

DISCIPLINARY POLICY

Learning Academies Trust

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CHANGES

Policy date	Summary of change	Author	Version	Review date
22/03/2023	Policy has been reviewed and updated.	Amy Bosworth HR Lead	1.0	23/03/2024
01/11/2024	Policy has been reviewed and updated.	Amy Bosworth HR Lead	2.0	01/09/2026

1. PURPOSE

The Learning Academies Trust recognises that disciplinary rules and procedures promote good employment relations. The Trust is committed to dealing with matters in a fair, non-discriminatory, consistent and effective approach throughout the organisation.

This policy aims to:

- Help and encourage all employees to achieve and maintain satisfactory standards of conduct
- Set out the procedures for when an employee's conduct falls below the expected standard
- Ensure that all employees are treated fairly and consistently when a disciplinary issue is being dealt with

This procedure is designed to help and encourage all employees to achieve and maintain standards of professional conduct at all times.

This policy has been adopted by the Trust Board of the Learning Academies Trust. These disciplinary procedures are based on the ACAS Code of Practice on disciplinary and grievance procedures and is written in accordance with all relevant legal requirements.

2. SCOPE

This policy and procedure applies to all employees of the Learning Academies Trust. However, support staff who are in their probation period will follow the procedure set out in the probation policy.

References to Manager contained in this policy may, depending on the circumstances, be any senior member of staff required to perform a role within the disciplinary process. It could also refer to a governor or trustee, who for example, is required to perform a role in relation to dealing with an issue involving the Headteacher/CEO or another staff member where appropriate.

In some circumstances, two or more policies may apply to a situation, e.g. where a member of staff is taken through the disciplinary procedure and a grievance is raised. In these circumstances the most appropriate procedures will be determined by the manager/HR using the principles of Acas best practice and employment law.

2.1 Timescales

The investigation should start as soon as reasonably possible after the alleged incident has occurred, or a complaint received. Acting promptly minimises the risk of evidence contamination or compromising witnesses being able to accurately recall events.

It is an expectation that all involved will make themselves available for meetings and ensure correspondence is dealt with promptly. Where individuals cannot accommodate the process in a timely manner and this may result in an unreasonable delay, for example due to sickness, annual leave or other work commitments, consideration should be given to providing alternative representation, human resources support or investigating manager.

Staff, whether the subject of an investigation/meeting or as a witness, are obliged to attend investigative meetings and disciplinary meetings as a requirement of their contract of employment.

2.2 Confidentiality

The importance of confidentiality is paramount throughout the investigation and all parties should ensure that everything discussed is treated in strictest confidence. A breach in confidentiality may be considered a disciplinary matter.

3. PRELIMINARY INVESTIGATION

Where a potential disciplinary matter arises, the manager should carry out a preliminary investigation. This will involve establishing the facts of the incident and may involve a brief discussion with a complainant, a witness, or

where necessary, the member of staff concerned, whenever possible an initial written account of the events should be obtained such as a written statement.

If it is necessary to discuss the incident with the member of staff, they should be advised that it is not a formal disciplinary meeting and is solely to establish the facts. There is no right to representation at this meeting, however, in cases where there may be significant stress for those involved, the Trust will assess whether a work colleague or representative should be present, where possible. Where this is the case, this would not unduly delay the discussion. The employee must also be advised that an outcome of the preliminary investigation could be a requirement for them to attend a further formal meeting.

4. SUSPENSION AND TEMPORARY REDEPLOYMENT

Suspension should be a last resort after consideration of how to mitigate risk during the course of the investigation. Suspension is not an assumption of guilt and is not considered a disciplinary sanction.

However, it may be appropriate in potentially serious circumstances where it is considered that allowing the member of staff to continue working could:

- place the safety and/or well-being of students, staff or the member of staff at risk, or;
- where it is felt that the continued presence of the staff member may impair the investigation, or;
- in the interests of protecting the organisation and/or in certain cases where police inquiries take priority consideration must be given to suspending the member of staff.

