

MALDEN OAKS

DISCIPLINARY PROCEDURE POLICY

Introduction

Purpose

The Management Committee is required to establish a disciplinary procedure and to advise and inform employees where they can access the document for reference purposes.

This document sets out a model procedure which is recommended for adoption by the Management Committee in order to deal with situations at work which relate to shortcomings in an employee's conduct. The procedure is designed to help and encourage all employees to achieve and maintain the required standard of conduct. The aim is to ensure consistent and fair treatment for all.

Scope

This recommended procedure has been agreed between the LA and the recognised professional associations and trade unions representing all employees in schools. The procedure takes account of current employment legislation, the ACAS Code of Practice, the Articles of Government of the Borough's Schools, the respective provisions of national conditions of service for teaching and non-teaching employees, and the LA's Equal Opportunities Policy.

The procedure will apply to all employees of the school except those who are on probationary service or temporary or fixed term contracts of less than six months duration. For probationary or short-term employees, any breach of conduct will be dealt with outside this formal procedure.

Statement of Policy

The Management Committee and the LA require high standards from their employees in order to provide an efficient and effective service and to ensure the smooth running of the school. Where such standards are not met, full and fair consideration of the circumstances will be given prior to any formal action being taken. However, where this does become necessary, the purpose of disciplinary action is to take effective action and advise them of the implications of further misconduct or shortcomings. Where an initial act or omission by an employee is sufficiently serious as to amount to gross misconduct, or where progressive formal action fails to effect the required improvement, the Management Committee may take action to dismiss the employee.

The Management Committee recognises the right of every employee to be represented by a Professional Association, Trade Union, work colleague, or other person of their choice at every stage of the formal procedure. The Management Committee also recognise that an employee subject to formal action has the right of appeal against the action taken.

Authority

Authority for action under this procedure, other than the dismissal of an employee, is normally delegated by the Management Committee to the Headteacher. The Management Committee cannot however delegate the authority to dismiss an employee.

The authority to decide upon formal disciplinary action is not normally delegated below Headteacher level, however, appropriate members of the school's senior management may be involved in the investigation of alleged misconduct and be required to present their findings at a formal disciplinary hearing.

The Headteacher can only undertake the investigation where the case is to be presented to the Management Committee. If the Headteacher is to hear the case (s)he must have no direct or detailed involvement in the investigation.

Under this procedure Management Committee members have certain responsibilities. In order to enact these responsibilities it is recommended that the Management Committee form two committees or panels:- one with the delegated responsibility for taking decisions on disciplinary action (Personnel Panel), the second with delegated responsibility to hear appeals against disciplinary decisions (Appeals Panel). Each panel must consist of at least three members of the Governing Body.

It is essential to ensure that members of any Personnel or Appeals Panel do not have prior detailed knowledge of, or involvement, in the case concerned.

It is important to note that the panel which hears the appeal must have no fewer members than the panel which took the decision against which the appeal has been made.

For County Schools the Director of Education and Leisure Services (the Director) has a statutory right to attend meetings at which the dismissal of an employee may be considered. It is strongly recommended that the Director is also invited to attend meetings at which final warnings might be issued.

The Director will normally nominate a representative, who has no prior detailed knowledge or involvement with the case, to offer advice, which then must be considered by the Panel members.

Where the Headteacher is the subject of disciplinary proceedings, all reference in the procedure to the actions taken by the Headteacher should be substituted for "appropriate members of the Management Committee as appointed by the

Management Committee for this purpose”.

Responsibility for conduct

The Management Committee are responsible for the overall standards of conduct within the school. The Headteacher and senior managers within the school have a responsibility to ensure that all employees are aware of general and specific rules, standards and procedures laid down for the regulation of work and conduct.

Employees are required to familiarise themselves with such rules, standards and procedures and to co-operate with management in their enforcement.

