Disciplinary Policy & Procedure

Version 9: 1 September 2024

Wellington Primary School

Policy Details

Wellington Primary School has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

- Unison
- GMB
- NASUWT
- NEU
- NAHT

**ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.*

Approved by: Resources Committee

Approved on: 01/09/2024

Reviewer: Resources Commitee

To be reviewed on: 01/09/2031

NB. This policy/guidance will be retained for a period of 7 years from replacement.

Summary of Key Changes

1. Taken out references to the year for KCSIE Guidance.

2. Provided more clarity around referring to the School's Safeguarding Policies and Procedures.

3. Disciplinary Policy Statement to also include responsibility for supply staff in line with KCSIE Guidance.

4. Amendments to the section on suspension to bring the policy in line with updated ACAS Suspension Guidance. (a) to include gathering initial information. (b) circumstances in which a decision to suspend is likely. (c) to include consideration of wellbeing and mental health during suspension. In addition, the need for regular reviews, ideally monthly.

5. Amendments to the section on suspension extended to cover CEOs and Executive Leaders and the need to report any suspension to the relevant regulatory bodies.

6. Managing Headteacher's conduct has been extended to cover CEO's and Executive Leader's Conduct.

7. Clarity regarding working days' notice throughout the procedure and where necessary bringing the notice in line with other PACT HR policies for consistency of application.

8. Reference to Committee/School Governing Bodies has been extended to incorporate Trusts and Academies.

9. Notification of any dismissal of Headteacher / Executive Leaders / Chief Executive Officers to the relevant regulatory body as applicable.

10. Equality Impact Assessment Reference has been added.

11. Paragraph numbers have been inserted on key paragraphs of the policy for transparency purposes.

12. The following Appendix has been added to the policy with word versions for adaption available in PACT HR's SLA Client Information Hub.

    1. Appendix 1: Equality Impact Assessment

Contents

Disciplinary Policy and Procedure

1. Policy Statement 5
1.1 Introduction 5
1.2 Equality Impact Assessment 5

2. Disciplinary Policy 6
2.1 Application of the Policy 6
2.2 Informal Discussion 6
2.3 Criminal Offence or Child at Risk 6
2.4 Offences committed outside working hours 6
2.5 Suspension 7
2.6 The Investigation Process 12
2.7 Disciplinary Hearings 13

Appendix 1: Equality Impact Assessment 20

1. Policy Statement

1.1 Introduction

The main purpose is to encourage an employee whose standard of work or conduct is unsatisfactory to improve. The procedure serves to ensure that this is done in a fair and consistent manner. Clear guidelines are set out for teachers in the Teachers Standards (England).

This policy applies to both members of teaching and support staff employed at the school.

When not the employer of an individual, as is the case for example with supply staff, the school still have a responsibility to ensure that allegations are dealt with appropriately and they liaise with the relevant parties. In accordance with Keeping Children Safe in Education (KCSIE), the School's retain the lead responsibility for supply staff as they were "working under supervision, control and direction" of the Governing Body / Board of Trustees.

Where there are allegations of abuse made against teachers and other staff, including supply teachers and volunteers, these policies should be read in conjunction with the School's retained Child Protection Policy and statutory guidance, including Working Together to Safeguard Children and Keeping Children Safe in Education (KCSIE). The statutory guidance must be followed. Further advice is also available from your HR Business Partner.

The disciplinary procedure is strictly confidential and all aspects including all documentation and records shall be treated as such and comply with the Data Protection Act 2018.

1.2 Equality Impact Assessment

All Schools, Academies and Trusts must ensure that all strategies, policies, services and functions, both current and proposed, have considered equality, diversity and inclusion. It is recommended that an Equality Impact Assessment (EIA) form is used in conjunction with PACT HR Policies. An EIA template is attached to this policy, or a Microsoft Word version can be found on the PACT HR website in the SLA Information Hub for completion.

2. Disciplinary Policy

2.1 Application of the Policy

In minor cases of alleged misconduct, the line manager should initially seek to resolve the matter informally by discussion with the employee, as outlined in Section 2.2 below.

The Disciplinary Procedure is to be used where an employee's conduct is alleged to be unsatisfactory. Please check with your PACT HR Business Partner whether a concern should be dealt with under the disciplinary or capability procedures.

Each step and action under the procedure must be taken without unreasonable delay. The timing and location of meetings must be reasonable.

