



Disciplinary Procedure

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Disciplinary Procedure

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Disciplinary Procedure

1. Introduction and Objectives

- 1.1 Northern Education Trust (NET) as the employer of staff in our Academies has a legal obligation to establish workplace procedures to deal with matters of staff discipline. A high standard of discipline is essential for the efficient and orderly conduct of the Academy and for the safety and well being of its entire staff. Day to day management of staff is delegated to the Principal and line managers in each academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust. The Principal is responsible for promoting and maintaining high standards.
- 1.2 For the purpose of this document, misconduct will be assessed by reference to Trust/Academy codes of conduct and contractual obligations. Misconduct concerns may be about a single matter or a number of separate issues.
- 1.3 The procedure sets out both general principles, which will apply to the way in which the Academy disciplinary procedures will operate and in some instances, the detailed steps that will have to be followed.
- 1.4 The procedure is written in line with the ACAS Code of Practice.
- 1.5 The procedure is designed to help and encourage all employees to achieve and maintain appropriate standards of conduct. The main purpose of the disciplinary procedure is to encourage an employee, whose conduct is unsatisfactory, to improve. Disciplinary action may, at its extreme, lead to dismissal.
- 1.6 The Principal or Governing Body has overall responsibility for promoting and maintaining standards of work conduct. Informal guidance does not form part of the formal disciplinary procedure.
- 1.7 The following disciplinary procedure has been established by the Trust. The Principal will have the delegated responsibility to take disciplinary action up to initial dismissal decisions, following which there will be an opportunity to appeal to a committee of governors.
- 1.8 The Governing Body has a responsibility to apply the provisions of this procedure fairly.
- 1.9 The procedure should not be viewed primarily as a means of imposing sanctions or as necessarily setting out procedures leading to dismissal. Its aim is to ensure that employees of the Academy covered by this procedure are treated fairly and consistently and that, particularly where an employee's job is at risk, proper and adequate procedures are observed before any decision is taken.
- 1.10 All proceedings under this procedure shall be held in private and shall be confidential.
- 1.11 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to

deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

- 1.12 Where issues are related to bullying and harassment the dignity at work policy should be used in the first instance.

2. Scope of Procedure

- 2.1 This disciplinary procedure applies to all employees of the Trust working in the Academy. Advice on this procedure should be sought from the Trust HR function, contact details are at the end of this policy.

3. Representation

- 3.1 At all stages of this procedure, employees have a statutory right to be accompanied by a recognised trade union representative or by a work colleague. A Trade Union representative who is not an employed official must have been certified by their union as being competent to accompany the employee. For avoidance of doubt an investigating officer will not be entitled to representation when acting in the role of investigating officer.
- 3.2 It is the responsibility of the employee to arrange for his/her representation including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's chosen Trade Union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time that falls within 5 working days after the original date proposed.
- 3.3 The Trade Union representative or work colleague may also address a hearing/meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee, but may not answer questions on their behalf.
- 3.4 It is good practice for management to try and agree a mutually convenient date for the meeting with the employee and their representative or work colleague to ensure that meetings do not have to be delayed or postponed.
- 3.5 The Academy will also need to consider whether any additional support for the employee is required, for example when a physical disability or other special need is identified.

4. Discipline of Employee Representatives

- 4.1 Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure will be followed. In accordance with the ACAS Code of Conduct, the Principal will discuss the case with the regional trade union official of the relevant union of any potential proceedings against a trade union representative.

5. Informal Action

- 5.1 Many potential disciplinary issues can be resolved informally and the Academy and Trust employees' should always seek to resolve disciplinary issues in the workplace. In many cases the right word at the right time and in the right way may be all that is needed.
- 5.2 Informal action may often be a more satisfactory way of dealing with a breach of rules than a disciplinary meeting if it takes the form of a discussion with the objective of encouraging and helping the employee. It must not turn in to a disciplinary meeting.

In addition:

- The employee should fully understand the outcome and where improvement is required, that their conduct will be reviewed and over what period.
- A note of any informal action should be provided to the employee and kept for reference

The note may be used to demonstrate that clear guidelines had already been given about expectations and standards. It can not be used to increase any subsequent disciplinary action or sanction.