Representation

Employees may be represented at each stage of the formal procedure by a professional association or trade union representative, work colleague or other person of their choice. This person is referred to in this document as the, “employee’s representative”.

Delegation of Authorities for Action Under the Schools Disciplinary Procedure

Under “Authority” state the title of the designated person/s delegated to take the appropriate action in accordance with this procedure.

Action	Authority
Authority to take formal disciplinary action other than dismissal	Headteacher
Authority to take formal disciplinary action which can include dismissal	Headteacher
Authority to suspend an employee	Headteacher
Authority to suspend the Headteacher	Chair of the Management Committee
Authority to withhold pay during suspension	Headteacher
Authority to withhold pay during the suspension of the Headteacher	Chair of the Management Committee
Authority to lift suspension	The Management Committee
Authority to determine appeals against disciplinary action including dismissal	One or more members of the Management Committee as determined by the Management Committee

Rules about Conduct

Malden Oaks expects the highest standards of conduct from its employees and rules about conduct enable there to be no misunderstanding by employees of the types of conduct that may result in disciplinary action being taken against them.

Set out below are examples of acts of misconduct at or connected to work which are likely to lead to formal action under the Disciplinary Procedure:-

1. Examples of misconduct

The majority of acts of misconduct will not normally be sufficiently serious to warrant consideration of dismissal without previous warning but may nevertheless, if substantiated, warrant disciplinary action of a lesser nature. The following acts or omissions are examples intended to provide guidance as to the type and nature of offences which could lead to such disciplinary action. This list is not exhaustive - other acts or omissions may arise which may be considered to merit disciplinary action.

- Poor time-keeping including abuse of refreshment breaks where these apply;
- Absenteeism including failure to follow the school's sickness reporting procedure and certification requirements;
- Failure to comply with reasonable managerial instructions;
- Failure to observe the school's regulations or agreed procedures, including failure to observe Health and Safety requirements, and standing instructions appropriate to individual departments or staff groups and/or failure to observe the Local Education Authority's Standing Orders or Regulations, where appropriate in the school context;
- Abuse towards members of the Management Committee, students, the school's management, fellow employees, Councillors or members of the public;
- Negligence in the performance of duties, including neglect of school, or Local Education Authority property, and that of other employees and students;
- Misuse of school property/equipment such as to cause damage;
- Improper use of information obtained in the school's employment;
- Abuse of sick leave, including actions during a period of sick leave likely to inhibit recovery and return to work;
- Behaviour in breach of RBK's Code of Conduct for Employees*;
- Behaviour in breach of official or established standards of conduct *as determined by the school and/or the LA, including the 'safe practice' document.

****Documents referred to above, or those detailing the standards of conduct expected are available for an inspection from the Headteacher.***

2. Examples of gross misconduct

The following acts or omissions are examples intended to provide guidance as to the nature of offences which are considered to amount to gross misconduct, that is, offences which are sufficiently serious to merit considerations of dismissal for the first offence. Employees should be clear that by committing any of the offences listed below, they put themselves at risk of dismissal without notice or pay in lieu of notice. This list is not exhaustive nor in priority order.

- Assault

- Theft
- Fraud, for example, the deliberate falsification of information, such as qualifications or other relevant personal details in seeking and obtaining employment; or of documents, for example time sheets, subsistence, overtime or other claims; invoices, medical or self-certification; accounts; records;
- Acts of discrimination on the grounds of race, nationality, colour, ethnic or national origin, age, sex, marital status, sexual orientation, religious creed or disability;
- Sexual or racial harassment;
- Sexual misconduct at work;
- Dishonest or improper use of information obtained in employment and breaches of confidentiality, for example:- improper use of information on students, parents and staff; disclosure of information relating to tender documents that would enable outside contractors to compete on an unfair basis for contracts;
- A criminal offence which can be demonstrated to affect an employee's ability, or suitability for continued employment;
- Flagrant refusal to comply with reasonable managerial instructions;
- Gross negligence in the performance of duty including, for example:- serious neglect of Malden Oaks' property or that of other employees; or attending work in a state of serious incapability due to misuse of alcohol or drugs;
- Serious breaches or serious neglect of safety rules causing actual or potential injury or unacceptable damage or loss, for example:- intentional or reckless interference with, or misuse of, anything provided in the interests of health, safety or welfare (Health and Safety at Work Act 1974, Section 8*)
- Serious breaches of RBK's Code of Conduct for Employees* ;
- Actions which fundamentally breach the relationship of trust and confidence.