2.2 Informal Discussion

The need for formal disciplinary action will be reduced if managers demonstrate high standards of conduct themselves and make it clear that the same high standards are expected from their staff. Managers are responsible for ensuring that their staff are aware of the requirements of their roles and of the expectations of the school around relationships with colleagues.

Early intervention, offering guidance and instruction, can often prove very effective in improving minor conduct issues and avoiding the need for more formal procedures being invoked. The member of staff should fully understand a manager's concerns, what improvements are required of them and the possible consequences if these improvements are not achieved.

No disciplinary action will be taken against an employee until the case has been fully investigated.

2.3 Criminal Offence or Child at Risk

Where the allegation is that a criminal offence may have been committed or a child is at risk of significant harm, immediate suspension is more likely to be appropriate. Where the allegation is of a child protection/safeguarding nature, the LADO procedure should be followed. Please also refer to the School's Child Protection Policy, Safeguarding Policies and Procedures and follow the procedures set out in the statutory guidance KCSIE and Working Together to Safeguard Children. Advice should be sought from your PACT HR Business Partner.

2.4 Offences committed outside working hours

Criminal acts resulting in cautions or convictions for offences committed outside working hours may still result in disciplinary proceedings being taken against the employee, up to and including summary dismissal. The School will consider whether or not the employee's conduct, caution or convictions merit action because of employment implications. For example, where management considers the act or conviction in question affects the suitability of the employee for the position in which they are employed, the reputation of the School or undermines the trust and confidence that the school has in the employee.

2.5 Suspension

2.5.1 Considering Suspension

Staff against whom an allegation is made should not automatically be suspended. Initial information should be gathered to find out what's happened, who's involved and how serious it might be.

In exceptional circumstances and in accordance with ACAS guidelines consideration may be given to removing a member of staff from their place of work (i.e. suspension) at the outset of the investigation or at any stage during the course of the investigation. Please contact your HR Business Partner if you are considering suspension to ensure that suspension is an appropriate course of action.

Suspension is a neutral act, not a disciplinary sanction and the employee will receive normal pay. Where possible an alternative should be found to suspension. This could include alternative duties/locations or removal from contact with pupils.

Suspension should not be undertaken without good reason, as an over-hasty or ill-judged decision immediately to suspend a member of staff can have a substantial detrimental effect on the member of staff's career. Suspension is not only a traumatic experience for the individual involved, but also for their family, for other children at the School, their parents and for other staff. All concerned will wish to be reassured that the responsible agencies will act in a careful, measured way when allegations are brought to their attention.

Circumstances in which a decision to suspend a member of staff are likely to be taken include:

- There is a genuine risk to a child, or children is / are at risk.
- There is a risk to customers, property or business interests.
- There is a reasonable belief it would protect the person under investigation.
- It would protect other staff.
- Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

in all cases where suspension is being considered, the School must consider the wellbeing and mental health of the employee and advise the individual to seek assistance from their trade union and refer to Employee Health and Wellbeing Service (Occupational Health) if appropriate.

When considering suspension, advice must always be obtained from the School's PACT HR Business Partner.

2.5.2 Who can suspend

All staff

The decision to suspend rests with the Headteacher or CEO of the School. Any decision to suspend must be notified to the Governing Body / Board of Trustees as appropriate.

Headteacher / Executive Headteacher / Executive Leaders/Chief Executive Officers

The decision to suspend rests with the Chair of the Governing Body / Chief Executive Officer in line with the School Scheme of Delegation for Staffing / Personnel Matters.

In a Community or Voluntary Controlled Maintained school (whose staff are employed by Bradford Council or other Local Authority), the decision to suspend a Headteacher, must be notified to the Local Authority's Director of Children's Services.

In a Voluntary Aided, Trust or Foundation school or in an Academy (whose staff are employed by the Governing Body/Board of Trustees), any decisions to suspend lays with the Governing Body/Board of Trustees in line School's/Academy's/Trust's Scheme of Delegation for Staffing / Personnel Matters. For the suspension of a Chief Financial Officer or equivalent, any suspension should be reported to the ESFA or other regulatory body in line with the Academies Financial Handbook.

Any suspension of an Academy's/Trust's CEO must be notified to the Trust Board in line with the Academy's/Trust's Scheme of Delegation and to the EFSA or other appropriate regulatory body.

