Respect Reflection Responsibility Resilience

Green Shoots Partnership

Disciplinary Policy 25-26

July 2025

This policy is designed to:

• Help and encourage all employees to achieve and maintain the expected standards of behaviour, and

• Provide a fair, reasonable and consistent method of dealing with alleged breaches of disciplinary standards.

The procedure should be made known to all employees and should remain accessible to them.
This policy has been implemented following consultation with the recognised Trade Unions.
If the Governing Body wishes to deviate from this policy or adopt any other policy, the Governing Body will arrange consultation with recognised trade unions.

Scope

The procedure applies to all school employees (including Executive Headteachers), other than support staff within their probationary period.
This procedure does not apply to matters of:

• Capability/ performance, unless it is clear that the employee is capable of reaching the required standard but has wilfully not done so.

• Sickness absence, unless there is good reason to believe that the reason for the absence is not genuine.

Allegations of bullying, harassment, discrimination and/or victimisation will normally be handled under the school's policy covering bullying and harassment initially. However, if allegations of bullying, harassment, discrimination and/or victimisation are made concurrently with other allegations of misconduct or gross misconduct, all the allegations may be investigated together under this policy.

3) Roles and Responsibilities

i. Responsibility for informal disciplinary action

The line manager is responsible for seeking to resolve less serious conduct issues through informal action.
It is their responsibility to bring to the attention of employees the standards of conduct and behaviour required and any failure to meet those standards. Cases of minor misconduct are usually best dealt with informally. This may be achieved by giving advice, additional training, coaching and counselling.
The line manager should talk to the employee in private. This may be undertaken during their 121 or as a separate meeting. This will be a two-way discussion aimed at pointing out the shortcomings in conduct and encouraging improvement. The manager will listen to the employee's view on the issue.
Where improvement is required, the line manager will ensure that the employee understands what needs to be done, how their conduct will be reviewed and over what period of time. A review date may be set to re-assess the situation, if required. The line manager should make it clear to the employee that failure to make the required improvement will lead to disciplinary action and the formal procedure will be initiated.
Although the date of any informal discussions and any actions agreed will be recorded, no formal notes of these meetings will be made as these discussions do not form any part of the formal disciplinary process. The employee may also make their own notes, if they wish to.
If, during the discussion, it becomes obvious that the matter may be more serious and warrants formal investigation the meeting should be stopped and the employee told that the matter will proceed under the formal disciplinary procedure.
If informal action does not bring about an improvement, or the misconduct is considered to

be too serious to be classed as minor, it will be necessary to move to the formal stage of the disciplinary procedure below. Formal disciplinary action must not be taken before an investigation has taken place.

ii. Responsibility for investigating the allegations

The investigator is responsible for:

- Gathering all the relevant facts
- Producing a written report, and
- Determining whether there is a case to answer, by recommending in their report either informal, formal or no action.

The investigator cannot decide whether a formal disciplinary hearing should be held, make a disciplinary decision or issue any disciplinary sanction, that is for a Disciplinary Hearing to decide/determine. The investigator should also not make judgements about whether the allegations are "proven" or what disciplinary sanction, if any, should follow or be applied.

It is normally the Headteacher's responsibility to identify an appropriate person with the relevant knowledge, skills and experience, to investigate the allegations. This may be a member of the school's leadership team (including the Headteacher), or an external person and will depend on the nature of an allegation and the seniority of the employee(s) involved.

If the allegations are against the Headteacher, it is the Chair of Governors' responsibility to identify an appropriate person with the relevant knowledge, skills and experience, to investigate the allegations. This may be a Governor (including the Chair of Governors), or an external person.

iii. Responsibility for making decisions at a disciplinary hearing

It is expected that the Governing Body will normally delegate this function to the Executive Headteacher, unless the Executive Headteacher:

- is the subject of the allegations
- has carried out the investigation into the allegations, or
- is a witness to the allegations.

In situations where for any reason the Headteacher cannot perform this function, a Committee of one or more Governors will be responsible.

A Committee of Governors may, where necessary, consist of governors from other school(s) within the Local Authority. The Chair of Governors will decide whether such steps are necessary having taken advice from their HR Provider and the Local Authority Governor Services.

iv. Responsibility for hearing an Appeal

Appeals will be heard by a Committee of one or more Governors. The member(s) of the Appeals Committee will not have been previously involved in the case.