Before deciding to suspend a member of staff, the senior manager must seek guidance from HR and will be required to assess the degree of risk. Consideration should be given to alternative actions in the place of suspension such as redeployment to another role, department or working from home.

Any suspension must remain under review at all times and may be lifted at any time with immediate effect. Consideration should also be applied to alternatives to suspension if the opportunity arises

Whilst not a sanction in itself, a suspension from work may have a negative impact on a member of staff's own wellbeing and therefore, consideration must be given to protecting the welfare of the employee. HR will provide guidance on such circumstances.

A suspended member of staff should be assigned a welfare person not involved with the case, to provide regular contact with the employee to offer support and signpost the member of staff to relevant agencies and resources. Agreement will be sought from the member of staff to a suitable person.

Staff who are suspended will receive their full contractual pay and will be bound by their contractual terms and conditions of employment with no expectation to work.

There may be times during a period of paid suspension where a member of staff falls sick, meaning that, in normal circumstances, you would be unable to come into work. In this situation, you must follow the Trust's usual sickness absence notification procedures. For the duration of your period of illness, you will be treated as being on sickness absence, your suspension will be lifted, and our normal sick pay provisions will apply.

In some circumstances, staff may be required to remain away from the workplace on a temporary basis whilst preliminary investigation is completed. This will be for a limited time only.

5. INFORMAL

In the first instance, unless there are concerns relating to gross misconduct, an informal approach should be taken to address concerns.

The Line Manager is required to make staff aware, at the earliest opportunity, that this behaviour is unacceptable, and provide clear guidance on how to make improvements, ensuring the agreed actions are documented.

This process should always take place in a private and confidential setting and should be undertaken on a one-to-one basis between the manager and employee concerned.

The advice and support should assist and encourage the employee in meeting the standards of conduct required of them. A record of conversation, summarising the key points referred to in the discussion must be made and shared with the employee. The Line Manager should retain the record of conversation.

The employee must be informed that, if there is no improvement or if there are continued concerns of a similar nature, the next step may be to invoke the formal disciplinary procedure.

6. FORMAL

Where the informal process has been exhausted, or a formal approach is deemed appropriate, the below process should be followed.

6.1 Investigation

The purpose of an investigation is to undertake a fair and objective enquiry into a specified allegation or allegations against an employee and by so doing establish as clearly as possible the facts.

The investigation is not a disciplinary hearing. The investigation will consider any other concerns that may arise during the course of the investigation related to the allegation(s).

The Commissioning Officer - will commission an investigation and provide the terms of reference for the investigation. The Commissioning Officer is responsible for appointing an Investigating Officer(s). They can also chair the panel should it proceed to a disciplinary hearing or alternatively they can appoint a chair of the panel.

The Investigating Officer – will be responsible for conducting the investigation process supported by a Human Resources representative. The role of an investigator is to be fair and objective in order to establish the essential facts of the matter and reach a conclusion on what did or did not happen. An investigator should do this by looking for evidence that supports the allegation and evidence that contradicts it. This can enable the Commissioning Manager to fully consider the circumstances/evidence and make an informed decision about the allegation(s). The investigation will require the member of staff and may require witnesses to be interviewed to establish the facts. The Investigating Officer should also consider any existing disciplinary sanctions on the employee's personnel file which are not time-expired, if relevant to the current case.

Care should be taken to ensure the Commissioning Officer and Investigating Officer can act impartially and have no prior involvement in the case e.g. be a witness to the event.

The investigation will require the member of staff and may require witnesses to be interviewed to establish the facts. Staff should be given sufficient notice of any investigation meetings where possible.

The Trust will accommodate representation during the investigation process by recognised Trade Union representatives or workplace colleagues.

Alleged criminal activity

An employment investigation may run in parallel to any:

- police investigation
- court proceedings
- other external investigations

Managers do not need to await the outcome of an external investigation. They must, however, seek advice from HR before deciding on how to proceed.

