

BARTON PRIMARY SCHOOL AND EARLY YEARS CENTRE.



Disciplinary Procedure for School Staff

DATE: October 2011

TO BE REVIEWED: October 2012

Signed..... Chair of Governors

Date.....



BARTON PRIMARY SCHOOL and EARLY YEARS CENTRE

DISCIPLINARY POLICY & PROCEDURE

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1. DISCIPLINARY POLICY STATEMENT

The School and the Isle of Wight Council expect a high standard of personal conduct at work and aim to promote positive working relationships between all employees. Employees who do not conduct themselves satisfactorily will be given guidance, support and a reasonable opportunity to improve before formal disciplinary action is taken. This policy and procedure therefore is intended to help and encourage all employees to achieve agreed acceptable standards of conduct and behaviour whilst ensuring that they all are treated consistently and fairly. It is written in accordance with ACAS Codes of Practice.

Wherever possible Headteachers, and in the case of a Headteacher the Chair of Governors, are encouraged to deal with minor acts of misconduct informally. Failure to improve, further misconduct or more serious misconduct may then lead to formal disciplinary action being taken. The disciplinary policy and procedure is used when employees are suspected or believed to have failed to act in accordance with any of the school's policies or rules or any other action that may otherwise be considered a disciplinary matter. The School's Code of Conduct sets out standards of expected behaviour and conduct of all employees and Appendix A of this procedure outlines examples of potential misconduct and gross misconduct. Staff governed by the GTC are also required to comply with their code of conduct.

The school reserves the right to implement the disciplinary procedure at any stage as set out below, taking into account the alleged misconduct of the employee.

Where time limits are referred to in the course of this procedure, they may be varied by consent between both participants.

2. SCOPE

This procedure applies to all employees of this School including the Headteacher.

Matters not covered by this procedure are:

- termination during or at the end of a probationary period of service (including any extended probationary period of employment);
- issues of attendance, capability or redundancy for which there are separate procedures;
- termination by mutual consent.

3. HEADTEACHER AND GOVERNORS' RESPONSIBILITIES

Headteachers and Governors are responsible for ensuring that standards of conduct and the behaviour expected of their staff are made clear and that any issues that may arise are dealt with in accordance with this procedure. Headteachers and Governors are expected to set a positive example regarding their personal standards of conduct and behaviour. Headteachers are required to nominate Senior Staff from their Senior Management Team to be available to undertake investigations and any action that is required under this policy

4. EMPLOYEE'S RESPONSIBILITIES

Individual employees are responsible for making sure they are fully aware of school policies and procedures and for maintaining appropriate standards of conduct and behaviour as set out in the Code of Conduct and for co-operating with the implementation of this procedure e.g. take

all reasonable steps to attend any scheduled disciplinary investigation, hearings and/or appeal hearings. The employee is entitled to be represented/accompanied by a Trade Union Representative or a work colleague.

5. THE ROLE OF THE HUMAN RESOURCE SERVICE

- To seek to ensure fairness and consistency for all involved in the application of the procedure.
- To maintain confidential disciplinary files
- To assist all participants to identify the full facts of the case and advise Headteachers Governors, and/or Senior Nominated Staff on appropriate action(s) and timings at all stages of the procedure.
- To attend all formal disciplinary and/or appeal hearings as required.

6. STANDARDS IN APPLICATION OF PROCEDURE

Headteachers, Governors and Senior Nominated Staff applying this procedure should:

