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POLICY

1. **Scope**
 - 1.1 The School Staffing (England) Regulations 2009 require the governing body to establish procedures for the regulation of the conduct and discipline of staff. The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 has similar requirements for those establishments.
 - 1.2 This procedure applies to all school-based staff including those in Pupil Referral Units and has been adopted by the governing body/management committee. It does not apply to staff who are not employed solely at the school such as centrally appointed peripatetic staff, who are subject to separate disciplinary procedures. Any concerns relating to the conduct of such staff should be drawn to the attention of the appropriate line manager at the earliest opportunity.
 - 1.3 Throughout this document the term “school” is used when referring to either type of establishment. Similarly, any reference to the “governing body” should be taken to mean “or management committee” which ever is relevant.

2. Purpose

- 2.1 Appropriate discipline at work is necessary for the efficient operation of the school and for the health and safety of all employees. This document has two main parts: the **policy** which sets out the expectations on employees in relation to their conduct and the **procedure**, which describes the action the school will take in circumstances where there is a failure to meet those expectations.

3. Principles of Application

- 3.1 The school's approach to the disciplinary process is based on a number of guiding principles that run through this document. These are:-

- (a) **The governing body will establish a Disciplinary Policy and Procedure that is in accordance with the school's equal opportunities policies and with the ACAS Code of Practice.** It will also make suitable arrangements to keep the policy under review and to monitor its operation against equalities criteria in order to fulfil the obligation to report the impact of the school's policies on different groups of staff. Proposed changes to this policy or procedure will be made only following consultation with staff through their trade unions/professional associations.
- (b) School managers will ensure that staff receive adequate induction, training, support, supervision and advice in connection with their work and are made aware of the relevant standards set out in this document, so as to encourage them to achieve and maintain the required standards of conduct.
- (c) All staff covered by the document will be treated in a fair, consistent and non-discriminatory manner.
- (d) Unless it is totally impractical, the case against an employee will be heard by a different designated person/panel at each stage of the procedure.
- (e) Proper and adequate procedures will be followed before any disciplinary decisions are taken.
- (f) Any steps under the procedure will be taken promptly unless there is good reason for the delay.
- (g) If a member of staff has difficulty at any stage of the procedure because of disability, they should discuss the situation with their manager or the school's HR provider as soon as possible.
- (h) Disciplinary proceedings are confidential. Information made available in the course of disciplinary proceedings must not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a friend, colleague or trade

union representative for support or professional advice. Any unwarranted breach of confidentiality could result in disciplinary being taken against those involved.

- (i) Staff must not canvass managers or council members for support during disciplinary proceedings.
- (j) Where it is deemed necessary to suspend a member of staff, they will be paid their normal rate of pay (including any other contractual payments) as received immediately prior to the suspension. The reason for suspension will be explained.
- (k) A member of staff has a right to be accompanied by an accredited worker's companion (i.e Trade Union representative) or a work colleague, at all formal stages of this procedure. They should be informed of this right, be given advanced notice of such meetings and given reasonable time to contact a representative. If the employee's chosen companion is not available at the time fixed for the meeting, it should be rescheduled to accommodate the availability of the companion, as long as a reasonable alternative date is offered which is within 5 working days of the originally proposed date.
- (l) Advice from the local authority and from the school's HR provider will be available at all stages of the process.

4. General Responsibilities

Governing Body

- 4.1 Responsibility for the dismissal of staff and the hearing of appeals may be delegated to a sub-committee. It is recommended that one is established to deal with disciplinary matters and a second to hear appeals in order to ensure that the principles of natural justice are maintained.
- 4.2 A disciplinary committee must comprise no fewer than three people but must not be the full governing body as a separate group will be needed to hear appeals. Any person hearing a disciplinary case at any stage should not have had any previous involvement in the particular complaint against the employee. Members of such committees should familiarise themselves with this document and access relevant training through their HR provider.
- 4.3 Decisions taken by these sub-committees under their delegated powers must be reported to the full governing body.

School Management

- 4.4 The head teacher has overall responsibility for maintaining discipline amongst all staff in the school but other managers may be required to deal with individual cases, depending on complexity. Where the alleged misconduct involves the head teacher, responsibility for initiating disciplinary action and deciding the appropriate level of action rests with the governing body. For all other staff responsibility rests with the head teacher.
- 4.5 Managers should seek advice from the school's HR provider at the earliest opportunity whenever an employee's conduct is giving cause for concern and might result in disciplinary action.