6.2 Investigation report

Once an investigation is concluded a written report will be produced by the Investigating Officer. The report will summarise the findings of the investigation, it is not an investigator's role to prove the guilt of any party, but to investigate if there is a case to answer. All relevant documents including any witness statements will be appended to the report.

The investigation report should be sent to the Commissioning Officer for consideration. The Commissioning Officer will have the responsibility for making a decision on the facts and making a judgement on the next steps.

The member of staff and their nominated representative will receive written confirmation of the Commissioning Officer's decision.

6.3 Potential investigation outcomes

- **No case to answer**
It may be that having conducted a full investigation, the Commissioning Officer decides that there is no foundation to the allegations and that there is consequently no case to answer. In such circumstances the decision and the reasons supporting the decision will be confirmed in writing and a copy placed on the employee's personal file.
- **Informal action**
The investigation has concluded that the allegations are supported by evidence. However, having considered all the circumstances of this matter, it has been decided that on this occasion it will be concluded by means of appropriate informal action which may include:
 - Training or coaching for parties involved
 - Counselling for parties involved
 - Mediation for parties involved
 - File note that stays on file for future reference
- **Formal disciplinary action**
If formal disciplinary action is recommended by the Commissioning Officer, the formal disciplinary procedure will apply, and the matter will be referred to a panel hearing.

7. DISCIPLINARY PROCEDURE

7.1 Resignation prior to a disciplinary hearing

In cases where a member of staff resigns either during an investigation or prior to a disciplinary hearing, the Commissioning Officer, with support from Human Resources, will decide whether it is appropriate for the disciplinary process to continue. This decision will be communicated to the individual in writing. In safeguarding matters, the Trust has a statutory duty to report to the relevant bodies, therefore, in such cases the disciplinary process will continue.

7.2 Inform the employee in writing to attend the meeting

The first stage of the process is to inform the employee in writing they are required to attend a disciplinary hearing before a panel, including the time, date and location of the hearing. This letter should also contain the following:

- An outline of the alleged misconduct, the level of seriousness (i.e. potentially misconduct or gross misconduct) and the possible outcomes if the allegations are 'proven'. For example, in proven cases of gross misconduct, one of the potential outcomes is summary dismissal.
- Who will be present at the hearing and their role.
- The employee's statutory right to be represented at a formal disciplinary hearing by a recognised Trade Union representative or work colleague.

The letter will be sent by email and/or post to the employee a minimum of five working days prior to the hearing.

A copy of all evidence will be made available to all parties as part of a bundle of documents prior to a disciplinary hearing.

Employees should be reminded that if they fail to attend the hearing without reasonable notice and good reason, it will proceed in their absence. In these circumstances the employee must be advised they can be represented in their absence by a Trade Union representative or work colleague and/or provide a written submission.

Where a member of staff fails to attend because of extenuating circumstances, they will be invited to another meeting, where possible within five days of the original meeting. Where there is no valid reason for non-attendance, the meeting will proceed, and a decision made in the employees' absence if the Chair determines this is the right and most appropriate course.

7.3 Hold disciplinary hearing

A formal hearing will be conducted by a panel of 3 individuals. The Chair of the panel will be either the Headteacher, CEO, DoE or member of the Trust Board. The remaining panel will be made up of 2 governors, none of whom will have had direct involvement in the case.

The panel will be supported by a member of the Trust HR team. A notetaker will also be present to capture the summary notes of the hearing.

To ensure the member of staff is treated with dignity, the hearing will be held in a private space away from interruptions or telephone calls.

7.3.1 Witnesses

It is not a requirement to call all witnesses to attend a hearing who have been party to the investigation. It may be sufficient to include their statement within the investigation report. It will be the responsibility of management and the member of staff to call and brief their own witnesses and decide whether they should be called.

Whilst both management and the employee will have the opportunity to decide which witnesses they may wish to call at the meeting. The panel will in addition have the authority to request the attendance at the meeting of any witnesses they deem to be relevant to the case. It is important to note that where witness request anonymity, it is more difficult for employees to defend themselves and respond fairly to the case against them and have a fair hearing under principles of natural justice. For this reason, it would only be in the rarest of unprecedented circumstances that anonymity can be permitted for witnesses where there is a genuine belief of intimidation.