****Documents referred to above are available for inspection from the Headteacher.***

Informal Action recommended Disciplinary Procedure

In the course of normal day to day management it is good practice for the Headteacher or appropriate senior manager to bring any shortcomings in the conduct of an employee to their attention at an early stage. Where discussions take place and where necessary, the employee should be informed that any further misconduct will be considered within the formal stage of the procedure and may result in formal disciplinary action being taken. A diary or file note that the discussion took place should be made.

If the nature of the misconduct is sufficiently serious, it may merit consideration under the formal disciplinary procedure.

Formal Action

An investigation may be required in order to establish whether or not there is a case to be answered on a formal basis. Alternatively there may already be sufficient information collected to provide a basis for determining this.

Disciplinary investigation

The nature and scale of the investigation will depend upon the seriousness and complexity of the allegation.

The investigations will normally involve a formal interview with the employee at which the allegations will be clearly identified in full. The employee will be given opportunity to respond to the allegations. The employee will be given advance notice of the interview, its purpose and of their right of representation.

It is recognised that employees who are not contracted to attend Malden Oaks during normal periods of centre closure would not generally be required to attend formal interviews during such periods. However, in order to progress the investigations, where there is mutual agreement with the employee, and as appropriate the employee's representative, such formal interviews can take place.

Allegations made by or involving pupils

The investigation of allegations made by or involving pupils will normally include discussion and direct involvement with parents. This may involve them attending disciplinary hearings to answer any necessary questions.

Allegations against employees of physical/sexual abuse of pupils

Where allegations are made against employees of the physical/sexual abuse of pupils the allegation will be dealt with under this procedure and the Area Child Protection Committee (ACPC) - Child Protection Procedural Guidelines*. Any investigation by the police or by child protection agencies will take priority over an internal investigation by Malden Oaks.

****Document referred to above is available for inspection from the Headteacher.***

Assessment of whether there is a case to be answered

Following an investigation and taking all the circumstances into account, it will be decided whether or not there is a case to answer. If there is, the employee will be informed and a formal disciplinary hearing arranged. Where there is no case to answer, the employee will be informed accordingly.

Suspension from Work

It is recommended that the Directors nominated representative is consulted where suspension is under consideration.

Where there is an allegation of misconduct, suspending the employee from work should not be an automatic response to the situation. In each case careful consideration should be given as to whether suspension may or may not be appropriate. In making this decision account will need to be taken of the seriousness of the alleged misconduct, the reliability of the complainant, plausibility of the alleged misconduct and the potential consequences of keeping the member of staff at the centre.

In serious cases it may however be necessary or desirable to suspend an employee from work pending and/or during the period of investigation. This is a precautionary and not punitive measure. Circumstances in which suspension may be considered:-

- Where further time is required to undertake more detailed investigation into an allegation which may constitute gross misconduct and could result in the dismissal of the employee.
- Where the continued presence at work of the employee pending the outcome of an inquiry into alleged misconduct, or the results of a criminal proceeding would reasonably be considered not in the best interest of the school and/or the employee in relation to colleagues.
- Where pupils are considered to be at risk.
- Where a dismissal may be a possible outcome of a hearing and the continued presence of the employee at school is considered to be contrary to the best interest of the school and/or employee.