- contact HR at the outset for advice and support as required and seek HR involvement in the formal stages of the procedure;
 - investigate issues thoroughly and promptly before taking formal action (this would normally be undertaken by a Senior Nominated Officer);
 - take no disciplinary action or suspension against an accredited recognised TU representative until the circumstances of the allegation have been discussed with a full time official of that union;
 - provide the employee with a written summary detailing the alleged misconduct and any associated evidence against or in support of her/him prior to a disciplinary hearing;
 - inform the employee that, subject to the findings of an investigation of her/his alleged misconduct, the disciplinary procedure may then be applied at the appropriate stage;
 - give the employee the opportunity to gather appropriate evidence and make their case at a disciplinary hearing and to be accompanied by a work colleague or trade union official of their choice;
 - ensure they have the appropriate delegation to conduct disciplinary action and make disciplinary sanctions;
 - take account of any reasonable adjustments as required by the Disability Discrimination Act 1995 (DDA) for any employee who is disabled;
 - make arrangements for the release of witnesses and arrange a note taker or recording facilities for formal disciplinary hearing and/or appeal hearing;
 - liaise with HR to make the appropriate administrative arrangements for meetings e.g. arranging the date, time, venue and production of relevant documentation;
 - observe the timescale set out in this procedure and agree with the employee any changes where the timescale is unable to be met;
 - have due regard to the school's Equality & Diversity Policy/Dignity at Work Policy;
 - make the employee progressively aware that failure to improve their conduct could result in dismissal;
- maintain appropriate records, having regard to such issues as the Data Protection Act 1998.

7. THE DISCIPLINARY PROCEDURE

7.1 INFORMAL STAGE

The informal stage of the procedure applies where an employee's conduct gives cause for concern whilst not being sufficiently serious to require a formal disciplinary meeting.

The Headteacher, Governor or Senior Nominated Officer meets promptly with the employee to outline:

- the required standards of conduct, and
- the apparent shortfalls of the misconduct and the expected improvement(s).

In turn, the employee is given opportunity to explain their recent/current actions and/or conduct.

The Headteacher, Governor or Senior Nominated Officer must then confirm whether or not they are satisfied with the employee's explanations. If they are satisfied then the employee will be informed in writing that no further action is, at this stage, necessary. Where concerns are confirmed, the Headteacher, Governor or Senior Nominated Officer writes to the employee to outline:

- the required standards of conduct expected to be achieved;
- how the employee falls short of them;
- the improvement that is required;
- the way that the required improvement will be monitored;
- how the employee may be helped to achieve the required improvement including any additional support, development and/or training;
- that further instances of misconduct or lack of improvement may result in formal disciplinary action.

If the Headteacher is the subject of the disciplinary action, then it will be the Chair of Governors, or delegated governor nominee, who takes the meeting.

7.2 FORMAL INVESTIGATION

A formal investigation is undertaken where the potential issue of misconduct either:

- relates to conduct which has recently been the subject of informal action and the employee continues to fall short of the required standard, or
- the alleged misconduct appears to be more serious than matters which are normally dealt with informally, or
- it is suspected that there has been a serious breach of any school policy, procedure or rules.

The objective of an investigation is to establish all the facts of the particular case before a decision is taken as to whether or not there are grounds to invoke the formal section of this disciplinary procedure.

The employee must be informed as soon as possible that an investigation is to be undertaken, its start date and who will be conducting it. Normally it will be the Senior Nominated Officer who will conduct an investigation, but the school reserves the right to nominate any other person to conduct the investigation where it considers this to be appropriate. The Headteacher will carry out investigations into allegations against the Deputy Headteacher, and a member of the Governing Body other than the Chair of Governors will carry out investigations into the Headteacher.

In certain circumstances where the misconduct does not require any investigation, and would result in a sanction no higher than a written warning, the Headteacher may dispense with the investigation stage and may hear the case. In cases of alleged fraud, the Internal Audit Service will be contacted (Appendix B outlines the procedure that is to be followed in these circumstances).

In cases of allegations where an employee who works with children has:

- behaved in a way that has harmed a child or may have harmed a child;
- behaved towards a child or children in a way that indicates that they are unsuitable to work with children;
- possibly committed a criminal offence against or in relation to a child;

then the "Management of Allegations against Staff" guidelines for Working Together to Safeguard Children, will take precedence. These guidelines can be found on Eduwight.

The School will comply with any duties to disclose suspected disciplinary offences at investigation stage that may be required by external regulating bodies.

The investigation must be completed as speedily as possible but within a maximum of twenty working days. Where this is not possible, either through absence or the complexity of the issue, the Headteacher, Governor or Senior Nominated Officer should advise the employee who is the subject of the investigation in writing setting out the number of additional days required to complete the investigation.