An Appeal Committee may, where necessary, consist of governors from other school(s) within the Local Authority. The Chair of Governors will decide whether such steps are necessary having taken advice from their HR Provider and the Local Authority Governor Services.

v. Responsibility for notifying other agencies in certain serious cases
The Executive Headteacher is responsible for making the following referrals (the Chair of Governors will assume this responsibility if the referral is about the Headteacher) to the:
• National College of Teaching and Leadership (NCTL) when a teacher has been dismissed for misconduct, or would have dismissed them had they not resigned first; and
• Disclosure and Barring Service (DBS) if someone has harmed or poses a risk of harm to a child and has been removed from working (paid or unpaid) in the school or would have been removed had they not left.

4) Principles

i. Support for employees
The employee should be made aware of any support available to them through confidential counselling services, for example:
• Any Employee Assistance Programme that the school's employees may have access to.
• The Education Support Partnership - https://www.educationsupportpartnership.org.uk/, telephone 08000 562561; and
• A Trade Union Representative
• Employees can contact their GP if they believe that their health is being adversely affected.

ii. Principles to which the school is committed
Employees will be made fully aware of the school's standards and expectations of conduct and behaviour and the possible consequences of falling below these standards.
When appropriate, conduct issues will be dealt with informally.
All disciplinary issues will be dealt with in a timely way. Timescales will vary according to the specific circumstances – guidance can be sought from the HR Provider.
Employees will be encouraged to seek the advice of a trade union and be informed of their right to be accompanied by a work colleague or trade union representative at all formal stages.
No formal disciplinary action will be taken without a prompt, objective and thorough investigation into the circumstances. Employees will be given a full opportunity to respond before a decision is reached. The employee will be heard in good faith and decision makers will act impartially.
An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice (summary dismissal).
The School reserves the right to conclude an investigation, hearing or appeal if an employee resigns or leaves during the process.
An employee will be given a written explanation for any formal sanction.
The employee will have the right of appeal against any formal disciplinary sanction.

iii. What is Misconduct?
Misconduct means unacceptable behaviour. The following are examples of misconduct and in severe cases some examples could be considered as gross misconduct.
This is not an exhaustive list:
• Leaving the place of work during the employee's normal working hours without permission.
• Frequent failure to attend work punctually.
• Failure to comply with the school's agreed procedures e.g., failure to notify / certify absence
• Making unauthorised private telephone calls or sending personal mail at the school's
• expense or unauthorised use of the internet.
• Failure to comply with a reasonable management instruction.

• Failure to exercise appropriate control or supervision over pupils.
• Failure to discharge without sufficient notice the obligations placed on the employee by their contract and terms and conditions of employment.
• Abusive behaviour or language that is directed to employees, parents, pupils or members of the public.
• A wilful attempt to mislead; and
• Breach of any professional code of conduct applicable to the job.

iv. What is Gross Misconduct?
This term is used to describe serious misconduct which may destroy the employment contract between the employer and the employee and make any further working relationships and trust impossible.
The following are examples of the sort of conduct that may be regarded as gross misconduct, making the employee liable to dismissal without notice.

This is not an exhaustive list:
• Harming a child (whether physical, sexual, emotional harm or neglect)
• Serious bullying, harassment, discrimination or victimisation (this may be referred for a disciplinary hearing as an outcome of an investigation carried out under the 'anti bullying and harassment policy)
• Dishonesty, including theft, fraud or deliberate falsification of records.
• Acceptance of bribes.
• Physical violence or threatening behaviour.
• Sexual offences or sexual misconduct.
• Serious negligence which causes or might cause unacceptable loss, damage or injury.
• Deliberate damage to school property.
• Serious or persistent failure to comply with a reasonable management instruction.
• Misuse of the school's property or name, or misuse of official position for personal gain.
• Being under the influence of illegal drugs or alcohol whilst at work, including at school events.
• Serious infringement of health and safety rules.
• Inappropriate contact with any pupil (regardless of age).
• Serious breach of any professional code of conduct applicable to the job.
• Serious abuse of the school's computer equipment/software; including deliberately accessing internet sites containing pornographic, offensive or obscene material and inappropriate use of social media.
• Serious breach of trust and/or confidence.
• Serious breach of child safeguarding or child protection rules.
• Act(s) (within or outside the course of duty) that could have or have brought the School or Council into disrepute.
• Serious breach of Data Protection regulations, which may also include the School's IT User Policy.
If gross misconduct is determined at a disciplinary hearing the employee may be summarily dismissed – that is dismissed immediately without notice or pay in lieu of notice.