- 5.3 In certain instances mediation may assist in relation to disciplinary issues. In such cases, subject to the agreement of both parties, mediation can be arranged to try to settle the matter.

6. Investigation

Advice should be sought from the Trust HR function at an early stage when considering formal procedures. When a disciplinary matter arises the following procedure will apply:

- 6.1 The Principal will nominate an investigating officer. This will normally be a senior member of staff. Where the allegations are against the Principal, the Chair of the Governing Body will discuss the case with the Trust and an independent investigating officer will be nominated.
- 6.2 The investigating officer will write to the employee at the earliest opportunity and give the following information:-
- details of the allegations
 - copies of appropriate available information
 - a copy of the disciplinary procedure
 - time and date of investigation meeting
 - right to representation at all meetings
- 6.3 The investigating officer will investigate the matter. The investigating officer will be given guidance around the role of investigating officer and will be appropriately supported by the Trust HR function.
- 6.4 The investigating officer will promptly carry out a full and thorough investigation into the allegations as promptly as the circumstances will

allow. Care will be taken to ensure that where appropriate evidence is also sought from employees who may be supportive of the employee's case. This will involve the gathering of all relevant evidence from the relevant parties and an investigation meeting with the employee. The investigation should be thorough, comprehensive and unbiased. The role of the investigating officer is to gather evidence and decide whether:

- there is no further action required
- management guidance is appropriate
- training is needed
- the case should be referred to a hearing.

- 6.5 The investigating officer will adjourn the meeting/investigation if other areas of concern require investigation.
- 6.6 If on completion of the investigation, the investigating officer conducting it considers that a complaint of misconduct may require formal action, a disciplinary hearing before the Principal/Hearing Committee will be arranged.
- 6.7 If the investigating officer does not consider that the complaint requires formal action, informal guidance may be appropriate or if there is no case to answer the matter will be closed and all documentation removed from the employee's file.
- 6.8 The employee will be informed in writing of the appropriate conclusion.
- 6.9 In the case of the Principal, the investigating officer will submit a report to the Chief Executive of the Trust with a copy to the Chair of Governors. The Chief Executive and the Chair will decide whether any further action is required and whether there needs to be a formal hearing convened with the Governing Body. The Trust will be represented on the panel.
- 6.10 Where the decision is made to convene a disciplinary hearing, then the investigating officer will inform the employee in writing.
- 6.11 Persons directly involved in the investigative process may present a case or appear as a witness, but may not give advice to or sit on the subsequent Disciplinary Hearing Committee.

7. Suspension

- 7.1 The Principal or Chair of Governors has the authority to suspend a member of staff from duty on full pay. Where the employee holds more than one post in the Academy the suspension will apply to all posts. The employee will refrain from entering into the Academy or usual place of employment until the investigation is complete and a disciplinary hearing arranged, if appropriate.
- 7.2 Suspension during the course of an investigation is not a sanction in itself and does not imply guilt. The suspension from work will be on full pay.

- 7.3 Suspension should only be considered in extreme circumstances where the employee's continued presence on site potentially:
- Makes a fair investigation impossible
 - Represents a serious risk to the safety of others or themselves
 - Seriously undermines the reputation of the Trust/ Academy
 - Could impede the investigation
- or
- In order to avoid a repetition of the alleged misconduct
 - On the loss of accreditation/statutory provision essential to the job
- or
- When the allegation is potentially gross misconduct that may lead to dismissal
- 7.4 As an alternative to suspension the Principal or Chair of Governors may consider temporary variations e.g.
- duties
 - working arrangements
 - working location
- 7.5 When considering the suspension of an employee, the Principal should inform the Chair of Governors and the Trust HR Director. They should also immediately arrange a meeting with the employee, unless this is totally impractical. In the case of the Principal being suspended, this can only be actioned by the Chair of the Governing Body or nominated Trust representative. At all times, the Trust must be kept fully informed.
- 7.6 The employee may bring a certified trade union representative or work colleague to this meeting. The employee will be informed of the nature of the allegations. The employee may make representation in respect of the proposed suspension. The Principal or Chair of Governing Body will then verbally confirm the decision at the meeting and in writing within five working days. If the decision is to suspend the employee, then the letter will outline the reasons for the suspension and the nature of the allegations.
- 7.7 On occasion more urgent action is necessary where it will not be possible to allow time for trade union representation. If this is the case the employee should be asked to leave the premises and escorted off the site. The employee should be allowed to make representations at a later stage. Written confirmation of the suspension should be sent as soon as possible afterwards.
- 7.8 A suspended employee should be assigned a contact officer who should be a senior member of staff not involved with the case. The contact officer will review the suspension at regular intervals (every 2 weeks where appropriate) and ensure that they advise the employee of progress with the case. Only the Principal or a Governor nominated by the Chair can end the suspension.
- 7.9 The letter should state that the investigation and disciplinary process should be completed as soon as possible.