In situations where the police are carrying out an investigation, the internal investigation may be halted pending the outcome from the police. During this time, if the employee is suspended, the suspension will be reviewed on a regular basis. An internal investigation may be carried out following the conclusion of the police investigation whether or not the police upheld any allegation.

Guidance in conducting the investigation can be sought from Human Resources.

At the completion of the investigation, the investigator reviews the relevant investigation reports with HR as appropriate, and then advises the employee in writing within 5 working days either that there is no case to answer or that a disciplinary hearing is necessary, in which case, the employee must then be invited in writing to attend a disciplinary hearing.

Where the Headteacher has been directly involved in disciplinary procedures against the employee, or has investigated a proposal to dismiss, or is a witness of particular conduct giving grounds for dismissal any action beyond a final written warning will be referred to a Panel of Governors for decision appointed and authorised by the Governing Body for such purposes.

In the case of a Headteacher, where the preliminary investigation determines there is a potential case to answer, the Chair of Governors will conduct the disciplinary hearing.

7.3 SUSPENSION FROM WORK

Where it is believed that the matter to be investigated involves serious misconduct, is necessary to comply with the requirements of an external regulating body or it is considered that the employee's presence in the workplace may obstruct or influence the effectiveness of the investigation, the employee may be immediately suspended from work on full pay.

Suspension is a precautionary not disciplinary action pending the outcome of disciplinary proceedings. If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation, the person conducting it reasonably forms the opinion that a serious breach of discipline may have occurred, the employee may then be suspended.

Any decision to suspend will be confirmed in writing within three working days. No suspension should be instigated to an accredited recognised TU representative until the circumstances of the allegation have been discussed with a full time official of that union; Suspension must be authorised by the Headteacher in conjunction with Human Resources. In the case of the Headteacher, authorisation is to be given by the Chair of the Governing Body. Whilst on suspension the employee is required to be available to assist with any investigation at any time within normal working hours, unless s/he has agreed annual leave commitments.

Whilst on suspension the employee must not enter any work establishment without the prior permission of the Headteacher or Chair of Governors, and must not contact any school employees, pupils or governors regarding her/his disciplinary case other than through:

- her/his nominated trade union representative or workplace colleague;
- the Headteacher or Senior Nominated Officer who contact her/him to complete the investigation (any such contact is normally on a written basis).

Should the employee wish to access documentation held in school relating to the allegations then s/he may arrange an accompanied visit to gather the documentation and make copies where appropriate.

7.4 FORMAL DISCIPLINARY HEARING

The employee will be entitled to be given a full explanation of the case against them and be provided with copies of all statements obtained from witnesses. The employee must be informed in writing of the reason(s) for the disciplinary hearing, dates, times and any other arrangements for the hearing and be provided with a copy of any evidence that will be used to support the basis of the allegation e.g. the management/investigation report and any potential witness statements, etc not less than five working days prior to the hearing.

The letter will also include details of the sanctions that will be considered and invite the employee to attend a hearing. The employee and/or her/his representative must take all reasonable steps to attend the hearing. Where the employee and/or her/his representative is unable to attend a disciplinary hearing and/or her/his representative and provides a reasonable excuse for failing to attend, the hearing will be adjourned to another day. The reconvened hearing must take account of the availability of all participants and be within five working days of the original hearing date or slightly longer in exceptional circumstances by mutual agreement. If the employee is unable to attend the re-arranged hearing, the re-arranged hearing will take place in the employee's absence. The employee's chosen representative may attend in such circumstances and will be provided with the opportunity to present the employee's case although s/he will not be allowed to answer questions put to the employee by the Headteacher conducting the hearing. The employee will also be allowed to make written submissions in their absence. If the employee wishes to provide any supporting evidence and/or nominate any witnesses s/he should do so at least three working days prior to the hearing. Account must be taken of any reasonable adjustments required by the employee under the Disability Discrimination Act 1995 (DDA).