v. Child Protection Issues

If there is a child safeguarding allegation against any member of staff (including volunteers), the Head Teacher will:

- Immediately seek initial advice from a Designated Officer (previously known as LADO)
- Not attempt to investigate the matter by interviewing any potential child witnesses or the accused person but simply record the facts/information that has been presented to them.
- Take advice from both the Designated Officer and HR Provider before suspending any member of staff or taking any investigatory action.

The Northamptonshire Children's Trust Designated Officer and Multi-Agency safeguarding Hub details can be found via the links below:

- LADO - Report a concern about an adult working with children and young people - Help and protection for children (nctrust.co.uk)
- Multi-Agency Safeguarding Hub (MASH) - Report a concern - Help and protection for children (nctrust.co.uk)

If any concerns are identified a strategy discussion will be held with the police to decide how best to proceed with the investigation.

vi. Criminal Offences

Criminal offences outside employment will not be treated as automatic reasons for disciplinary action. The main consideration will be whether the employee's conduct warrants action because of its employment implications.

The Executive Headteacher or Chair of Governors may need to liaise with the Police or other statutory bodies and take other proceedings into account when managing its process.

Generally, disciplinary action will not be postponed because criminal proceedings are contemplated or pending. The school will investigate the facts as far as possible and act appropriate to the findings.

A decision by the police/CPS not to charge or prosecute will not necessarily mean that action under this policy will not continue. The burden of proof in criminal cases (beyond reasonable doubt) is different from the burden of proof in a disciplinary case. This is based on the balance of probabilities and reasonable belief that the allegation(s) have been proven or likely to have happened, after the evidence has been presented at the hearing.

Where criminal charges result in an employee being unable to fulfil their contractual obligations this may result in dismissal.

In all cases the Executive Headteacher may seek advice from their HR Provider.

vii. Suspension

In some circumstances it may be appropriate to suspend an employee whilst investigations are carried out. Advice should be sought from the school's HR Provider before suspension.

Careful consideration must be given to alternatives to suspension (e.g., moving the employee to other work or another location) in the first instance.

Suspension should be a last resort, only to be applied where the circumstances of the case make it unacceptable for the employee to remain in school while an investigation is carried out. Suspension is always on full pay.

Some examples where suspension may be appropriate are as follows (not an exhaustive list):
• Children are at risk.
• Staff are at risk.
• The employee needs protection.
• The allegation if proved is likely to amount to gross misconduct.
• The school's reputation may otherwise suffer unduly; or
• The presence of the employee may impede the investigation.

Suspension is a protective measure and is not in any sense a disciplinary sanction or implication of guilt.

Only the Executive Headteacher or the Governing Body can suspend an employee. Whenever practicable, the employee should be called to a meeting. This may be at very short notice. Written confirmation of the suspension, which will include an explanation of why suspension is necessary will be sent within one working day. Only the Governing Body can lift the suspension. Where the Local Authority is the employer The Executive Headteacher or Governing Body should notify the Council of any suspensions and lifting of suspensions. This can be done by sending an email to the HR Advisory in box, marked 'For the attention of the Enabling Services Team'.
The period of suspension should be kept as brief as possible and kept under regular review by the Executive Headteacher or Chair of Governors. Investigations should be started immediately.
The suspension will normally last until the investigation has been concluded or any resulting disciplinary hearing has been held.