8. Formal Disciplinary Procedure

- 8.1 If the Investigating Officer is satisfied that the complaint warrants a hearing, he/she will inform the employee and a Disciplinary hearing will be arranged. The employee will be informed in writing of the following: -
- The date, time and place with at least 5 working days notice from receipt of the letter.
 - The names of the committee members (but this may be subject to change).
 - The specific nature of the allegations.
 - The right to produce written statements and to bring witnesses.
 - The right to representation.
 - Names of any management witnesses.
 - Any supporting documents to be used as evidence by management.
 - The level of the hearing with reference to the likely outcome if charges are proven i.e. warnings, dismissal.
 - A copy of the Disciplinary Procedure.
- 8.2 If the employee wishes to call witnesses or provide relevant paperwork, this should be provided to the Principal/Chair of Governors as appropriate, at least two working days prior to the Hearing.
- 8.3 A representative of the Trust HR function will be available to attend a disciplinary hearing if required. It is essential that a representative of the Trust HR function attend the Hearing when dismissal is considered to be a likely outcome.
- 8.4 The Principal will hear the case. If the Principal has been directly involved in the procedures leading to disciplinary action, has instigated a proposal to dismiss or is a witness of particular conduct giving grounds for the disciplinary action in question (or the Principal is being considered for disciplinary action) the initial decision can be delegated to a Committee of at least three governors. In the case of the Principal being considered for disciplinary action a member of the Trust Board must be on the panel.

9. At the Hearing

- 9.1 If the employee fails to attend the hearing, the case will be heard in their absence, unless acceptable reasons have been presented in advance and it is therefore agreed to postpone the hearing to a later date.
- 9.2 Copies of the allegations and all relevant papers including those submitted by the employee concerned must be available for the Principal/ Governors to use when hearing the allegation.

- 9.3 It is for the Chair of the Committee to decide whether late evidence from either side is acceptable. The Committee should seek the views of both sides when considering whether to accept late evidence, and consider the reasonableness and fairness of the decision. If late evidence were accepted in the form of written documentation, it would be usual to allow reading time by way of a brief adjournment.
- 9.4 The Chair of the Committee must ensure that the employee receives a fair and impartial hearing, is encouraged to be represented or accompanied, is allowed to present his/her case or have it presented and is allowed to bring witnesses and to question the management presenter and any management witnesses.
- 9.5 Please note it is the practice of Northern Education Trust, that where necessary, Governors can be used from other NET academies for any hearing or appeal process.

10. The Procedure for the Hearing will be as follows:

- 10.1 The Principal/ Chair of the Committee of Governors will open the proceedings by:
- stating the purpose of the hearing
 - introducing all present;
 - saying how the hearing will be conducted;
 - confirming that all have the same documentation;
 - confirming the number and names of witnesses attending on both sides;
 - asking for any points of clarification to be stated;
 - reading the disciplinary allegations;
 - asking each side to present their case and is responsible for ensuring that all presentations, evidence and questions are relevant and questioned if any area is unclear.

The Principal/Governors will then proceed to hear the case. Codes of conduct and action taken in similar circumstances in the past may be considered and representations as to whether any proposed action is reasonable in the circumstances. The order of the proceedings is detailed at **Appendix 1**.

- 10.2 Once the Principal/Governors are satisfied that all the relevant evidence has been heard then the committee must reach a decision and convey the decision to the employee and representative. All parties other than the note taker and the assigned officer advising (usually NET HR) advising the Principal/ Governors shall withdraw when the decision is considered.
- 10.3 Before deciding what disciplinary sanction to impose, the Principal/Governors should consider whether the employee has been subject to any previous disciplinary action and whether any warnings are still current. The Principal/ Governors should also consider any mitigating factors that may have been presented during the Hearing.