7.3.2 Conducting the hearing

The sequence of events detailed in Appendix 3 and 4 (appeals) will be followed for all disciplinary and appeal hearings.

During the hearing the member of staff will be fully informed of the nature of the alleged offence and the established facts.

The member of staff will be provided with every opportunity to question the Investigating Officer, witnesses, put forward their case, call witnesses in their defence and offer mitigating circumstances.

Only in exceptional circumstances and at the discretion of the chair will new evidence be permitted at the meeting itself. New evidence refers to something significant that was not previously raised or known and could not reasonably have been expected to be known.

Requests for an adjournment during the hearing by the employee, their representative or management should be made to the Chair and will not be unreasonably refused, unless in the opinion of the Chair their frequency disrupts proceedings. Care will be taken to ensure adjournments are not used as a way of avoiding answering questions.

When all the evidence has been presented, the panel will adjourn to deliberate the facts of the case before reaching a decision or assess whether particular matters require further clarification.

7.4 Disciplinary Sanctions

7.4.1 No case to answer

Where the panel concludes that the allegations of alleged misconduct are not proven an outcome of no case to answer will be given. In these situations, no further action will be necessary and any reference to disciplinary action is removed from the employee's file.

7.4.2 First written warning

Where a member of staff has been found to have displayed proven misconduct. This written warning will set out the nature of the misconduct/reasons for the warning and any improvements and the change in behaviour required. The member of staff will be notified that the warning constitutes part of the formal disciplinary process and that the consequences of any further misconduct of a similar nature could be a further written warning and ultimately dismissal whilst the warnings remain active. The employee should be notified that they have a right of appeal this decision and that a record of the warning will be kept on file for 6 months.

7.4.3 Final written warning

This warning will be given where misconduct is not sufficient to justify dismissal but is sufficiently serious that it warrants only one warning, or where the misconduct is considered serious enough to justify dismissal, but a lesser sanction is appropriate in the particular circumstances.

A written warning will be valid for twelve months and will be time expired after this period, providing there is no repetition of the offence. After the active period, the warning will remain permanently on the employee's personnel file, because it is the record of an important event in the course of the employer's relationship with the employee but will be disregarded in deciding the outcome of future disciplinary proceedings.

A final written warning may, in the most serious of circumstances, be the first and last warning, even if there is no previous record of disciplinary action against the member of staff. It should be noted that despite the word 'final', it would be possible for an employee to have more than one final written warning on file at the same time if they have been issued for unrelated reasons and particularly reasons arising from different Trust policies

7.4.4 Dismissal

Dismissal with notice

Employees should only be dismissed if, despite a final written warning, conduct or performance does not improve to the required standard or there are further occurrences of misconduct. Dismissal must be reasonable in all the circumstances of the case. For cases of misconduct, the employee should receive the appropriate period of notice or payment in lieu of notice.

Dismissal without notice

In cases where gross misconduct is proven, employees will be dismissed without notice (summary dismissal). So far as possible the types of offences which fall into this category of 'gross misconduct' can be found in Appendix 5, although this list is not exhaustive.

7.4.5 Alternatives to dismissal

In addition to the above sanctions a number of other remedies may be considered by the panel or appeal panel, for example:

- Temporary or permanent redeployment that will take effect from the date of the disciplinary confirmation letter and where appropriate with no protection of pay.
- Withhold incremental progression.

- Demote an employee within the same job with no protection of pay.
- Repayment of fraudulent claims, in accordance with Trust's Financial Regulations

7.5 Reporting obligations

Lists relating to the protection of vulnerable groups will be updated in the light of any decision to dismiss in accordance with the Protection of Children Act 1999. The Disclosure and Barring Service (DBS) should be informed following dismissal for any child protection related matter.

The Trust is further required to report cases to the Department for Education and Teaching Regulations Agency where teachers alleged misconduct is so serious that it warrants a decision on whether the teacher should be prevented from teaching.