If the Headteacher* suspends an employee they must report their action to the Chair of the Management Committee. The Headteacher should not discuss the circumstances of the case in any detail as to do so may exclude the Chair from involvement on any Personnel or Appeals Panel. The suspension must be confirmed in writing to the employee by the Headteacher or the Clerk to the Management Committee as appropriate. The letter must set out the conditions of the suspension and be sent as soon as possible. Similarly, the Director must be notified of the suspension as soon as possible. Only the Management Committee can end the suspension of an employee.

Pay during period of suspension

Normal pay will be received by the employee during the period of suspension, unless they have:-

- Failed to assist with inquiries or to attend meetings during the course of disciplinary investigations without good reason.
- Postponed or failed to attend hearings and meetings without good reason.

Disciplinary Hearings

Responsibility for conducting hearings

Those normally responsible are:-

- **The Headteacher** - for misconduct warranting action short of dismissal.
- **Personnel Panel of the Management Committee** - where misconduct may warrant dismissal, and in any event where the Headteacher has had a detailed involvement in the investigation.

Arrangements for hearings

Where a formal disciplinary hearing is necessary, the employee will receive written notification of the arrangements at least **10 days** in advance. The employee should also receive with the notification a written report which sets out the circumstances and the case to be answered, as well as a copy of the procedure for the conduct of the hearing.

The letter of notification and report will be sent by the Headteacher if they are to hear the case, or by the Clerk to the Management Committee if the Personnel Panel is to hear the case

It is recognised that employees who are not contracted to attend Malden Oaks during normal periods of the schools closure would not generally be required to attend disciplinary hearings during such periods. However, in order to progress the hearing where there is a mutual agreement with the employee and as appropriate the employee's representative, such hearings can take place.

Procedure for conducting hearings

The procedure for conducting a disciplinary hearing will be based on the principle that an employee should be given an opportunity to hear the allegations made against them and have the fullest opportunity to present their case with the assistance of their representative.

The recommended procedure for the conduct of disciplinary hearings by the Headteacher or the Personnel Panel of the Management Committee is Appendix A

Disciplinary Action

If it is considered that the employee has breached the disciplinary rules/standards of conduct the Headteacher or the Personnel Panel of the Management Committee will decide what disciplinary action is appropriate.

Disciplinary action for a substantiated breach of Malden Oaks disciplinary rules/standards of conduct includes written warnings, and, depending upon the circumstances a recommendation for dismissal. In considering disciplinary action factors to take into

account include the seriousness of the misconduct, the standards expected, and the need to be consistent in decision making. Mitigating factors such as length of service, previous employment record, and previous disciplinary record will also be considered. Expired disciplinary warnings must not be considered during this process.

First disciplinary warning

If it is decided that an employee's conduct has fallen short of the standard, a first formal disciplinary warning may be issued.

Second disciplinary warning

If there is a further breach of conduct after a first disciplinary warning a second disciplinary warning may be issued.

Final disciplinary warning

For serious misconduct as a first breach of Malden Oaks' disciplinary rules or for further misconduct, after a disciplinary warning has been given, a final disciplinary warning may be issued.

Dismissal - power of Personnel Panel

For gross misconduct as a breach of the disciplinary rules, or further misconduct after a disciplinary warning.

In circumstances where the outcome of a formal hearing may result in the consideration of dismissal, the case must be presented to the Personnel Panel of the Management Committee.

The Personnel Panel of the Management Committee is required to reach a determination as to whether or not the employee should cease work at the school.

Other disciplinary action short of dismissal

Dependant upon the employee's conditions of service, disciplinary action may also include withholding annual salary increments, transfer to an alternative job or location within the school, either with or without a reduction in the contractual rate of pay, or demotion for a specified or unspecified period of time.

These penalties may be given in addition to a disciplinary warning, or as an alternative to more serious disciplinary action depending on the circumstances of the case.