11. The Disciplinary Action

- 11.1 The decision will usually be given verbally to the employee in the presence of his/her representative. However, this may be varied by mutual agreement, especially if the decision making process is likely to take some time. The decision will also be confirmed in writing.
- 11.2 The possible actions arising from a disciplinary hearing are:
- **No further action**
 - **Improvement Note and/or training** – appropriate for more minor breaches of conduct.
 - **Written warning** – where an employee is found guilty of misconduct, the first step would be to give them a written warning setting out the nature of the misconduct, any improvements and the change in behaviour required. The employee will be informed that the warning is part of the formal disciplinary process and the consequences of any further misconduct could be a final written warning and ultimately, dismissal.
 - **Final written warning** – appropriate where the misconduct is considered to be insufficiently serious to justify dismissal but sufficiently serious to warrant only one warning, or where the misconduct is considered to be serious enough to justify dismissal but where a lesser sanction is appropriate in the particular circumstances (e.g. where there are exceptional mitigating circumstances). A final written warning may be the first and last warning, even if there is no previous record of disciplinary action against the employee and it must draw the employee's attention to the fact that his/her job is at risk if there is any subsequent misconduct.
- 11.3 In addition where appropriate, there are a number of supplementary sanctions that a committee may consider to accompany a written warning, a final written warning or dismissal. Such sanctions may include, for example, the necessity to attend specified training.
- 11.4 The written notification from the Principal/Committee of their decision will include the following:
- The precise nature of the misconduct proven.
 - The basis of the decision.
 - The period of time given for improvement, if appropriate and the standard of improvement expected.
 - The disciplinary sanction being applied and, where appropriate, how long any sanctions will last.
 - An indication of the likely consequences of further proven misconduct.
 - Information about the employee's right of appeal, including how it should be made, by when and to whom

Dismissal

- 11.5 The final stage in the disciplinary process will be dismissal. The employee will be informed of the reasons for the dismissal, the date on which the employment contract will terminate, the appropriate period of notice and their right of appeal.

12. Gross Misconduct

- 12.1 Some cases of misconduct are so serious they may be termed gross misconduct. In such cases the employee may be dismissed without notice.
- 12.2 Gross misconduct is regarded as misconduct of such a nature that it fundamentally breaches the contractual relationship between the employee and Trust/Academy and justifies management in no longer accepting the continued presence of the employee at the place of work.
- 12.3 Certain breaches of discipline may be regarded as serious enough to warrant summary (instant) dismissal for gross misconduct without reference to any prior warnings.

13. Duration of Warnings

- 13.1 The following time limits for warnings will apply:
- Improvement Note – 6 months
 - First written warning – 9 months
 - Final written warning – 12 months
- 13.2 After the expiry of any warning period and the employee's conduct is satisfactory, the warnings will be removed for the purpose of the employment relationship in general, e.g. for promotion, or selection for training courses. However, a valid record of employment history will be retained separately.

14. Appeal

- 14.1 An employee can appeal against any formal action taken as a result of this procedure. All appeals will be conducted as a full re-hearing of the case. The Appeal Committee may reduce, nullify or confirm the decision but not increase the sanction imposed.
- 14.2 Employees may appeal in writing against the following disciplinary sanctions:-
- Improvement Note and or/Training.
 - Written warnings.
 - Supplementary sanctions (as outlined in 11.3).
 - Dismissal.

Possible grounds for appeal are:

- The action taken was unfair or unjust.

- Unfair procedures were used.
- New evidence that has come to light.

14.3 An appeal must be sent to the Chair of Governors. A pro-forma will be included with the written notification of formal action, on which the employee can give notice of appeal, including identification of the grounds of appeal, see **Appendix 2**. Notice of appeal must be received within 5 working days of receipt of the decision letter. This time limit will be strictly observed.

14.4 Arrangements for the Appeal will be made on receipt of the appeal request. Wherever possible the Appeal should be heard within 20 working days of the lodging of the appeal and the employee should have at least 5 working days notice of the Appeal Hearing.