Employees

- 4.6 All employees are responsible for familiarising themselves with standards of work and conduct including the School's Staff Code Of Conduct, their terms and conditions of employment, the equality and diversity policies, the examples of disciplinary offences given in Appendix 1 of this document and any relevant standards or rules relating to: timekeeping; absence reporting; confidentiality; using e-mail, internet and telephones; data protection etc. whilst on school business.
- 4.7 They must ensure that their own conduct accords with established standards of work and conduct, including those mentioned above, in a way that promotes a positive working environment.
- 4.8 In accordance with their contract of employment they must co-operate with the disciplinary process.

5. Operation of the Procedure

Informal/Preliminary Action Stage

- 5.1 Discipline is maintained effectively by example, training, informal advice or reprimands and through observance by staff of recognised standards of conduct and the Conditions of Employment. Where minor misconduct first occurs, it should be the usual practice for the head teacher or other line manager to deal with the matter by counselling or, informal reprimand about the need for improved conduct. Such reprimands will not be formally recorded, but managers should keep a record of all informal/preliminary action. The above process will usually have preceded formal disciplinary action in respect of minor misdemeanours. If the minor misconduct continues or is repeated then the case should be dealt with under the formal stage of the procedure.
- 5.2 The formal procedure should not normally be invoked unless:

- previous advice and/or reprimands have been ineffective; or
- the complaint is of a serious nature.

6. Formal Action

Suspension

- 6.1 The governing body (in the case of suspension of the head teacher) and the head teacher (for all other staff) have the power to suspend any person employed to work at the school. Suspension for alleged misconduct should only be instigated:-
- where the suspected offence may amount to gross misconduct; or
 - in a situation when it is decided that a member of staff should be away from the school in the best interests of the investigation or the employee while a serious matter is being investigated.
- 6.2 Suspension of this kind is not a disciplinary sanction and does not imply “guilt” or that any decision has already been made. Suspension may involve a total suspension from work; suspension of part of the employee’s normal duties; transfer to alternative work or transfer to a different workplace. The alternative options should be considered before implementing a total suspension from work. Wherever possible the school’s HR provider should be consulted before this action is taken.
- 6.3 The governing body, when exercising this power, shall immediately inform the Authority and the head teacher. The head teacher, when exercising this power, shall immediately inform the governing body and the Authority.
- 6.4 Suspension under this paragraph may only be ended by the governing body and this should be done by Chair’s action in conjunction with the Head teacher. On ending such a suspension, they shall immediately inform the head teacher and the Authority.
- 6.5 During suspension, the employee will be paid their normal rate of pay (including any other contractual payments) as received immediately prior to the suspension. Any period of suspension should be as brief as possible. If the investigation is prolonged, the employee may, after one month of suspension, appeal to the governing body to have it lifted. The suspension letter will provide the employee with a named person as a suitable contact point at the school.
- 6.6 During a period of suspension, wherever possible there should be a nominated member of the school staff with whom the suspended employee can communicate in order to be kept informed about school matters and the progress of the investigation. If the suspended

employee should wish to communicate with other staff (eg to use them as defence witnesses), this should be done via the nominated contact and/or through their representative/work colleague. Under the terms of the contract of employment, staff are required to co-operate with their employer and should not, therefore, refuse to appear as a witness without good cause.

7. Investigations

- 7.1 The purpose of an investigation is for the investigating manager to establish a fair and balanced view of the facts relating to any allegations of misconduct against the employee before deciding whether to proceed with a disciplinary hearing. This may involve reviewing any relevant documents and interviewing the employee and any witnesses. In more serious or complex cases and particularly where serious or gross misconduct is alleged, the investigation should be carried out by a senior manager other than the one designated to conduct the disciplinary hearing. Unless there are exceptional circumstances involving accusations against the head teacher, governors should not be involved in these meetings. The investigating manager may be assisted by a representative from the school's HR provider. The employee may be accompanied by a certified professional association/trade union official or a work colleague

An investigatory meeting should not be used to issue a disciplinary sanction. In cases of less serious misconduct there may be no need for a formal investigatory meeting other than the disciplinary hearing. In these cases the employee must be made fully aware of the status of the meeting and that disciplinary action could be a possible outcome.