Whilst suspended, the employee should not contact pupils, other members of staff, or come onto school premises without the written permission of the Executive Headteacher or Chair of Governors. However, where practicable, the following support should be offered to the employee during the period of suspension:

• The name of a responsible person to act as a point of contact, to provide information on the progress of the investigation.
• Information on counselling that may be available e.g., through Employee Assist, Education Support Partnership and other appropriate sources of support.
• Reasonable access to information which will help the employee to prepare their case.

viii. Grievance during the Disciplinary Process
If an employee raises a grievance or bullying/harassment complaint during a disciplinary process, the Headteacher/Chair of Governors will decide what to do depending upon the circumstances of the case, taking into account HR advice.
The options are:
• Both procedures run concurrently
• The grievance/complaint is considered as part of the disciplinary procedure, or
• The disciplinary process is temporarily suspended.

ix. Trade Union Officials
If the subject of a disciplinary matter is an official representative of a trade union, the Executive Headteacher / Chair of Governors will contact their HR Provider. No action (including suspension) will be taken beyond the informal stage, until the circumstances have been discussed with a

senior representative or paid official as nominated by the relevant trade union, but only after obtaining the employee's agreement to discuss the matter.

5) Procedure

i. Informal action

Where possible, less serious misconduct will be dealt with informally. Consistency of approach in discussing and handling these matters with employees is important. General conduct issues can be resolved by the line manager through providing guidance, advice, the opportunity to undertake further development, coaching and counselling.

Informal discussions should be conducted privately, and the main focus should be a two-way discussion that facilitates the opportunity to encourage improvement. During the discussion the line manager will consider and listen to the views of the employee.

Where improvement is required the line manager will ensure that the employee clearly understands the level of improvement required, how their conduct will be reviewed and over what period. The employee should be advised that should there be no improvement or further conduct issues these will be dealt with under the formal procedure.

The line manager will confirm the key aspects and outcomes of the informal discussion in writing.

If during discussions it becomes obvious that the matter may warrant formal investigation the meeting should be stopped, and the employee will be told that the matter will be continued under the formal procedure.

ii. Formal Disciplinary Procedure

Right to be Accompanied

An employee may be accompanied at all meetings under the formal disciplinary procedure, by a work colleague, a trade union representative or an official employed by a trade union. The companion may address the meeting to put and sum up the employee's case, respond on behalf of the employee to views expressed at the meeting and confer with the employee during the meeting.

The companion does not have the right to answer questions on behalf of the employee, address the meeting if the employee does not wish it or to prevent the others from being heard.

iii. Unavailability of Trade Union Representative/Official Investigation Meetings

Under this policy, the right to be accompanied is extended to the investigatory interview(s). However, investigatory interview(s) will not be unduly delayed to allow a particular representative or colleague to attend.

Hearings

If the employee's representative or colleague cannot attend a disciplinary hearing on the proposed date, the employee can propose another date that is reasonable and is not more than 7 calendar days after the original date proposed, unless mutually agreed otherwise.

Hearings will not be rearranged more than once unless there are exceptional circumstances, in which case a further rearrangement will be at the discretion of the Executive Headteacher / Chair of Governors. Normally, a rearranged hearing will proceed, and if necessary, this may be in the employee's absence.

iv. Failure by the employee to attend meetings

Employees must take all reasonable steps to attend meetings or hearings under this policy.
An employee who cannot attend a meeting should inform the relevant person in advance.
If the employee fails to attend and has not provided an acceptable reason in advance, reasonable attempts should be made to contact them. A decision may be made for the meeting to go ahead in their absence. If the employee fails to attend through circumstances beyond their control the meeting should be rearranged, taking into account the reason.
If the inability to attend is related to the employee's sickness, a medical certificate should be provided. In some cases, a referral to Occupational Health may be made where deemed necessary to consider whether the employee is fit to attend a disciplinary meeting. Where the medical opinion is that the employee cannot attend, the Headteacher/ Chair of Governors will decide for how long it is reasonable to delay the meeting. In doing this they will take into account the medical information, the needs of the school and all the relevant circumstances. However, the meeting will not be postponed indefinitely. If the employee's absence is ongoing when the meeting goes ahead, the employee will be given the option of providing written representations and / or having their trade union representative attend on the employee's behalf (if the employee is a member of a trade union).

v. Location of Meetings

Meetings will always be conducted in a private setting and there may be circumstances when it is appropriate for these to be held in external locations.

vi. Notes of Meetings

Notes of all formal meetings should be taken, and copies of the notes circulated to all parties as soon after the meeting as practicable. The note taker is arranged by the school and cannot be a party/ witness to the allegations.
If amendments to the notes are requested by any individual who was present at the meeting, these changes must be made in a separate document, signed and appended to the original notes so that the original document remains unaltered.