15. The Appeals Committee

15.1 An Appeals Committee should be formed from the Governing Body to include no fewer members of the Governing Body than that of the Disciplinary Hearing Committee whose decision is subject to appeal. A representative of the Trust HR function should also assist the Appeals Committee.

15.2 No member of the Disciplinary Hearing Committee concerned shall be a member of the Appeal Committee.

15.3 All papers presented to the hearing, together with the decision of the Principal/Chair of the Hearing Committee and any subsequent correspondence must be available to the Appeals Committee. Any new evidence, should be copied to all parties at least 2 working days in advance of the Appeal hearing.

16. At the Appeal Hearing

16.1 The procedure for the Appeal Hearing is set out in **Appendix 3**. The appeal is a full re hearing of the case.

16.2 The Appeals Committee will deliberate in private, paying particular attention to any new evidence that has been introduced by the employee and hear representations from both management, and the employee or representative in order to determine whether the decision of the hearing was fair and reasonable in view of the evidence available. The Appeals Committee cannot increase the sanction imposed.

16.3 The decision of the Appeal Committee is final and binding on all parties.

17. Disciplinary Offences

17.1 Breaches of reasonable conduct at work may take many forms. The following list is not exclusive and there may be other examples appropriate to the nature of a particular job which would warrant disciplinary action following a thorough examination of the circumstances involved -:

- unauthorised absence from work (including bad timekeeping), persistent and frequent absenteeism and failure to follow notification procedures
- failure to follow reasonable instructions given by manager, or supervisor/senior staff
- wilful neglect of duty
- breaches of safety regulations and safe working practices
- theft or embezzlement whilst at work
- deliberately falsifying work records
- being unfit for duty through drink or drugs (other than those which have been medically prescribed)
- sexual misconduct at work including indecent behaviour, offensive behaviour or sexual harassment
- discrimination against students, employees or members of the public on grounds of their colour, race, disability, ethnic origins, sex, sexual orientation, age, marital status or religious beliefs
- fighting, physical assault or threatening behaviour towards a student, fellow employee or member of the public
- bullying, abusing or threatening behaviour towards students and other employees
- wilful damage to or concealment of official records
- improper disclosure of written or verbal information which is clearly identifiable as confidential
- improper use of IT equipment and systems in accordance with the employment contract; the academy ICT protocol and Social Networking policy
- knowingly aiding and abetting a disciplinary offence
- knowingly making false or malicious statements about other employees or members of the Governing Body/Trust
- deliberate failure to report evidence or suspicion of any impropriety or breach of procedure on the part of another employee
- wilful non-compliance with Data Protection principles
- smoking on Academy/Trust premises

18. Gross Misconduct

Such breaches may be rare and could include:-

- substantiated allegations in relation to child protection issues
- stealing from the Academy, members of staff, students or the public
- other offences of dishonesty
- sexual misconduct at work
- fighting, physical assault
- falsification of a qualification which is a stated requirement of the employment or which results in financial gain
- deliberate and or inappropriate misuse of ICT facilities
- deliberate damage to or misuse of Academy/Trust property
- inability to perform duties or improper conduct as a result of being under the influence of alcohol or drugs (other than those which have been medically prescribed)
- falsification of records or claims
- corrupt or improper practice for private gain

- completing application forms and or other essential clearance forms in relation to employment in such a way as to gain employment under false pretences
- engaging in other employment during the employee's contracted working hours for the academy
- working privately on activities without seeking consent from the Principal which could result in a conflict of interests

NB - the above lists are not exhaustive.

19. Allegations Against Staff - Child Protection Issues – Local Authority Designated Officer

- 19.1 If a complaint against an employee relates to a child protection issue then it is essential that the investigator contact the Local Authority's Designated Officer (LADO) at the outset to discuss how to proceed. The outcome may be that an allegations strategy meeting is required and the LADO will convene a strategy meeting.
- 19.2 If the allegation is substantiated and the person is dismissed or the Academy ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the Academy whether a referral should be made for consideration as to the individual being barred from, or have conditions imposed in respect of, working with children.