Confirmation of Disciplinary Action

Normally the employee will be informed of any disciplinary action taken against them at the end of the hearing. The employee will be informed of the reason for the disciplinary action being taken, the level of disciplinary action taken and that they have the right of appeal against the disciplinary action. This will also be confirmed in writing to the employee, with a copy of their representative within 10 days of the decision to take disciplinary action being taken.

Confirmation of dismissal

When all rights of appeal have been exhausted the Management Committee must formally notify the LA in writing of its decision that the employee shall no longer work at Malden Oaks. The letter must include the reasons for the decision to dismiss, the effective date, and any other terms relating to the dismissal. Within 14 days of receiving the letter from the Management Committee the LA must inform the employee of their dismissal.

Expiry of Warnings

For the purpose of the Disciplinary Procedure warnings can only expire after 24 months of satisfactory conduct . A second or final warning will continue the life of an earlier warning. Accordingly no warning will expire until the most recent warning is spent.

Notice

An employee who is dismissed will normally be entitled to contractual notice or pay in lieu of notice. However, there are exceptional circumstances where employees may be liable to be dismissed without notice and without pay in lieu of notice. The exceptional circumstances would be:-

1. Where it is established after investigation and having sought the employee's explanation that an act or omission amounting to gross misconduct has been committed. Account will be taken of mitigating factors and the employee's personal and employment circumstances.
2. Where the employee has failed to attend work or co-operate during the investigation or to attend disciplinary hearings without adequate explanation or reason.

Appeals

Appeals against disciplinary warnings or dismissal will be heard by the Appeals Panel of the Management Committee.

Employees must lodge an appeal in writing to the Clerk to the Management Committee normally within **10 days** of receiving written confirmation of the disciplinary warning or dismissal, setting out the reasons for their appeal. The procedure for the conduct of the appeal is at APPENDIX B.

It is recognised that employees who are not contracted to attend during normal periods of closure would not generally be required to attend appeals during such periods. However, in order to progress the appeals process, where there is mutual agreement with the employee, and as appropriate the employee's representative, such appeals can take place.

The Appeals Panel of the Management Committee hearing the appeal have the authority to uphold or dismiss the appeal or to give a lesser warning including commuting dismissal to a final warning, they cannot however give a higher warning than that which the employee has appealed against. Where a disciplinary warning has been given the Appeals Panel has the authority to uphold the decision to give the warning but can reduce its life-span from 24 months to 12 months. This may be appropriate where there were grounds for the formal warning but there are circumstances which make it appropriate to lessen the severity of the penalty.

Where the appeal is against a decision made by the Personnel Panel of the Management Committee it is recommended that the members of the panel sign an agreed statement of case and elect a spokesperson to present the case at the appeal.

Appeals may take two forms:-

1. Review

In a review the Headteacher or the elected spokesperson of the Management Committee presents the reasons for reaching their decision, including a response to the employee's grounds for appeal, and the employee and their representative set out their reasons why they believe the decision is wrong. Under these arrangements no side calls witnesses and the decision is based upon the information presented.

2. Rehearing

Where the appeal takes the form of a full rehearing, either side can call witnesses and the Appeal Panel hear all the evidence anew. Circumstances where a rehearing would be appropriate are where there has been a procedural flaw in the original hearing and this requires correcting or where new evidence has come to light.

Governing Bodies were offered the opportunity to adopt the use of the LA's Appeals (Teachers) Sub-Committee as a last right of appeal for teachers before the decision to dismiss is finally made by the Management Committee. If a Governing Body has adopted the use of this, they must advise any teacher whose appeal they have dismissed of their final right to appeal to this Sub-Committee. The teacher should be informed in the letter from the Management Committee's Appeal Panel advising them that their appeal has been dismissed. The employee must lodge an appeal in writing to the Clerk to the Management Committee normally within **10 days** of receiving the letter advising them that the appeal has been dismissed. The Management Committee must make arrangements for the Sub-Committee to hear the appeal through the Borough's Secretariat.