vii. Investigation Stage

Where a complaint of misconduct warrants formal investigation, an appropriate person will be appointed to conduct a full investigation (See Section 3 - Responsibilities).
The aim of the investigation is to establish the facts of the case as promptly and thoroughly as practicable. The employee will be informed:
• That an investigation is taking place.
• Of the details of the complaint/allegation and
• Of their right to be accompanied.
If the employee is required to attend an investigation meeting, they will be given reasonable notice of this meeting, where practicable.
Once the investigation is complete the investigator will produce a report. The report will state whether or not the investigating officer considers there could be a case to answer and whether they recommend informal, formal or no action.
The person or panel who would conduct the disciplinary process (not the investigating officer) makes a decision about whether or not a disciplinary hearing will be held. If the decision-maker decides to take/not take formal action and this differs from the investigator's recommendation, the reasons should be recorded and included as an addendum to the investigation report.

If a decision not to take formal disciplinary action is taken, the matter will be closed, and the employee informed in writing.
A copy of the warning will be kept but will normally be disregarded for disciplinary purposes after a disciplinary warning expires, subject to the employees continued satisfactory conduct.
If a decision to take formal disciplinary action is taken, normally the Executive Headteacher / Chair of
Governors will arrange a disciplinary hearing. The employee will be notified in writing.
Exceptionally, where there is a case to answer, the matter may be less serious than the allegations first indicated. The Executive Headteacher / Chair of Governors may decide it is more appropriate to resolve the matter informally than hold a formal disciplinary hearing.
viii. Disciplinary Hearing
The decision maker(s) at the disciplinary hearing (See Section 3 – Responsibilities) will notify the employee in writing of the hearing:
• Giving at least 7 calendar days' notice
• Informing them of their right to be accompanied.
• Providing details of the allegations
• Informing them that either party can produce witnesses and/or written statements and relevant supporting documents
An exchange of documents should take place at least 7 calendar days before the hearing although this may be extended or reduced with the agreement of the appointed decision maker.
A model agenda for the disciplinary hearing can be found at Appendix 1.

Witnesses
If witnesses are called to give evidence their identity will be disclosed to the other party in advance, unless exceptional circumstances prevent this e.g., where anonymity is to be preserved. Caution should be exercised where children could be called as witnesses.
However, where there is a requirement to call children, parents or guardians must be informed and given the opportunity to accompany the child at the hearing.
The other party will receive advance copies of written witness statements to which reference will be made at the hearing. It is preferable that the authors of statements attend the hearings as witnesses, although in certain circumstances it is acknowledged that this may not be appropriate or necessary e.g., in the case of children or where anonymity is to be preserved.

Advice
The decision maker(s) may have their HR Provider in attendance in an advisory capacity.
The investigator may also be supported by the schools HR Provider.

Making the Decision
The decision maker(s) will deliberate in private, with their HR Provider present in an advisory capacity only. The parties may be recalled to clear points of uncertainty on evidence already given. If a recall is necessary, both parties are to return even if only one is concerned with the point giving rise to doubt.
Where there is a committee of two or three governors, they will make all reasonable efforts to reach a unanimous decision.
If a unanimous decision cannot be reached:
• In a Committee of two governors, the Chair of the Committee will have the casting vote.
• In a Committee of three governors, a majority decision can be taken.

Communicating the Decision
The decision maker(s) will give the employee their decision on the day of the hearing, whenever possible. The decision will be confirmed in writing within 7 calendar days of the hearing.

ix. Hearing Outcomes
Whether or not the allegations are substantiated will be decided on the balance of probabilities, having carefully considered of the evidence.

Case not Substantiated
If the decision maker(s) consider that the allegations against the employee are not substantiated, if possible, the employee will be informed of this at the meeting and the decision will be confirmed in writing. All reference to the matter in question will be removed from the employee's personal file.

Case Substantiated
If the decision maker(s) consider that one or more of the allegations are substantiated, an appropriate disciplinary sanction will be given, having regard to all the circumstances. Wherever possible, the employee will be informed of this at the hearing and the decision will be confirmed in writing.

x. Disciplinary Sanctions

Written Warning
In cases of misconduct, a written warning will normally be given:
• Detailing the reasons for the warning and any improvements required
• Advising that further action will be considered if the improvements required are not met, and
• Informing the employee of the right of appeal.
A copy of the warning will be kept but will normally be disregarded for disciplinary purposes after 12 months, subject to continuous satisfactory conduct during this period.