20. Alleged Criminal Offences

- 20.1 If an employee is charged with, or convicted of a criminal offence, this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with the Academy and work colleagues. The disciplinary procedure will only be instigated where there are reasonable grounds for believing that the nature of the activities is sufficiently serious to have an adverse effect on the ability of, or confidence in, the employee to carry out his/her duties properly.
- 20.2 Where an employee is alleged to have committed a criminal offence and Police investigations are underway, disciplinary proceedings can be taken and a decision implemented in accordance with this procedure before Police investigations are completed. This must however, be handled carefully and in accordance with Police instructions so as not to interfere in the police investigation.
- 20.3 The Academy will normally wish the Police to independently prosecute offenders where financial impropriety at work is discovered, in addition to whatever disciplinary action is felt appropriate.

21. Records

- 21.1 The maintenance of accurate and contemporaneous records is essential, particularly in the event of referral to an Employment Tribunal. Notes are not necessarily verbatim, and there is no

requirement for agreed minutes; however it is good practice to attempt to agree minutes, particularly in the case of interview records. It should be noted that consideration by an employment tribunal might be an extended time after the matter was considered internally.

- 21.2 Records should be held in a secure and confidential manner, often the issues raised by an employee are particularly sensitive and it is essential that information is kept in accordance with the Data Protection Act 1998.

Documentation that should normally be retained includes:

- all papers presented at the Disciplinary and Appeal hearings;
- notes of meetings (contemporaneous or otherwise);
- information collated by the committee or used to assist in making a decision;
- confirmation of the decision, or other supplementary correspondence;
- clarity on how decisions were reached and disciplinary action determined.

DISCIPLINARY PROCEDURE

PROCEDURE FOR A HEARING

1. The Management representative* to present the academy's case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the Management representative and any witnesses about the facts provided.
3. The Principal/Hearing Committee to have the opportunity to question the Management representative* and any witnesses.
4. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
5. The Management representative* to have the opportunity to ask questions of the employee or his/her representative and witnesses.
6. The Principal/Hearing Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The Management representative* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Management representative* and the employee and his/her representative to withdraw.
10. The Principal/Hearing Committee to consider the facts presented to them.

The hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Principal/Hearing Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

***Management representative and a representative of the Trust HR function if necessary**

**DISCIPLINARY PROCEDURE
APPEAL PRO-FORMA**

NAME :	TRADE UNION:
POST TITLE:	UNION REPRESENTATIVE NAME AND CONTACT DETAILS:

DATE OF HEARING:
DECISION:
.....
.....
DATE LETTER ISSUED:

THE GROUNDS FOR MY APPEAL ARE:

.....

.....

.....

.....

.....

**Continue on a separate sheet if necessary.
Please ensure that additional sheets are signed, numbered and dated.**

SIGNED:

DATE:

**PLEASE RETURN THIS PRO-FORMA WITHIN 5 WORKING DAYS OF RECEIPT
OF THE DECISION LETTER TO:**

.....

.....

.....

Time limits for appeal will be strictly observed.

DISCIPLINARY PROCEDURE

PROCEDURE FOR AN APPEAL HEARING

1. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
2. The Management representative* to have the opportunity to ask questions of the employee or his/her representative and witnesses.
3. Members of the Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
4. The Management representative* to present the academy's case and may call witnesses.
5. The employee or his/her representative to have the opportunity to question the Management representative and any witnesses about the facts provided.
6. Members of the Committee to have the opportunity to question the Management representative and any witnesses.
7. The Management representative* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Management representative* and the employee and his/her representative to withdraw.
10. The members of the Appeals Committee to consider the facts presented to them.

The appeal hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

*** Management representative and a representative of the Trust HR function if necessary**

Model Letters

Model Suspension Letter

Academy Letterhead

Date

Dear

RE: Disciplinary Procedures – Notification of Suspension from Duty

Further to our meeting on I am writing to confirm that you have been suspended from your duties as with effect from that date. The suspension is a precautionary measure and without prejudice. It does not indicate any pre-judgment on the matter and is not a disciplinary penalty. It is in place pending the investigation of the following allegation(s) made against you:

Enter allegation(s) here

The reason for the suspension is that *the actions are potentially gross misconduct/ or your presence on site will impede the investigation. (Delete as appropriate)*. A thorough investigation will be undertaken, during which you will be given a full opportunity to offer any explanation or comments regarding the above allegations. You should remain available during normal working hours over the period of suspension. Any information that is gained during the process of the investigation may be presented at any subsequent disciplinary hearing.