Trade Union Representatives

In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the meeting should not be arranged without prior discussion with the relevant branch secretary or trade union representative. From the outset it should be established that the action being taken is not an attempt to undermine the function of a trade union. Normal disciplinary standards will apply to their conduct and performance as employees.

Workplace Representatives and Officers

Workplace representatives and Officers should not be suspended without consultation with the Trade Union's office providing it is reasonably practical to do so.

2.5.3 Suspension Consideration Meeting

Where suspension is being considered, a meeting should be arranged to discuss management concerns. Normally, the meeting should be undertaken outside pupil contact time and advice should be taken from the PACT HR Business Partner before suspension. There are three possible outcomes outlined below:

- Not to suspend
- Action short of suspension
- Suspend

Consideration needs to be given to disclosure of any criminal proceedings.

When called to a meeting where suspension is a possible outcome, the member of staff should be advised to seek the guidance of their trade union. The member of staff may be accompanied by a Trade Union representative at the meeting. A person who is not a member of a trade union may be accompanied to the meeting by a work colleague, who will not or has not been involved in any part of the proposed disciplinary process. Where the member of staff is accompanied, they should be offered the opportunity of a brief meeting with the representative or work colleague before the meeting.

Attempts will be made to identify if the individual concerned is a member of a trade union and contact them on their behalf if possible. However, the meeting can go ahead without trade union representation present where circumstance dictate.

The member of staff should be informed at the outset of the meeting that an allegation or series of allegations have been made. The allegation(s) should be outlined during this meeting. At the conclusion of the meeting, suspension might occur. It should be made clear, however, that the meeting is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.

Relevant information, including reasons for any proposed suspension should be relayed. The School should ensure any information relayed does not interfere with an investigation into the allegation. This meeting is not concerned with the examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given. A brief adjournment should be offered to the member of staff prior to a response being provided.

If, as a result of the meeting, it is considered that suspension is necessary along with a full investigation of the allegation(s), the member of staff should be advised that they are suspended from duty. Written confirmation of the suspension should be dispatched without delay, giving reasons for this.

2.5.4 Where no action is taken to suspend

The member of staff may be accompanied by a trade union representative or work colleague at the meeting. The circumstances which led to consideration of suspension and any required follow up action which it is proposed to take should be explained to the employee. Appropriate assistance or advice should be offered

during the meeting, including a type of support the staff member may require. Appropriate health and well-being / counselling services should be considered.

If a member of staff has not been suspended but there are child protection or serious concerns about aspects of their conduct, a full investigation should be undertaken before making a decision about further action under disciplinary procedures. Please contact your HR Business Partner for further advice on undertaking an investigation.

2.5.5 Action short of suspension

The member of staff, whom the allegation is against, should not automatically be suspended and alternatives to suspension can be considered, these may include;

- Alternative duties/locations
- Removal from contact with child(ren) that may be involved in the investigation

2.5.6 After a Decision to Suspend Pending Investigation

Where a suspension has occurred, the appropriate notifications need to progress in accordance with section 2.5.3 of this policy.

It is advisable to provide no more than the minimum information necessary to the Governing Body / Board of Trustees, as more than this would prejudice the Member's impartiality in any subsequent disciplinary hearing or appeal in disciplinary proceedings.

Where a CEO, Executive Leader or Headteacher has been suspended, the implications for the management of the School will need to be considered including the acting arrangements.

In certain circumstances, it may be prudent to request that certain work related equipment be returned to the School.

Senior members of staff who need to know of the reason for the suspension should be informed as far as is necessary. The decision should be made on whether other staff need to be informed of the suspension. Any appropriate communication to explain the member of staff's absence will need to be discussed with your PACT HR Business Partner.

In appropriate cases the Senior Leader should discuss with the Chair of Governing the Body/Board of Trustees, the extent to which it is necessary to make a statement to parents of children in the School, having considered the need to avoid unwelcome publicity. If this situation occurs, then advice and guidance should be sought from your PACT HR Business Partner.

In rare circumstances, e.g. child protection investigations, it may be necessary for the Senior Leader (in consultation with the Chair of the Governing Body/Board of Trustees) to provide immediate reassurance to parents and children and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues. If this situation occurs, then advice and guidance should be sought from your PACT HR Business Partner.

The Senior Leader in consultation with the Chair of the Governing Body / Board of Trustees should consider, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. In cases in maintained schools, advice should be taken from the relevant Local Authority's Department and the PACT HR Business Partner.