Final Written Warning
A Final Written Warning may be appropriate:
• For serious misconduct which would be insufficient to justify dismissal but would warrant only one written warning.
• For very serious misconduct which would justify summary dismissal for gross misconduct but, a lesser penalty is appropriate in the circumstances; or
• Where there is still a failure to improve conduct following previous written warning(s).
A final written warning will:
• Detail the reasons for the warning and any improvements required
• Advise that dismissal may occur if the improvements required are not met, and
• Inform the employee of their right of appeal.
A copy of the warning will be kept on the employee's personal file but, will normally be disregarded for disciplinary purposes after 18 months, subject to continuous satisfactory conduct during this period.

Warnings and Periods of Absence
Warnings are applicable during times that an employee is in work. Therefore, where an employee is absent from work for any reason, for more than 28 days, consideration will be given to placing the warning "on hold" and reinstating it when the employee has returned to work.

Dismissal
Dismissal is likely to occur if, there is:
• A failure to improve or a further act of misconduct has occurred after a Final Written Warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice.
• A serious failure to improve or a further act of serious misconduct after a Written Warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice.
• An act of gross misconduct. Dismissal will be without notice (summary dismissal). In such cases pay will cease when the decision to dismiss is made and reinstated in full if an appeal is subsequently successful.
The employee will be provided with written confirmation of dismissal within 7 calendar days, containing the date on which the contract ends, the reason for dismissal and the right of appeal.

Where the Local Authority is the Employer
The Executive Headteacher/ Governing Body must notify the Council in writing, of the hearing outcome where the determination is that the employee should be dismissed. This can be done by sending an email to the HR Advisory in box, marked 'For the attention of the Enabling Services Team. The Council will then confirm the dismissal in writing within 14 days, giving the appropriate notice.

xi. Appeal
Submitting an Appeal
An employee may lodge an appeal in writing against the outcome of a formal disciplinary hearing, by writing to the Executive Headteacher/Chair of Governors within 14 calendar days of receipt of confirmation of the disciplinary action.
The letter of appeal from the employee must state their ground(s) for appealing, which must be one or more of the following:
1. The findings of the hearing in relation to one or more of the allegations were wrong.
2. The disciplinary sanction given was too severe or disproportionate.
3. The disciplinary procedure has been applied defectively or unfairly.
4. New evidence has come to light which was not reasonably available at the disciplinary hearing, and which is relevant and may make a difference to the original decision.
For each ground of appeal raised, the employee should also provide full details of why that ground of appeal applies, including all the key points they wish to present at their appeal.
The appeal will be heard at the earliest opportunity, and normally within 4 calendar weeks of receipt of the request. The Appeals Committee may have their HR Provider in attendance in an advisory capacity. The decision maker at the original hearing will also be in attendance to explain their decision and their HR Advisor may also attend.

Notification of Appeal Hearing
The employee will be informed in writing of the place, date and time of the hearing, and their right to be accompanied, at least 7 calendar days in advance of the date of the appeal hearing.

Evidence for Appeal Hearing
Evidence presented to the appeals committee must relate to one or more of the four grounds stated above and must enable the assessment of whether or not the allegations against the employee were substantiated and whether the disciplinary action was appropriate in all the circumstances. If either party wishes to introduce new evidence, they must give written details of the new evidence and provide copies of any supporting documents, names of any witnesses, or written statements to be presented.
New evidence should be provided to the Chair of the Appeals Committee at least 5 days prior to the hearing. The Chair of the Appeals Committee has complete discretion as to whether to allow the new evidence.
In exceptional circumstances, additional new evidence may be permissible after this deadline at the complete discretion of the Chair of the Appeals Committee.
If, at the appeal hearing, the Appeal Committee decides that because of new evidence further investigation, information, or clarification is required, it may be appropriate to adjourn and reconvene when this has been completed.