- 7.2 The employee must cooperate fully and promptly in any investigation, including informing the investigating manager of the names of any relevant witnesses, disclosing any relevant documents and attending any investigatory interview.
- 7.3 After reasonable preliminary investigation, the investigating manager will decide to:
- (a) deal with the matter informally or
 - (b) initiate a disciplinary investigation if the matter is more serious or
 - (c) dismiss allegations raised which are trivial, false or without substance; or
 - (d) in exceptional circumstances where the facts of the case are already established, arrange a disciplinary hearing.
- 7.4 **Evidence from Pupils:** Where pupils are involved they should normally be questioned before the hearing individually and not collectively. It is advisable that parents of such pupils or others with parental responsibility under the terms of the Children Act should be informed as soon as possible and given the opportunity to be present during

questioning. Statements taken from pupils may be produced as evidence during the disciplinary interview.

- 7.5 Schools should refer to the separate guidelines and seek further advice from a senior officer of the local authority whenever complaints against staff are made by or on behalf of pupils.

8. Disciplinary Hearings

- 8.1 Disciplinary hearings for charges of misconduct (other than serious or gross misconduct) may be heard by the Head Teacher or line manager. Charges of serious or gross misconduct must be heard by a disciplinary sub-committee.

It should be made clear to the employee when called to a disciplinary hearing of the level of charge (misconduct, serious misconduct or gross misconduct) and the possible sanctions.

- 8.2 It is also important that a manager or members of a sub-committee hearing a disciplinary case at any stage have not had any previous involvement in the particular complaint against the employee. For this reason Headteachers should be careful not to discuss issues which might lead to disciplinary action with the full Governing Body.
- 8.3 Persons nominated to investigate and/or hear disciplinary allegations under this procedure should avail themselves of appropriate training and should seek advice/assistance from their HR provider whenever possible. A representative of the school's HR provider should be invited to be present when allegations of serious or gross misconduct are involved. When allegations of serious or gross misconduct are made against the Head teacher, or such allegations are being heard against any member of staff in a school that does not purchase its HR service from the Local Authority, a senior officer from the Authority should be invited to be present
- 8.4 It is recommended that the following be designated to conduct disciplinary meetings and hear appeals. Particularly in the case of small schools it is recognised that it may not always be possible for a different member of staff to institute disciplinary action at different stages in the procedure. However the same person should not be involved in the original decision and appeal at any stage.

Charge	Allegations Against	Action by Designated Body / Person	Appeal to
Misconduct	Staff other than Head or Deputy Head	Head teacher or line manager	Head teacher or designated governor/ committee member
Serious or			

gross misconduct		Disciplinary Committee	Appeal panel of GB/MC
Misconduct	Deputy Head	Head teacher	Appeal panel of GB/MC
Serious or gross misconduct		Disciplinary Committee	Appeal panel of GB/MC

Charge	Allegations Against	Action by Designated Body / Person	Appeal to
Misconduct	Head teacher	Chair of Governing Body/ Management Committee or nominated representative	Appeal panel of GB/MC
Serious or gross misconduct		Disciplinary Committee	Appeal panel of GB/MC

9. Representation

- 9.1 Employees have the right to be accompanied by a certified professional association/trade union official or a work colleague, at all formal meetings of this procedure. Employees are responsible for arranging their own representation. Employees may not be represented by a person who may prejudice the fairness of the disciplinary process or who may have a conflict of interests. Where such an issue exists with the attendance of a trade union representative a resolution will be sought by the HR provider and the relevant area union official.
- 9.2 Employee representatives can address formal meetings and assist employees in presenting their case. Normally, questions directed at employees should be answered by the employee concerned rather than the employee's representative.
- 9.3 Accommodation shall be made available for the employee and their representative to discuss the case prior to and during the hearing.

10. Action against a Professional Association or Trade Union Representative

- 10.1 This procedure applies equally to employees who are representatives of professional associations or trade unions. However, before proposing to take action beyond the preliminary stage against an accredited representative of a recognised professional association or trade union, schools should discuss the case with their HR provider and the branch secretary or official employed by the professional association or trade union.

- 10.2 In cases of alleged gross misconduct by a representative of a recognised professional association or trade union and where the branch secretary or full-time official cannot be contacted quickly, the representative may be suspended on full pay until such consultations have taken place.