Every effort should be made to avoid lengthy periods of suspension.

The decision to suspend and the conditions of suspension will be reviewed on a regular basis (normally monthly). The suspended member of staff will be informed in writing of the outcome of each review. Any representations received from the staff member or the employee's trade union representative will be considered at each review.

2.5.6 Support for Staff during the Period of Suspension

The suspended member of staff will be given the name of a contact within the PACT HRBP Team. The main role of the contact person is to provide procedural information and no detail will be provided about the actual case/investigation, other than to advise on the progress of the investigation.

Social contact with colleagues and friends at the School should not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal or disciplinary investigations or processes.

Although it is the aim that all investigations should be conducted as speedily as possible, consistent with establishing the full facts, arrangements should be made (by negotiation) for the individual, or his or her representative, to be contacted regularly with information on progress and developments in the case. These arrangements should not preclude them, or their representative, from contacting those conducting the investigation at any time.

According to the needs and wishes of the member of staff to be kept informed, a colleague contact should also be in a position to provide information about developments within the School in general. Usually this will be a Senior Leader who is not be involved in any disciplinary investigation.

In some cases, it may be appropriate to ask whether welfare counselling or support through the Employee Health and Wellbeing Service would be helpful, or to respond to a request for such further support.

2.5.7 Support for others concerned

If a child or children have made allegation/s, they and their parents will need support. Consideration should be given to the form such support should take. Consideration should also be given to what support may be needed for others at the School, both staff and pupils, according to the circumstances of the allegations. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained via the ACPC/Social Services.

2.5.8 Pay during suspension

The member of staff is entitled to normal pay during any period of suspension. Normal pay means the pay which the member of staff would have received during their normal working week. Normal pay is any entitlement which falls under the contract of employment.

If the employee takes annual leave or is sick at any time during the suspension, then pay for such leave or sickness will be calculated in accordance with the normal provision of the annual leave or sickness scheme. Any other payments, e.g. the allowances detailed above, will be paid in accordance with that scheme's rules for any leave or sickness absence.

Where the employee is on a period of sickness absence but would have been considered for suspension were they not, then once this has been communicated, they would be advised they are bound by the terms of suspension.
When any period of sickness as described above comes to an end, then the employee, remains suspended and again becomes entitled to normal pay.

2.6 The Investigation Process

2.6.1 Notification of an Investigation

Employees will be advised of the allegations against them at a meeting. The allegations will be confirmed to them in writing outlining the level of conduct the allegations could constitute and whom is the appointed Commissioning Manager/Case Manager.

During the meeting, the staff member should also be offered support via a named HRBP (who is impartial) and a referral to Employee Health and Wellbeing (Occupational health).

2.6.2 Right to be accompanied and role of the companion

Members of staff have the right to be accompanied at meetings or interviews connected with the Disciplinary Procedure by a companion. Employees should be notified of the right to be accompanied. The companion may be either a trade union representative or a work colleague. To exercise this right, workers need to make a reasonable request. Unfortunately, there is no specific definition of "reasonable", therefore it will depend on the merits of the individual case. In line with the ACAS Code of Practice, the companion should be allowed to address the meeting to put and sum up the member of staff's case, respond on their behalf to any views expressed at the meeting and confer with the member of staff.

The companion does not, however, have the right to answer questions on the member of staff's behalf, address the meeting if the member of staff does not wish it or prevent management from explaining the management case.

It is the responsibility of the member of staff concerned to arrange their own accompaniment and to inform the relevant person conducting the meeting who this will be. The employer reserves the right to request the choice of companion to be reasonable.

2.6.3 Sickness absence during the investigatory/disciplinary process

It is not necessary to suspend the disciplinary or investigatory process simply because the member of staff is absent due to illness. The School may seek advice from the Employee Health and Wellbeing Service, in order to ascertain whether or not the member of staff is fit to engage in the process. If the member of staff is declared 'fit' to attend meetings but not well enough to attend work, the School may, at its discretion, consider a number of measures, such as;

- Offering an alternative venue for the meetings/hearing;
- Allowing the member of staff to make written representation;
- Allowing extra time during the procedure for the member of staff to participate effectively.

Where the member of staff is not 'fit' to engage in the investigation process, the investigation can still continue. At such time as the member of staff is required to attend an investigation interview, further advice will be sought from the Employee Health and Wellbeing Service.