Making the Decision
The Appeals Committee will deliberate in private, with their HR Provider present in an advisory capacity only. Both parties may be recalled to clarify points of uncertainty on evidence already given. If a recall is necessary, both parties will return.
Where there is a committee of two or three governors, they will make all reasonable efforts to reach a unanimous decision.
If a unanimous decision cannot be reached:
• In a Committee of two governors, the Chair of the Committee will have the casting vote.
• In a Committee of three governors, a majority decision can be taken.
The decision will be announced at the close of the hearing whenever possible. The Chair of the Appeals Committee will confirm the decision in writing within 7 calendar days of the hearing.
The decision can confirm or overturn the original decision, or apply a greater, lesser or alternative penalty.
The decision of the Appeal Committee is final.
A Guide to the Appeal Hearing can be found at Appendix 2.
Where the local Authority is the employer
The Executive Headteacher/ Governing Body must notify the Council of the outcome of the appeal, especially if the employee has been reinstated. This can be done by sending an email to the HR Advisory in box, marked 'For the attention of the Enabling Services Team'.

6) Data Protection

The organisation processes personal data collected during investigation meetings, any subsequent stages of the disciplinary process and in recording any sanctions/actions taken, in accordance with its Data Protection Policy. This will include data about suspension. A written record of meetings conducted under this procedure may also be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

Data collected as part of the investigation and any subsequent stages of disciplinary process is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records are retained and destroyed in accordance with the organisations Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under this Disciplinary Policy and Procedure.

Appendix 1 – Guide to the Disciplinary Hearing

(This agenda assumes the Executive Headteacher will be making the disciplinary decision)

1. Introductions

The Executive Headteacher introduces him/herself and invites all others to introduce themselves. The Executive Headteacher runs through the agenda.

2. Nature of the complaint

The Headteacher specifies the complaint and checks that all parties have the relevant documents.

3. Presentation by investigator

The Investigator presents their case and calls any witnesses
(Witnesses can be questioned by the investigator/their HR support, the employee/their representative, the Executive Headteacher/their HR Provider, and then re examined by the investigator before they exit the hearing).

4. Questions by employee

The employee and/or representative may question the Investigator.

5. Questions by Executive Headteacher

The Executive Headteacher and/or their HR Provider may question the Investigator.

6. Presentation by employee

The employee and/or their representative present their case and call any witnesses
(Witnesses can be questioned by the employee/their representative, investigator/their HR support, the Headteacher/their HR Provider, and then re-examined by the employee/their representative before they exit the hearing).

7. Questions by Investigator

The Investigator and/or their HR support may question the employee.

8. Questions by Executive Headteacher

The Executive Headteacher and/or their HR Provider may question the employee.

9. Final statement by investigator

The Investigator may make a final statement.

10. Final statement by employee

The employee and/or representative may make a final statement.

11. Withdrawal

Both parties withdraw to allow the Executive Headteacher to come to a decision. The HR Provider remains. Both parties may be asked to remain available in case the committee need to clarify any points.

12. Adjournments

Either party may ask for an adjournment during the course of the hearing.

Appendix 2 – Guide to the Appeal Hearing

1. Introductions

The Chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

2. Nature of the meeting

The Chair specifies the nature of the appeal meeting, setting out the allegations that were originally upheld and checks that all parties have the relevant documents.

3. Presentation by employee

The employee and/or their representative present their case and call any witnesses.
(Witnesses can be questioned by the employee/their representative, management/their HR support, the Appeal Committee/their HR Provider, and then re examined by the employee/their representative before they exit the hearing).

4. Questions by person presenting the management case

The person presenting the management case (the Headteacher/Chair of Disciplinary Committee) and/or their HR support may question the employee.

5. Questions by committee members

The committee members and/or their HR Provider may question the employee.

6. Presentation by management

The Executive Head Teacher/Chair of Disciplinary Committee presents the management case and calls any witnesses.
(Witnesses can be questioned by management/their HR support, the employee/their representative, the Appeal Committee/their HR Provider, and then re-examined by management before they exit the hearing).

7. Questions by employee

The employee and/or representative may question the person presenting the management case.

8. Questions by committee members

The committee members and/or their HR Provider may question the person presenting the management case.

9. Final statement by employee

The employee and/or representative may make a final statement.

10. Final statement by management

The person presenting the management case may make a final statement.

11. Withdrawal

Both parties withdraw to allow the Appeal Committee to come to a decision. The Committee's HR Provider remains. Both parties may be asked to remain available in case the committee needs to clarify any points.

12. Adjournments

Either party may ask for an adjournment during the course of the hearing