7.5 CONDUCTING THE HEARING

The person conducting the disciplinary hearing must not be the same person who conducted the investigation or who is presenting the management case. In most cases the Headteacher will conduct the disciplinary hearing supported by an HR representative although the hearing may be conducted by another senior member of staff. In the case of a Headteacher, the Chair of Governors will conduct the disciplinary hearing.

The person conducting the hearing will:

- fully consider all the evidence presented, including that from any witnesses;
- provide the employee with the opportunity to state their case and to put forward an explanation of their conduct and any mitigating factors;
- make a judgement as to what happened, based on the balance of probabilities and what, if any, disciplinary action is to be taken

The person conducting the hearing may adjourn proceedings if it is necessary to do so. The employee should be informed of the period of any adjournment. If further information is to be gathered, the employee will be allowed a reasonable period of time, together with their representative to consider the new information and provide related information of their own prior to the reconvening of proceedings. As soon as possible after the conclusion of the disciplinary hearing, the person conducting the proceedings will convey the decision and the disciplinary action to be taken, if any, verbally to the employee and her/his Headteacher or Chair of Governors. Within five working days of the hearing, the decision must be confirmed in writing to the employee and the employee informed of their right of appeal together with the name of the person to whom the appeal should be made and the time period the employee has in which to appeal.

Where, following a disciplinary hearing, the Headteacher or Chair of Governors establishes that the employee has committed a disciplinary offence, the following disciplinary sanctions may be imposed.

7.6 DISCIPLINARY SANCTIONS

7.6.1 RECORDED ORAL WARNING - which will be spent (i.e. removed from file) after 6 months

This applies where an allegation of minor misconduct is upheld. A recorded oral warning confirms that a written warning may subsequently occur if there is a failure to change behaviour. Headteachers are authorised to award sanctions at this level

7.6.2 WRITTEN WARNING - which will be spent (i.e. removed from file) after 12 months

This applies either where behaviour has not improved within the duration of a recorded oral warning or where the upheld misconduct is more than minor. It warns that a final written warning, and ultimately dismissal, may subsequently occur if there is a failure to change behaviour.

Headteachers are authorised to award sanctions at this level

7.6.3 FINAL WRITTEN WARNING - which will be spent (i.e. removed from file) after 18 months.

This applies where behaviour has not improved within the duration of a recorded oral or written warning. It also applies where the upheld misconduct is so serious as to warrant only one written warning but insufficiently serious to justify dismissal. It warns that dismissal may subsequently occur if there is a failure to change behaviour.

Headteachers are authorised to award a sanction at this level

7.6.4 DISMISSAL - with or without notice

This applies either where behaviour has not improved within the duration of a final written warning (notice entitlement applies) or an allegation of gross misconduct is upheld (no notice entitlement).

Headteachers are authorised to award a sanction at this level .

Where the Headteacher has been directly involved in disciplinary procedures against the employee, has investigated a proposal to dismiss, or is a witness of particular conduct giving grounds for dismissal any action beyond a final written warning will be referred to a Panel of Governors for decision appointed and authorised by the Governing Body for such purposes. When a staff member has been dismissed, the Headteacher or Clerk to the Governing Body must notify the Director for Children and Young People in writing within three days of the outcome confirming the reasons for dismissal. The Director shall then within fourteen days of receipt of this notification write to the employee to confirm the termination of his/her employment at the school.

7.6.5 OTHER SANCTIONS

These can be either in addition to any written sanction or as an alternative to dismissal e.g. disciplinary transfer, demotion, loss of increment, etc. (NB: This is not an exhaustive list, and not all sanctions may apply to staff employed in accordance with the Pay and Conditions for Teachers).

In the case of a Headteacher, the investigating committee is authorised to award any of the disciplinary sanctions described above. Any dismissal relating to staff working with children must be notified to the relevant registration/regulatory authority in force at the time.