2.6.4 Postponement of meetings/interviews

In these circumstances, it is the responsibility of the employee to propose an alternative date for a meeting; this should wherever possible be within 5 working days of the original date proposed. Dates outside of this timeframe will be considered as long as they do not cause an unreasonable delay.

2.7 Disciplinary Hearings

2.7.1 Notification of Referral to a Hearing

If a disciplinary hearing is identified as a suitable course of action, the member of staff must be notified in writing no later than **10 working days** prior to the hearing commencing. The Investigation Report, Appendices and any additional information must be included within this letter. If witnesses are called on behalf of the School this must also be clearly indicated within the letter.

The employee will be able to produce written statements and call witnesses, with the written statements and details of witnesses to be submitted at least **three working days** prior to the hearing.

2.7.2 Hearing Panel

The Disciplinary Hearing will be conducted by a Committee of the School's Governing Body, Board of Trustees or nominated persons in line with the Terms of Reference / Delegation of Powers Matrix for staffing matters.

2.7.3 Right to be accompanied / represented

Members of staff have the right to be accompanied at a disciplinary hearing by either (up to) two trade union representatives or one work colleague. It is the responsibility of the member of staff to arrange their own accompaniment and to inform the relevant person/chair of the panel conducting the meeting that they are to be accompanied and by whom.

2.7.4 Postponement of the Hearing

In accordance with Section 10 (4) (5) of the Employment Relations Act 1999 a member of staff may seek a postponement of a hearing and propose an alternative time if their chosen trade union representative or work colleague is not available to attend. The alternative time must wherever possible and taking account the availability of the panel members, be within **five working days** of the original date. In some circumstances it may not be possible to re-arrange the hearing within the requisite five working days.

Where a postponement of more than five working days is requested due to the availability of the trade union representative or work colleague, this may be permitted only where it does not cause unreasonable delay. Arrangements for re-arranged hearing dates, will wherever possible be arranged in conjunction with the member of staff's trade union representative, however this may not always be possible.

2.7.5 Sickness

It may, on occasion be necessary to proceed with a disciplinary hearing without the presence of the member of staff, due to their sickness, or refusal to attend, despite reasonable adjustments being made to both the procedure and venue. In such circumstances, the member of staff and /or their representative will remain free to attend the hearing. The outcome will be communicated in writing to the member of staff including their right of appeal.

2.7.6 Procedure at the Hearing/Appeal

At the beginning of the hearing/appeal, the Chair/HR Representative will introduce all parties present and shall explain the procedure to the parties, as follows;

- The hearing/appeal may be digitally recorded to ensure a clear and accurate account of the meeting. All present will be asked to consent and the School should notify the employees of any intention to utilise recording equipment within the notification of hearing letter. The meeting minutes along with the digital version remain the property of the School. A copy of the meeting minutes can be made available upon written request from the Chair of the panel.

- The management representative will put the management case and may call witnesses.

- The member of staff or their trade union representative will have the opportunity to ask questions of the management representative and any witnesses they have called.

- The member of staff or their trade representative will put their case and may call witnesses.

- The management representative will have the opportunity to ask questions of the employee and any witnesses they have called.

- The Chair (and through them the other panel members) may ask questions of any party. If new evidence is brought to the hearing, both parties will be given an opportunity to comment and, if necessary to adjourn.

- The management representative will have the opportunity to sum up their case.

- The employee or their trade union representative will have the opportunity to sum up their case.

- The Chair shall ask both parties to leave while the decision is made; only recalling the two parties to clear points of uncertainty on evidence already given. If this is necessary, both parties will return even if only one of the parties is concerned with the point giving rise to the doubt.

- The Chair shall recall the two sides to give the decision and explain the reasons for the decision and confirm this will be put in writing to them as soon as possible. Where necessary, the hearing can be adjourned until a later date to relay the outcome to allow the panel more time for deliberation.

2.7.7 Levels of Disciplinary Sanction

The four levels of formal disciplinary sanctions are designed to reflect the varying levels of seriousness of the case. The levels give a proper sequence for persistent cases. A disciplinary sanction will be issued at whatever level appears appropriate to the circumstances; it is therefore not always necessary to commence any disciplinary sanction at the first warning stage.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice and without pay in lieu of notice. Except for gross misconduct, a member of staff dismissed by reason of disciplinary action shall be given notice based on their terms and conditions of employment. For guidance, examples of gross misconduct are (please note this list is not exhaustive);

- Stealing from the School, colleagues or visitors to the School.

