decision-maker(s) may be:
 (a) a nominated Governor (or Governors); and/or
 (b) the Headteacher.

** Where the Headteacher does **not** have the delegated power to dismiss.

- (j) The staff member/their representative and management will be recalled and informed of the decision which will be confirmed in writing within 5 working days of the meeting.

Note – LA advisers may attend any such hearing, ask questions at any point and advise the decision-maker as appropriate, including after retirement of those with the delegated power to dismiss.

**RECOMMENDED PROCEDURE FOR
MEETING OF APPEAL PANEL**

1. Pre-meeting of Governing Body representatives, Clerk and Director of Children's Services adviser(s) to clarify any procedural matters.

2. Hearing: In addition to those attending the pre-meeting:

Member of staff and representative as Appellant
Headteacher and other management as Respondent
LA Officer adviser(s).

(Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

Order of Business:

- (a) Chair to introduce the members of the Panel and others present and to outline the order of business.
- (b) Chair to remind those present of the confidential nature of the proceedings.
- (c) Chair to clarify that it is not intended to make available notes of the meeting. The Clerk will record as necessary for the purposes of the Governors, and no unreasonable restriction will be placed on the employee or representative if they wish to make notes for their own use.
- (d) The Chair will either read or circulate to all those present a copy of the decision against which the Appeal is being made.
- (e) The Appellant will state his/her case and may call witnesses.
- (f) The Respondent may ask questions of the appellant and witnesses.
- (g) The Panel and the LA adviser may ask questions of the Appellant and witnesses as appropriate.
- (h) The Respondent will state his/her case and may call witnesses.
- (i) The Appellant may ask questions of the Respondent and witnesses.
- (j) The Panel and the LA adviser(s) may ask questions of the respondent and witnesses as appropriate.
- (k) The Respondent may re-examine the witnesses.
- (l) The Appellant or representative will conclude with a summary of the case but will introduce no new factors.
- (m) The Respondent will conclude with a summary of the case but will introduce no new factors.

- (n) The Appellant and Respondent will withdraw while the Panel consider the case taking advice as appropriate from the LA adviser(s).
- (o) The Panel will consider the case and the action open to them and reach a decision.
- (p) Appellant and Respondent will be recalled and informed of the decision by the Chair. Notification of the decision will be confirmed in writing within 5 working days of the meeting.
- (q) A formal minute will be made of the outcome of the hearing.
- (r) The decision must be confirmed in writing within 5 working days.

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