8. SICKNESS ABSENCE DURING THE DISCIPLINARY PROCEDURE

If an employee goes off sick when first being informed of the disciplinary charge or at any point during the investigation, the investigation will continue as far as possible in the absence of the employee. It will be necessary to ascertain how long the employee is likely to be absent by following the normal sickness absence procedure. An employee who states they are unfit to attend a scheduled disciplinary hearing must provide a medical certificate confirming that s/he is incapable to attend the hearing. In such circumstances where the delay arising from any such absence may become problematic the Headteacher should discuss with the employee's representative and HR ways to enable the employee to attend the required disciplinary hearing as soon as is practicable. The employee may also be referred to the Occupational Health Service or other medical professional to enable management to obtain further advice.

If medical opinion is that the employee is well enough to take part in the disciplinary process, this will then continue subject to any conditions set out by the medical professional. All reasonable adjustments that are required for disabled employees will be made. If medical opinion is that the employee is not well enough to take part in the disciplinary process, absence will continue to be managed in accordance with council sickness absence procedures. The employee is to be notified that the disciplinary process will not necessarily be halted as a result of absence and may be required to provide a representative to act on her/his behalf at the meeting. If medical opinion confirms that the sickness is a result of the disciplinary proceedings then the period of absence will not be taken into consideration when calculating the employee's entitlement to sick pay.

9. APPEALS PROCESS

An employee has the right of appeal against any sanction imposed following a disciplinary hearing and to be accompanied at an appeal hearing. The appeal will be heard by an Appeals Committee which will consist of three members of the Governing Body who have not participated in the proceedings so far. Staff, Governors and others who participated in the previous investigation may attend to give evidence, but must be excluded during the consideration of the decision of the committee. In the case where new and relevant evidence that was not in existence at the time of the previous hearing has come to light then witnesses and documentation may also contribute to the appeal process.

The request for an appeal must be made in writing within ten working days of the date of the decision letter and must state the grounds upon which an appeal is being made.

The employee may appeal on the following grounds:

- the decision - the evidence did not support the conclusion of the person conducting the hearing; and/or
- the penalty - too severe given the circumstances of the case; and/or
- new evidence - has come to light since the disciplinary hearing and was not reasonably available at the time of that hearing; and/or
- there is evidence that the disciplinary procedure was not correctly followed.

The appeal will normally take place within 15 working days of receipt of the employee's written notice of appeal. The employee must take all reasonable steps to attend. The appeal hearing is to consider any representations from the employee or their representative. The investigator and the Headteacher or committee who conducted the hearing may also attend to make representations.

The employee must provide any supporting evidence for the basis of their appeal to the Clerk to the Governing Body five working days prior to the appeal hearing date. The employee must also provide the name of any witnesses at least two working days prior to the appeal hearing. The appeal committee will:

- determine whether the grounds for the previous disciplinary sanction are valid;
- consider all the evidence, including any new evidence;
- determine whether the sanction remains the same, increased, reduced or removed.

As soon as possible after the conclusion of the appeal hearing, the Chair of the Appeals Committee will convey the decision, orally to the employee and their Headteacher or Chair of Governors. Within five working days of the appeal hearing, the decision must be confirmed in

writing and the employee informed of the reasons for the decision and that the decision is final.

The decision made by the Appeal's Committee is final and ends the internal procedure. If the appeal is against dismissal the Clerk to the Governing Body must write to the Director for Children and Young People within three working days to notify of the outcome.

Appendix C outlines the procedure relating to the conduct of a Disciplinary Appeal Hearing.

APPENDIX A. MISCONDUCT AND GROSS MISCONDUCT

The School has an established Code of Conduct which sets standards of behaviour and conduct for all its employees and it is expected that everyone makes themselves fully aware of its contents. The code is intended to:

- ensure a safe and efficient workplace and to promote positive working relationships;
- meet the high standards of conduct required of employees providing a public service;
- protect the public confidence in the School.

In addition, the examples set out below represent potential acts of misconduct and/or gross misconduct that may lead to disciplinary action being taken. The list is not exhaustive as the investigation of each alleged incident will be based on its individual circumstances.