The Sub-Committee will make the decision whether to uphold or to dismiss the appeal after hearing the cases presented by the teacher and by the Management Committee. If the appeal is upheld the case will be referred back to the Management Committee for reconsideration. ***This final stage of appeal does not apply to non-teaching staff whose appeal rights do not extend beyond the Management Committee's Appeal Panel.***

Disciplinary Action Against Trade Union/Professional Association Representatives

Disciplinary action against a trade union or professional association representative can lead to a serious dispute if it is seen as an attack on the organisation's functions. No disciplinary action will be taken against any such representative until the circumstances of the case have been discussed with a full-time official of the organisation concerned. In cases where immediate action i.e. suspension, is considered necessary the matter must be discussed with a full-time official of the organisation as soon as possible and before any formal disciplinary proceedings take place.

Appendix A - Recommended Procedure for the Conduct of Disciplinary Hearings by the Headteacher/Personnel Panel of the Management Committee

1. GENERAL

Arrangements will need to be made for a full and proper record of the proceedings to be taken. Where the Human Resources Panel hear the case, the recorder will be the Clerk to the Governing Body.

2. APPOINTMENT OF CHAIRMAN

Where the Personnel Panel is to hear the case, a Chair for the Panel must be appointed.

3. OPEN THE HEARING

The Headteacher/Chair of Personnel Panel to make introductions and state purpose of the Hearing (reference to issues in letter/s to employee).

4. MANAGEMENT CASE

The Malden Oaks Management to present the case against the employee, including the calling of any witnesses.

5. QUESTIONS TO CASE PRESENTER

1. The employee and/or his/her representative to question the case presenter and any witnesses presented.
2. The Headteacher/Personnel Panel to question the case presenter and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (1) and (2) above.

6. THE EMPLOYEE'S RESPONSE

The employee and/or his/her representative to present their response including the calling of any witnesses.

7. QUESTIONS TO THE EMPLOYEE

The Malden Oaks management to question the employee and/or his/her representative and any witnesses presented.

The Headteacher/Personnel Panel to question the employee and/or his/her representative and any witnesses presented.

Witnesses should be called into the hearing in turn and should withdraw after giving evidence and after questioning as referred to in (1) and (2) above.

8. MALDEN OAKS' MANAGEMENT CONCLUDING REMARKS

The Malden Oaks management to sum up and make any concluding remarks.

9. THE EMPLOYEE'S CONCLUDING REMARKS

The employee and/or his/her representative to sum up and make any concluding remarks.

10. HEADTEACHERS/PERSONNEL PANEL'S FINAL QUESTIONS

The Headteacher/Human Resources Panel to put any final questions arising from both sides summing up and concluding remarks.

11. MALDEN OAKS' MANAGEMENT, EMPLOYEE AND HIS/HER REPRESENTATIVE TO WITHDRAW

Withdrawal of all parties while the Headteacher/Personnel Panel consider the cases presented, with advice from the Director of Education and Leisure's nominated representative, if present (and also for the Voluntary Aided Schools the representative of the Diocesan Board, if present).

NB If exceptionally it is necessary to recall anyone for further questioning or clarification all parties who have withdrawn must be recalled together since questions to the school's management or the employee must be put in the presence of the other party.

12. PANEL'S DECISION

The employee and his/her representative and Malden Oaks management to be invited to rejoin the hearing for the decision of the Headteacher/Personnel Panel which will normally be given orally but in exceptional cases may be given in writing following the hearing.

13. WRITTEN CONFIRMATION

- Where the Personnel Panel hears the case the Clerk to the Management Committee to confirm the decision of the Personnel Panel to the employee in writing, with a copy to of his/her representative, within 10 days and to advise of the right and method of appeal.
- Where the Headteacher hears the case, the Headteacher will confirm their decision to the employee in writing, with a copy to his/her representative within 10 days, and advise of the right and method of appeal.
- Where this procedure has been followed in accordance with Appendix B, 1(ii) i.e. in order to enable an appeals rehearing, the Clerk to the Management Committee will confirm the decision of the Appeal's Panel to the employee in writing, with a copy to his/her representative within 10 days, and as appropriate advise the employee of the right and method of appeal to the LA Appeals (Teachers) Sub-Committee where this right exists.