I will undertake the disciplinary investigation or I have nominated (name and post title) *to carry out the investigation (delete as appropriate)* and will be supported by (HR representative, Northern Education Trust). You will receive a separate letter inviting you to a meeting as soon as possible.

The suspension will be kept under review and could be lifted at any time if deemed appropriate to do so. You will continue to receive your normal pay during the period of suspension which will be for as short a period as possible but will be sufficient to allow a thorough investigation.

As discussed you should not attempt to come onto the Academy during the suspension and you must not have any discussion with staff about the suspension and associated allegation. You should let me have any property belonging to the Academy that may be needed during the period of suspension if you still have any, likewise you should arrange with me to collect any of your personal belongs if you have not already done so.

During your suspension (*name and post title*) will be your contact officer who you will be able to contact to enquire about the process, discuss any concerns or to contact colleagues in the Academy who you may wish to ask to be witnesses on your behalf.

Your health and well-being throughout this investigation is important, therefore if you require any support, such as confidential counselling or Occupational Health support, please contact (*name and post title*)

I have enclosed for your information the disciplinary procedure as adopted by the Governing Body that will be followed. I would also encourage and advise you to contact your trade union representative if you have not already done so.

Yours sincerely

.....

Principal

CC: (*Trade union rep*) *if known and applicable*

Model Letter Invite to Investigation Meeting

Academy letterhead

Date

Dear

RE: Disciplinary Procedures – Invite to Investigation Meeting

I am writing to advise you that as Investigation Officer I will be undertaking a full investigation into the following allegation(s) that have been made against you:

Enter allegation(s) here.....

You are therefore required to attend an investigation meeting on
(date) at (time) at (venue) in order to offer you the opportunity to explain or comment on the matter, and for me to question you.
..... (HR representative, Northern Education Trust) will accompany me.
Please report to reception and ask for me.

A trade union representative or work colleague may accompany you at this meeting but it is your responsibility to arrange this. You are encouraged and advised to do this.

I must inform you that notes will be taken at this meeting by (name) and any information which is gained during the process of the investigation may be presented at any subsequent disciplinary hearing with the Governing Body.

Please confirm your attendance and whether you will be accompanied by (date).

You will be informed in writing of the outcome of the investigation.

Yours sincerely

.....
Principal

CC: (Trade union rep) *if known and applicable*

Model Letter Outcome of Investigation

Academy letterhead

Date

Dear

RE: Disciplinary Procedures – Outcome of Investigation

I am writing to advise you that the disciplinary investigation into the following allegation(s) is now complete:

Enter allegation(s) here

The outcome of the investigation is: *Please delete options below as appropriate:*

1. I can confirm that no disciplinary action will be taken and the matter is now concluded. I would like to thank you for your cooperation during the process.
2. Following careful consideration of the information gathered during the investigation it is felt that the nature of the issues warrant management guidance. The purpose of this letter is to confirm the guidance that you received verbally at our meeting on (date) to ensure that you are aware of the implications of any further incidents in regard to the issues investigated. *Enter here reasons for the decision and the specific management guidance; including any other further recommendations such as training/supervision etc.* Finally, you should be aware that any further allegations of a similar nature will be dealt with under the same procedure where appropriate and this guidance may also be taken in to account and may result in a formal hearing of the Governing Body. Should you have any enquiries in regard to the contents of this letter please do not hesitate to contact me.
3. I am recommending that a disciplinary hearing should be convened with the Governing Body. The purpose of the hearing is to listen to the facts presented from both parties and for the panel to decide whether any disciplinary sanction is required. I must inform you that the outcome of this hearing could be an improvement note/written warning/final written warning or dismissal. If there are any of your own witness statements that you wish to present at the hearing please start collating these now as you will need to exchange these with me 2 working days before the hearing. Please remember to contact (name of contact officer) if you wish to discuss progress on the investigation or contact anyone from the academy to gain witness statements on your behalf. I will write to you again very soon with the documentation that will be referred to at the hearing, details of the date and time of the hearing and your right to be represented.