11. Link with Other Procedures

- 11.1 The submission of a complaint by an employee during disciplinary proceedings will not normally prevent the continuation of the disciplinary proceedings. Where appropriate, a complaint related to the disciplinary proceedings should be dealt with as part of the disciplinary process and not pursued through the employee complaints procedure.
- 11.2 Where an employee subject to this procedure is absent due to sickness, the normal expectation is that the disciplinary process will continue and the managing sickness procedure will apply as normal.
- 11.3 Where the employee asserts that the disciplinary proceedings being undertaken is unlawfully discriminatory or is motivated by reasons other than conduct, the employee can raise a complaint. If the employee raises this complaint in writing at any stage before the appeal stage of a dismissal, this can be dealt with as part of the disciplinary procedure. If the employee raises the complaint only after the disciplinary procedure has finished and it is on substantial new grounds then it will be necessary for the employee complaints procedure to be completed in full.

12. Timescales and Definition of a Working day

- 12.1 For the purposes of the operation of this Procedure, timescales are expressed in working days. In the case of teachers or other staff that work a term time pattern, a working day should be regarded as a day that the school is open for pupils. For staff that work all year round, a working day should be regarded as a day that they would normally required to attend for work. Where a disciplinary case arises just before a school holiday, arrangements to resolve the matter speedily should be discussed between the parties. An intervening school holiday should not of itself be a cause for an undue delay in resolving the case. The following timescales (in working days) should be adhered to:-

- Written notice of investigatory meetings – 5 days
- Written notice of disciplinary hearings – 10* days
*(*NB this may require longer if the case is complex and involves a substantial volume of paperwork see 12.2)*
- Written notice of outcome of disciplinary hearings – 10 days

- Written notice of employee's intention to appeal – 10 days following receipt of the decision
- Written notice of appeal hearing – 10 days
- Written notice of outcome of appeal hearing – 10 days

12.2 Submission of Evidence: Implicit in the above timescales is the principle that evidence should be submitted in sufficient time for those involved in the procedure to have time to read it and to prepare a response. In the case of hearings, the 10 day period indicated above is the minimum notice the employee should be given, which includes receipt of the paperwork upon which the case against them relies. In turn, they must submit any documentation in support of their defence no later than three days before the date of the hearing.

12,3 In the case of appeals, the grounds for appeal together with supporting documentation, should be submitted with the notice of intention to appeal (above). Management will then need to provide a response to the grounds of appeal at least 3 days prior to the appeal hearing date.

13. Sanctions

13.1 Sanctions must be applied reasonably and be proportionate to the misconduct. Where a disciplinary charge is upheld, the employee may be:-

(a) Given an oral warning (which will be recorded in writing)

(b) Given a written warning

(c) Given a **final** written warning This may apply where:

- the employee has committed a further act of misconduct when a previous warning is current, or

- the misconduct is considered serious enough to warrant only one warning before dismissal.

(d) Dismissed. This may apply where:

- the employee has committed a further act of misconduct when a final written warning is current, or

- the proven disciplinary charge(s) are considered to constitute gross misconduct.

13.2 Dismissals for an act / or acts of further misconduct will be with notice. Dismissals for acts of gross misconduct will normally be without notice.

NB: In schools where the Local Authority is the employer, the governing body will make a recommendation to dismiss but the Authority will be responsible for issuing the notice of dismissal.

- 13.3 **Warnings** give the employee a chance to correct their behaviour and puts them on notice that any further misconduct may lead to more serious consequences, including dismissal. The length of time warnings remain current should be no longer than the following periods:-

oral warning – 6 months or, in some circumstances, could be less

written warning - 12 months

final written warning – 24 months

Please note that documents pertaining to allegations of Child Protection-related misconduct remain on an employee's personal file indefinitely.

- 13.4 Warnings will become spent (i.e. disregarded for disciplinary purposes) after the timescales indicated above. The issue of a final written warning indicates that the employee is likely to be dismissed if they commit another act of misconduct whilst the warning is still current.
- 13.5 A disciplinary panel may take into account current warnings which are for different types of behaviour on the basis that taken together, they add up to provide an overall profile of the employee's conduct or performance.

14. Appeals

- 14.1 Employees may appeal against warnings, dismissal and supplementary sanctions. An appeal hearing is not a re-hearing of the disciplinary case and as such, appeal may only proceed on the following grounds:-

- the proper procedure was not followed and this materially affected the decision.
- the decision reached was incorrect in that the conclusion reached was not supported by the evidence presented.
- the sanction awarded was too severe, taking into account the nature of the misconduct and the mitigating circumstances.
- Where new evidence which is pertinent, goes to the heart of the case and was not reasonably available at the time, has become accessible

- 14.2 **Outcomes:** An appeal hearing will result in one for the following outcomes:-

- The appeal is upheld and any sanction imposed by the disciplinary panel is withdrawn
- The appeal is not upheld but a lesser sanction is considered appropriate
- The appeal is not upheld and the original sanction stands

NB: The appeal panel cannot increase the original sanction.