- Falsification of educational qualifications where such qualifications are a stated requirement of the post.

- Fraudulently claiming sick pay or other payment from the School. .

- Fighting with or physically assaulting a work colleague.

- Damage to or misuse of School property.

- Inappropriate behaviour towards or relationships with students.

- The taking of unauthorised absence.

- Inappropriate use of social media such as Facebook or X (formerly Twitter) or behaviour that is in contravention of the Social Media Policy.

The following decisions may be issued by a Board panel or Senior Leader at a disciplinary hearing;

- The decision to issue no formal sanction.

- Level 1 **warning** may be given where the case is of sufficient importance or seriousness to bring to the attention of the employee formally. The time limit for this sanction shall be **6 months** (excluding the summer break from the date of the decision).

- Level 2 **warning** may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness to bring to the attention of the member of staff formally. The time limit shall be **9 months** (excluding the Summer Break) from the date of the decision.

- Level 3 **warning** may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness to bring to the attention of the member of staff formally. This level of sanction may also be issued where a determination of gross misconduct may not warrant dismissal for example due to mitigating circumstances. The time limit for this sanction shall be **12 months** (excluding the Summer Break) from the date of the decision.

  For the purposes of future disciplinary action, breaches of discipline will be disregarded after the specified time period of satisfactory conduct. However, the fact that the employee has been subject of disciplinary action will form part of that person's employment record.

  The following disciplinary sanction can only be issued by a board disciplinary panel, unless the full board have delegated this authority (through the appropriate board ratification) to the Senior Leader of a School.

- Level 4 **Dismissal.** An employee is likely to be dismissed where the case has already involved a final warning and insufficient improvement has been made or where further misconduct has occurred or where the case is so serious as to constitute gross misconduct or where there is some other substantial reason.

2.7.8 The Decision Letter

A letter detailing the decision will be given to the member of staff within **10 working days** of the date of the disciplinary hearing taking place or sooner where possible and a copy placed on the member of staff's personnel file, if a warning is issued.

Following the outcome of the hearing the decision letter will state:-

- The decision i.e. that there is no case to answer or the appropriate level of disciplinary sanction.

- The reason for the decision.
- The course of action to be followed by the member of staff.

- Time scale in which improvement is required, if applicable.

- Where assistance is required, the assistance which will be made available to the member of staff e.g. training and guidance.

- The date on which the warning will elapse.

- That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the timescale of the warning.

- The right of appeal against the decision and how to exercise that right. (See Section 2.7.9).

- If the warning is a final warning it will also state that if the employee's conduct continues to be unsatisfactory or if there is further misconduct it may lead to dismissal.

In a Community or Voluntary Controlled school (whose staff are employed by Bradford Council or other Local Authority Maintained Schools) the employee will also receive a letter from the Director of Children's Services who will confirm dismissal from the Local Authority. In a Voluntary Aided, Trust or Foundation school or in an Academy (whose staff are employed by the Governing Body/Board of Trustees), the letter to the employee from the Chair of the Hearing Panel / Hearing Officer formally confirms dismissal.

In respect of a dismissal of a CEO or similar position in an Academy / Trust, the dismissal will be notified to Academy / Trust's Board Members (who hold the Board of Trustees to account) in line with Academy's / Trust's Scheme of Delegation and notification to the ESFA or appropriate regulatory body.

2.7.9 Right of appeal

Employees have a right of appeal and any appeal arising as a result of a warning or dismissal must be made in writing to the Clerk of Governors or Board of Trustees, as appropriate, within **10 working days** of receiving written notice of the outcome of the hearing.

If the employee submits an appeal, they will be invited to an Appeal Hearing where their case will be heard by a further Committee of the Governing Body/Board of Trustees in line with the School governance arrangements.

The outcome of the Appeal Hearing will be confirmed in writing to the employee within **10 working days**. There is no further right to appeal.

The employee may request an adjournment of up to **5 working days** if their representative is not able to attend on that particular date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attendance. The employee will be notified of any decisions made in relation to the management of their absence.

It should also be noted that, if the member of staff fails to offer an alternative date for a hearing within the required timeframes, then a date will be set by school management (either the Headteacher or Chair of the panel). This is the case for hearings of any nature, whether Headteacher or Governors/Board of Trustees. Unnecessary delays to any hearing are not acceptable and not in the interest of either the school or the member of staff.