EXAMPLES OF POTENTIAL MISCONDUCT

Misconduct normally applies where there has been a breach of rules and/or procedures and/or unsatisfactory conduct. Matters that the school views as amounting to misconduct include (but is not intended to be an exhaustive list):

- Discrimination or harassment against another person on the grounds of gender, disability, health including mental health, race, colour, nationality, ethnic or national origin, age, HIV status, social or economic status, legal immigration status, marital status, sexual orientation, religion, political beliefs, trade union membership, carer responsibilities and irrelevant criminal records and convictions.
- Bullying, harassment or other unacceptable behaviour towards another person.
- Repeated refusal to obey a reasonable and lawful instruction from a Headteacher, line manager or Governing Body.
- Negligence of duty or responsibilities at work leading (or potentially leading) to either personal injury to another person and/or loss or damage to the School, whether to services, property or reputation.
- Misuse of the School facilities.
- Improper disclosure of personal information about another employee, a child or a parent which contravenes the School's Code of Conduct.
- Facing an allegation of a criminal offence either inside or outside her/his employment which would make the employee unsuitable for her/his work.
- Abuse of or inappropriate use of authority vested in them by the School.
- Unauthorised absence.
- Behaviour which causes upset, disruption or offence to fellow employees, pupils or parents.
- Consistently poor timekeeping.
- Undertaking unauthorised employment

- Breach of any School policy and/or procedure.
- Smoking on School premises.
- Failure to report any matter which they are required to report.

EXAMPLES OF POTENTIAL GROSS MISCONDUCT

Gross misconduct is defined as misconduct of such a serious nature that the employer can no longer tolerate the employee's continued presence at the place of work. Gross misconduct may result in immediate dismissal (i.e. without notice) for a first offence.

Matters that the school views as amounting to gross misconduct include (but is not intended to be an exhaustive list):

- Serious and/or persistent acts of discrimination or harassment against another person on the grounds of gender, disability, health including mental health, race, colour, nationality, ethnic or national origin, age, HIV status, social or economic status, legal immigration status, marital status, sexual orientation, religion, political beliefs, trade union membership, carer responsibilities and irrelevant criminal records and convictions.
- Fighting with, assault on or seriously abusive or threatening behaviour towards another person.
- Serious or repeated bullying, harassment or other unacceptable behaviour towards another person.
- Sexual misconduct at work.
- Any sexual approach or response to a pupil or the development of an intimate relationship with a pupil, whatever the provocation.
- Sexual offences, sexual insults or sexual discrimination against any pupil or any other person.
- Stealing or attempting to steal from the School, its employees, a pupil, a parent, a governor and/or a member of the public.
- Unauthorised removal and subsequent serious misuse of School property.
- Making false representation/s which may potentially result in substantial personal gain.
- Falsification of documents such as records, reports, time sheets, expense claims or self-certification forms whether or not for personal gain.
- Serious improper disclosure of sensitive personal information about another employee/group of employees, pupil or parent or which contravenes the School's Code of Conduct and compromises the School's position.
- Criminal conviction for an offence, either inside or outside her/his employment, which would make the employee unsuitable for her/his type of work with the School.
- Serious abuse/inappropriate use of authority vested in any employee by the School.
- Acceptance of bribes or other corrupt practices.
- Wilful disregard of safety rules or policies affecting the safety of pupils or other persons.
- Serious breaches of safety rules including deliberate damage to or misappropriation of safety equipment.
- Being untruthful and/or engaging in deception in matters of importance within the school community.
- Holding unauthorised employment.
- Being under the influence of alcohol, drugs or other substances other than in accordance with medical advice whilst on work duties.

- Possession, custody or control of illegal drugs on school premises.
- Refusal to settle a debt owed to the School.
- Falsification of a qualification that is a stated requirement of the employee's employment.
- Making malicious or vexatious grievance (including bullying and harassment claims) allegations.
- Conduct which substantially brings the name of the school into disrepute or which seriously undermines confidence in the employee.
- Gross negligence.

This is not an exhaustive list.