Appendix B - Recommended Procedure for Appeal Hearing against Disciplinary Action or Dismissal to be Conducted by the Appeals Panel of the Management Committee.

GENERAL

1. When an appeal is lodged there is a need for a decision as to whether the appeal takes the form of a review or a rehearing
2. Where the appeal takes the form of a rehearing the procedure as outlined in Appendix A will be followed, the exception being that the case will be heard by the Appeals Panel of the Management Committee.
3. The Clerk to the Management Committee will make a full and proper record of the proceedings.

2. APPOINTMENT OF CHAIR

A Chair for the Appeals Panel must be appointed.

3. OPEN THE APPEAL HEARING

The Chair to make introductions and confirm the appeal hearing is convened in accordance with the Malden Oaks' approved Disciplinary Procedure and is to consider the appeal against disciplinary action or the dismissal of the employee concerned, decided upon by the Headteacher or Human Resources Panel of the Management Committee. The Chair also to confirm that the appeal will take the form of a review or rehearing (refer to 1(1) and (2) above), as appropriate.

4. PRESENTATION OF CASE

The Headteacher or Spokesperson for the Human Resources Panel to present the case and reasons for the disciplinary or dismissal decision.

5. QUESTIONS TO HEADTEACHER/SPOKESPERSON OF THE PERSONNEL PANEL

1. The employee and/or his/her representative to question the case presenter.
2. The Appeals Panel to question the case presenter.

6. THE EMPLOYEE'S APPEAL

The employee and/or his/her representative to present their case.

7. QUESTIONS TO THE EMPLOYEE

1. The Headteacher or spokesperson for the Human Resources Panel to question the employee and/or his/her representative.
2. The Appeals Panel to question the employee and/or his/her representative.

8. HEADTEACHERS/SPOKESPERSON FOR THE PERSONNEL PANEL CONCLUDING REMARKS

The Headteacher or spokesperson for the Personnel Panel to sum up and make any concluding remarks.

9. THE EMPLOYEE'S CONCLUDING REMARKS

The employee and/or his/her representative to sum up and make any concluding remarks.

10. APPEALS PANEL'S FINAL QUESTIONS

The Appeals Panel to put any final questions arising from both sides summing up and concluding remarks.

11. HEADTEACHER/SPOKESPERSON FOR THE PERSONNEL PANEL EMPLOYEE AND HIS/HER REPRESENTATIVE TO WITHDRAW

Withdrawal of all parties while the Appeals Panel of the Management Committee consider the cases presented, with advice from the Director of Education and Leisure's nominated representative, if present (and also, for Voluntary Aided Schools the representative of the Diocesan Board, if present).

NB If exceptionally it is necessary to recall anyone for further questioning or clarification all parties who have withdrawn must be recalled together since questions to the Headteacher or the spokesperson for the Personnel Panel or to the employee must be put in the presence of the other party.

12. APPEAL PANEL'S DECISION

The employee and his/her representative and Headteacher or the spokesperson for the Personnel Panel to be invited to rejoin the appeal hearing for the decision of the Panel which will normally be given in writing following the hearing.

13. WRITTEN CONFIRMATION

The Clerk to the Management Committee to confirm the decision of the Appeal's Panel to the employee, with a copy of his/her representative, in writing within 10 days and as appropriate advise the employee of the right and method of appeal to the LA Appeals (Teachers) Sub-Committee where this right exists.

POLICY REVIEW – DISCIPLINARY PROCEDURE POLICY

Signed: _____ (Headteacher)

Signed: _____ (Chair of the Management Committee)

Date: _____.