When lodging an appeal, the employee should state;

a) If the member of staff is appealing against the findings that they have committed the alleged act/s of misconduct, then any appeal hearing would be a full re-hearing of all the evidence in relation to the allegations against the individual concerned as heard at the original hearing. The panel at this appeal re-hearing will have the full range of disciplinary sanctions open to them.

b) If the member of staff is appealing against the level of disciplinary sanction imposed on them as a consequence of the original disciplinary hearing. In this case, an appeal panel would be asked to review the original decision made. This would not constitute a full re-hearing and any outcome from this review would either see the original sanction reduced or remain the same.

There is no further right of appeal against the decision of the appeals committee.

What is the difference between a Review and a Re-hearing at an Appeal?

A review of the original disciplinary panel's decision involves a new panel not previously involved in the original disciplinary hearing and the evidence available at the original hearing. As part of this, they may wish to call one or more members of the original disciplinary panel to give evidence.

A full re-hearing also involves a new panel not involved in the case, re-hearing the management and staff case and potentially hearing further witness evidence in order to come to a fresh decision.

Where the member of staff appeals following a disciplinary hearing against the level of sanction, the appeal hearing would review the original decision made. This would not require a full re-hearing and any outcome from this review would either see the original sanction reduced or remain the same.

A review hearing panel would review the documentation presented at the original disciplinary hearing including the letter of appeal, the official notes of the hearing and the decision/outcome letter(s). Any additional submissions would not be accepted. Potential witnesses would be the member of staff; the management representative and a member of the original Hearing panel (preferably the Chair but in exceptional circumstances to avoid undue delay another member of the panel would be acceptable.) The appeal panel's decision is final.

Where the member of staff is disputing the facts of the case, the appeal hearing would be a full re-hearing of all the evidence in relation to the allegations against the individual concerned. The panel will have the full range of disciplinary sanctions open to them – including issuing a higher sanction than was issued at the original hearing. In addition to any new evidence, the documentation for a re- hearing should contain as a minimum, the documentation presented at the original disciplinary hearing; the letter of appeal and the decision/outcome letter(s). However, the minutes of the previous hearing will not be used as evidence for the rehearing. In addition to the witnesses at the original hearing additional, witnesses may be called.

COPYRIGHT © 2024 City of Bradford Metropolitan District Council, City Hall, Bradford, West Yorkshire, BD1 1HY.

All rights reserved. No part of this document can be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this document) without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Design and Patents Act 1988. Applications for the copyright owner's written permission to reproduce any part of this document should be addressed to the Pact-HR Team via email pact-hr@bradford.gov.uk .

Warning: To perform an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.

Appendix 1: Equality Impact Assessment

A Microsoft Word version for adaptation of this Appendix is available on the PACT HR Website: SLA Client Information Hub.

Introduction

All Schools, Academies and Trusts need to ensure that all strategies, policies, services and functions, both current and proposed have considered equality, diversity and inclusion. Below is a recommended Equality Impact Assessment (EIA) Form for use in conjunction with PACT HR Policies. For further advice regarding the completion of this form, please contact your named PACT HR Business Partner.

Assessment

School Name:	
Policy Name:	
Name of staff member conducting assessment:	
Date of assessment:	
Reason for assessment: (what are you aiming to do?)	

Main Stakeholders/Beneficiaries: (e.g., Staff; Pupils; Governors; Trustees)	
Will the proposed policy/project/ strategy etc impact on equality groups? What information / data do you have? What further information do you need? What cross-strand issues do you need to consider? Please include any actual or potential impacts on stakeholders (e.g., Staff; Pupils; Governors; Trustees,)	
Race	
Sex	
Age	
Disability	
Pregnancy and Maternity	
Gender Reassignment	
Marriage and civil partnership	
Religion or Belief	
Sexual Orientation	

Improvement Plan

The Improvement Plan needs to outline actions you propose to take to mitigate actual or potential negative impacts.

Issues Identified	Action Required	Lead	Timescale	Comments

Governance, ownership and approval

Please state here who has approved the actions and outcomes of the assessment (add rows as required)		
Name	**Job title**	**Date**

Publishing

This document will act as evidence that due regard to equality and diversity has been given. For record keeping purposes a copy will be kept on file with a copy of the policy and one with the Governing Body / Board of Trustees approval.	
Date screening completed:	
Date agreed: Governors Body / Board of Trustees	