Yours sincerely

.....
Principal

CC: (Trade union rep) *if known and applicable*

Model Letter Invite to Hearing

Academy letterhead

Date

Dear

RE: Disciplinary Procedures – Invite to Hearing

I am writing to inform you that the investigation is now complete. The outcome of the investigation is that you are required to attend a disciplinary hearing on (date) at (time) at (venue).

The specific allegation(s) that will be considered at the hearing are:

Enter allegation(s) here:

You have the right to be accompanied by a certified trade union representative or work colleague but it is your responsibility to arrange this. You are encouraged and advised to do this.

I will be presenting the management case and *will/will not* be calling any witnesses. *Insert names of witnesses if applicable.*

Delete option below as appropriate:

1. (Principal) will hear the case and will be supported by (HR representative NET). Copies of the written evidence and relevant documents that will be presented to the hearing are enclosed.
2. The case will be heard by a panel of Governors. The names of the Governors are,, although this may be subject to change.

..... (name) will also be present at the hearing to take minutes.

The following information should be supplied to me as soon as possible and no later than (2 days before hearing)

- any written evidence or relevant documents you wish to be considered
- the names of any witnesses and copies of their written statements detailing their evidence
- confirmation of your attendance and who will accompany you

It will be the Chair of the Hearing Committee decision as to whether any late submitted evidence from either side is acceptable.

You should be aware, that under the disciplinary procedure the sanctions that could be agreed by the Panel are:

Improvement note and/or training
Written warnings (first written or final)

In extreme cases where there is already written warnings on file or in the case of gross misconduct, dismissal.

Yours sincerely

.....
Principal

CC: (Trade union rep) *if known and applicable*

Model Letter Outcome of Hearing

Academy letterhead

Date

Dear

Following the formal disciplinary hearing held on (date) attended by(names), I write to confirm that having carefully taken in to account all the information provided

SELECT THE APPROPRIATE PARAGRAPH FROM THE FOLLOWING

1.

no further action needs to be taken and the matter is now closed. *Provide reasons for the decision.*

2.

the allegations made against you were found to be substantiated and at the hearing you were provided with

an improvement note and/or training – enter specific details here and the reason for the decision.

Any further incidences of a similar nature or failure to improve conduct could result in further action being taken under the Disciplinary Procedure.

3.

written warning –

The allegations made against you were found to be substantiated and the decision was that you receive a written warning to remain on your file for (duration as per policy). *Enter specific details here and the reason for the decision.*

Any further incidences of a similar nature or failure to improve conduct could result in further action being taken under the Disciplinary Procedure.

A note of the formal warning given to you will be recorded on your personal file and may be taken into consideration in the event of any future misconduct within the next months (duration as per policy).

4.

final written warning –

The allegations made against you were found to be substantiated and the decision was that you receive a final written warning to remain on your file for (duration as per policy). *Enter specific details here and the reason for the decision.*

Any further incidences of a similar nature or failure to improve your conduct could result in dismissal. A note of the formal warning given to you will be recorded on your personal file and may be taken into consideration in the event of any future misconduct within the next months. (duration as per policy)

5.

Dismissal (with notice)

The allegations made against you were found to be substantiated and the decision of the panel is that you be dismissed with notice. The reasons for reaching this decision are as follows:.....

You are entitled to a period of notice in accordance with your contract of employment of (*enter notice period here*). Your last day of paid employment will therefore be

You should not attend the academy during the notice period.

6.

Dismissal (without notice)

The allegations made against you were found to be substantiated and the decision of the panel is that you be summary dismissed without notice. The reasons for reaching this decision are as follows:.....

Your last day of paid employment is (*enter date of hearing*).

Enter appeal paragraph where applicable:

You have the right to appeal against this decision and if you wish to exercise this right you may do so by writing to within 5 working days of receipt of this letter, stating the grounds of your appeal, on the enclosed pro-forma.

Yours sincerely

Principal/Chair of Hearing Committee

CC File (where appropriate)

CC: (*Trade union rep*) *if known and applicable*

CONTACTS

For advice on the content of this policy please contact:

Judith Telford
HR Director
Northern Education Trust
jud.telford@northerneducationtrust.org
M: 07976 044539

Jessica Worthington
HR Advisor
Northern Education Trust
jess.worthington@northerneducationtrust.org
Tel: 0191 280 4274

Employees are also encouraged to contact their trade union representative for advice and support where appropriate.