14 APPENDIX B: GUIDELINES CONCERNING ALLEGATIONS OF FRAUD

In accordance with the Council's Counter Fraud and Corruption Strategy, Internal Audit Service are responsible for investigating all allegations of fraud which may be identified by a Headteacher, received from employees or members of the public (known as Whistleblowing). Fraud may also be identified through routine audit reviews.

1. THE ROLE OF INTERNAL AUDIT SERVICE

Where an alleged fraud is identified it must be reported to the Headteacher or the Council's Senior Finance Manager who would immediately inform the Director of Finance or the Chief Internal Auditor. Internal Audit Service will conduct the investigation independent of the Headteacher concerned. Where a decision is then made to conduct a disciplinary investigation hearing, a representative from Internal Audit Service may appear as a witness but will not conduct or hear the case.

2. SUSPENSION FROM WORK ARRANGEMENTS

Where the Headteacher concerned considers that the employee should be suspended from work pending further investigations, s/he must liaise with HR and Internal Audit Service prior to authorising any such suspension decision.

When an employee is suspended, the Headteacher, Chair of Governors, HR and Internal Audit Service must liaise together to ensure that the removal of the employee's security cards, access cards and/or safe keys, mobile phone and any other School property. The subsequent departure of the employee from School premises should be handled in a professional manner. It should be noted that the employee has the right to take personal items. The rules on suspension in 7.3 will apply. The Chair of Governors or Governing Body has the authority to suspend the Headteacher.

3. INVESTIGATION PROCESS

The employee has the right to be accompanied by a trade union representative or a fellow employee at any investigation meeting if they so request. There may be circumstances involving potential criminal actions where the investigation interview is recorded and conducted under caution (Police and Criminal Evidence Act 1984).

When the investigation has been conducted by Internal Audit Service, a report will be sent to the Headteacher outlining the findings, conclusion and recommendation(s). The Director of Finance together with the Headteacher in consultation with the Chief Executive and the Monitoring Officer may decide to refer any financial impropriety or any other matter which is against the law to the Police for investigation. Such referral will not prohibit action by the School under its Disciplinary Procedure.

APPENDIX C: PROCEDURE FOR THE CONDUCT OF DISCIPLINARY HEARINGS AND APPEALS

1. PROCEDURE FOR DISCIPLINARY HEARINGS

- The Headteacher or Governor conducting the Disciplinary Hearing asks everyone to introduce themselves and their role and explain the purpose of the hearing. S/he reads out the allegation.
- S/he checks that all participants are in receipt of the same documentation.
- The school representative presents her/his case. This might include the use of witnesses and/or presenting witness statements.
- To help establish the full facts of the case, this evidence, whether written, oral or through a witness can be questioned by:
 - the employee or her/his representative;
 - the Headteacher or Governor conducting the Disciplinary Hearing or the HR Adviser.
- The employee or her/his representative presents her/his case in response to the allegations. This might include the use of witnesses and/or presenting witness statements on behalf of the employee. The evidence, whether written, oral or through a witness can be questioned in turn by the other participants. Any questions put to the employee in relation to her/his evidence can only be answered by the employee and not by her/his representative.
- The school representative and then the employee or her/his representative summarise their respective cases after all the evidence has been presented, including any mitigating circumstances. Such summaries should not introduce points which have not been previously raised.
- The Headteacher or Governor conducting the hearing gives her/his decision verbally to all participants, and will provide a written decision letter within five working days of the hearing.
- The Headteacher or Governor conducting the hearing may adjourn it at any stage to consider any aspect of the evidence or to take advice. The employee may also request an adjournment if appropriate.

It should be noted that witnesses are only allowed in the hearing room to give their evidence and to answer questions and may not discuss their evidence with other parties.

Witnesses should be released from the hearing after being questioned. If they are likely to be recalled to answer any further questions they should wait outside the hearing room until they are recalled to the hearing or released.

2. GUIDELINES FOR THE DISCIPLINARY APPEAL HEARING PROCEDURE

These are conducted in the same way as a Disciplinary Hearing except that the Chair of the Appeals Committee reads out the grounds of the appeal and the employee then represents her/his appeal first.

Appendix D