15. Criminal Offences Outside of Employment

- 15.1 The ACAS booklet on Discipline at Work provides good advice to employers when confronted with special situations such as this. The first question to be asked is whether the alleged offence (or conviction) merits action because of its employment implications? Does the offence make the employee unsuitable for their type of work, or unsuitable to remain in their present employment? The school should investigate the facts as far as possible, come to a view about them and consider whether the conduct warrants disciplinary action. Where it determines that such action is required, the school does not need to wait for the outcome of the prosecution before taking fair and reasonable action. In these circumstances the procedure set out in cases of misconduct or serious/gross misconduct shall be applied as appropriate.
- 15.2 In some cases the nature of the alleged offence may not justify disciplinary action – for example, off-duty conduct which has no bearing on employment – but the employee may not be available for work because they are in custody or on remand. In these cases schools should decide whether, in the light of the needs of the organisation, the employee’s job can be held open. Where a criminal conviction leads, for example, to the loss of a licence so that continued employment in a particular job would be illegal, the school should consider whether alternative work is appropriate and available.
- 15.3 Where an employee, charged with or convicted of a criminal offence, refuses or is unable to cooperate with the school’s disciplinary investigations and proceedings, this should not deter a school from taking action. The employee should be advised in writing that unless further information is provided, a disciplinary decision will be taken on the basis of the information available and could result in dismissal.
- 15.4 Where police or other investigations are being carried out in relation to this paragraph, a suspension may be continued until the investigations are complete or, where appropriate, court action taken. Suspension in these circumstances could be in the best interests of the school or the employee. The school’s HR provider should be consulted before action is taken in these cases.

Appendix 1: Disciplinary Offences

“Gross misconduct” is the term given to misconduct that is so serious it undermines the contract of employment. A single act of gross misconduct will warrant dismissal, even if no previous warnings have been given. There is no definitive list of examples that constitute misconduct or gross misconduct and the examples given below are not exhaustive.

Gross Misconduct

- (i) Defrauding or stealing from the School/Council, its partners, members of the public, employees, Members of the Council or any other person or organisation with whom the employee comes into contact with in the course of employment. Examples include: falsification for financial gain of any document such as timesheets, invoices, receipts, accounts, overtime claims, application forms; falsification of qualifications which are a stated requirement of employment or which result in financial gain.
- (ii) Attempting to steal or defraud and colluding with other parties to steal or defraud, will also be considered as gross misconduct.
- (iii) Criminal activities which render the employee unsuitable for their type of work.
- (iv) Corrupt or improper practices. Examples include: improper use of official position for personal and/or financial advantage, or for the private advantage of some other person or organisation; failing to disclose private interests which conflict with the Council's interests.
- (v) Engaging in unauthorised employment or business during hours when contracted to work for the School/Council e.g. when on sick leave, study leave or suspension.
- (vi) Serious acts of discrimination, victimisation, bullying and/or harassment of any individual or group.
- (vii) Knowingly not disclosing a relationship with a Member or senior officer of the Council or School, when applying for employment.
- (viii) Malicious damage to School/Council property.
- (ix) Assault upon service users, employees, members of the public, Members of the Council or any other person with whom the employee comes into contact with in the course of employment. This includes fighting and physical violence at work.
- (x) Maltreatment, abuse or wilful neglect of those in care, or whose personal welfare is otherwise the responsibility of the Council.
- (xi) Serious sexual offences and/or misconduct at work.
- (xii) Serious breach of health and safety which endangers any individual e.g. damage to, misappropriation of, or neglect of safety equipment.
- (xiii) Wilful unauthorised disclosure of confidential information or data e.g. disclosure of sensitive personal information or commercially valuable information.
- (xiv) Deliberate and wilful negligence in job performance, likely to damage the School/Council's reputation or have serious implications for service

- users or colleagues.
- (xv) Gross negligence, incapability or incompetence, including serious professional misjudgement, which destroys the confidence in the employee e.g. failing to supervise a contract which leads to serious financial loss to the Council
 - (xvi) Wilfully sleeping on duty when not authorised to do so.
 - (xvii) Being under the influence of drugs (unless medically prescribed) or alcohol to an extent which renders the employee incapable of carrying out his or her duties effectively.
 - (xviii) Falsifying, or improperly destroying or mutilating official records or documents including electronic documents.
 - (xix) Using the Council's or school's computer systems to: deliberately access internet sites containing pornographic, racist, offensive or obscene material; sending such material via the Council's e-mail system; or store such material.
 - (xx) Using the Council's or school's computer system to promote racial intolerance.
 - (xxi) Unauthorised sale or disposal of Council property (including intellectual property).
 - (xxii) Repeated acts or a pattern of behaviour that destroys the confidence in the employment relationship.
 - (xxiii) Wilful breach of statutory rules affecting employment.
 - (xxiv) Wilful failure to disclose any of the information required by the employer or any other information that may have a bearing on the performance of duties or giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits.
 - (xxv) Acts of professional misconduct involving young people or vulnerable adults.

Other Misconduct

- (i) Unauthorised absence from work without significant cause.
- (ii) Persistent poor time keeping
- (iii) Aggressive or abusive behaviour towards other employees or the public.
- (iv) Refusal to carry out duties or instructions which are a reasonable requirement of an employee's job, and have been brought to the employee's attention previously.
- (v) Neglect of duty e.g. where an employee without good cause fails to discharge the obligations placed on them by their contract of employment; or by carelessness or neglect causes any loss, damage or injury to occur to any person or property; or fails to report any matter it is his or her duty to report.
- (vi) Knowingly making false, misleading or inaccurate oral or written statements to Council members or other employees or members of the public.

- (vii) Making malicious, vexatious or knowingly false allegations against Council Members, workers or service users.
- (viii) Improper disclosure to a third party of confidential information.
- (ix) Disregard of the safety rules which have previously been brought to the employee's attention.
- (x) Engaging in other businesses without the required consent of the Head teacher
- (xi) Failure to notify the Head teacher of any gift, benefit, hospitality or other advantages in breach of the School's policy.
- (xii) Not following sickness absence notification or reporting procedures.
- (xiii) Improper use of the school's e-mail, internet and telecommunications.
- (xiv) Damage to or unauthorised use of Council's property.
- (xv) Smoking in no smoking areas.
- (xvi) Persistently failing to follow to the School's Acceptable Standards of Appearance.
- (xvii) Persistently failing to display School's identification when at work.

End

MODEL DISCIPLINARY PROCEDURE

1. Purpose

- 1.1 This procedure sets out the action which will be taken when disciplinary rules are breached and should be read in conjunction with the Disciplinary Code of Practice and Procedure and the Formal Meetings protocol. The governing body's aim is to encourage improvement in individual conduct. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- 1.2 The record of any formal sanction given to an employee under this procedure shall be placed in their personal file. It shall be removed from the file after the relevant period has elapsed (see Sanctions) provided that no further warnings have been given during that time. No record of disciplinary warnings should be made in the school log book.

2. Preliminary/Informal Action

- 2.1 An employee, against whom a complaint of unsatisfactory conduct has been made, will be interviewed by a designated manager. If the manager is satisfied that in all the circumstances an informal reprimand is warranted, this will be issued to the employee. The manager should also advise the employee that further disciplinary action will be taken if there is no improvement or further misconduct occurs. The manager should keep a written record of the sanction and the circumstances which led to it being given.

3. Formal Action

- 3.1 This will be taken where, after proper investigation, it is suspected:-
 - previous advice and/or reprimands have been ineffective; or
 - the complaint is of a serious nature.
- 3.2 The employee will be interviewed by a designated person or committee of the governing body. The employee or their representative will have the opportunity to make representations in support of their defence.
- 3.3 After hearing all the evidence, the designated person or committee will decide whether the complaint against the employee is justified and action against them is warranted. If this is the case the employee will be given a sanction which is appropriate & proportionate to the offence (see Policy document – Sanctions). The outcome of the hearing will be confirmed in writing within 10 days.

4. Appeals

- 4.1 An employee who decides to appeal against any disciplinary decision taken under the formal stages of this procedure must do so in writing to the designated person shown in the table above (ref 8.4) of the Disciplinary Code of Practice and Procedure. Where the appeal would be heard by the appeals panel of the governing body, the notice of appeal should be sent to the chair.

- 4.2 The designated manager or appeals panel will hear the appeal as soon as possible thereafter and will confirm the outcome of the hearing in writing. This decision will be final.