The Trust's auditors will be informed as soon as allegations regarding theft or misappropriation of school property become known.

In the case of child safeguarding issues, the LADO should be contacted at the earliest opportunity and information regarding any allegations shared.

7.6 Inform the employee of the outcome

Where reasonable and practicable to do so, and depending on the severity of the case, the employee will be notified by the Chair of the decision verbally on the day. The decision will be confirmed in writing within five working days of the meeting and sent to the employee by email and/or post.

The confirmation letter will provide details of the findings, including the reason for the sanction, any improvement in conduct that is required and specify the time scales for improvement, if appropriate. The letter should also give guidance on how to appeal.

The outcome letter should also confirm failure to improve could lead to further disciplinary action which may ultimately lead to dismissal.

The situation should be monitored and reviewed regularly after the disciplinary hearing and processes put in place to ensure any further issues identified are reported.

If compulsory transfer or demotion is incorporated into the sanction, the employee must be advised of this verbally at the hearing and informed of this action in the confirmation letter.

A copy of the written warning will be kept on the employee's personal file and will normally be disregarded for disciplinary purposes between 6 & 12 months, as determined at the Disciplinary Hearing.

7.7 Notify the employee of their right to appeal

An employee has a right of appeal against a disciplinary decision and details of how to appeal should be incorporated in the disciplinary hearing outcome letter.

Any appeal must be submitted in writing to the Chair of the panel within five working days of receipt of the disciplinary hearing outcome letter.

8. APPEALS

The date of the appeal hearing will be confirmed with the employee within ten working days of receipt of the appeal letter.

The appeal letter should clearly state the grounds on which the employee is appealing against the disciplinary decision. The grounds of which an employee can appeal include:

- The findings or the severity of the sanction is unfair
- New evidence comes to light

- Disciplinary procedure irregularities or unfairness

The Appeal Panel will consist of governors who have not taken part in the original decision, one of whom will be nominated to act as Chair. A HR representative will be invited to support the appeal panel.

The appeal may result in a variation or cancellation of the original decision. However, the level of the sanction cannot be increased. The decision of the appeal panel will be final.

Notification of the appeal panel's decision and reasons for that decision will normally be given verbally to all parties concerned and will always be communicated to the employee within five working days from the date of the appeal hearing. This letter will be sent to the employee by email and/or post.

Where the outcome is to uphold an appeal against a sanction, the chair of the appeal panel will inform all relevant parties in writing within 5 working days.

9. DEALING WITH NON-ATTENDANCE

The employee must take all reasonable steps to attend the meeting. ACAS guidance confirms employers should agree to rearrange a disciplinary meeting if the employee or their representative is unable to attend.

In accordance with the guidance, the deferment of the hearing need only be for a maximum of five days.

Sickness may be a reason given for non-attendance but is only valid if the employee is too ill to attend a formal meeting or disciplinary hearing. An employee may be too sick to work but fit enough to attend such a meeting. An occupational health referral must take place if the employee is certificated as sick by their general practitioner or specialist.

10. DISCIPLINARY MATTERS RELATING TO A TRADE UNION OFFICIAL

Normal disciplinary standards apply to the conduct of employees who are Trade Union Officials and Learning Representatives. However, no disciplinary action will take place against a Branch Official, Steward, Learning Representative or Safety representative until a full time official of the Union concerned has been notified.

This does not prejudice management's right to suspend an employee on full pay pending an investigation, if such action is considered appropriate, as suspension is not a disciplinary sanction.

11. OVERLAPPING DISCIPLINARY AND GRIEVANCE ISSUES

During the disciplinary process an employee may only raise a grievance about disciplinary action when;

- They do not agree that the disciplinary action taken or contemplated, for example dismissal, is due to their conduct or capability; and/or
- Where the employee considers that the disciplinary action constitutes unlawful discrimination.

Where the grievance and disciplinary are unrelated:

- Disciplinary and grievance matters should be kept separate, wherever practical and reasonable to do so.
- Depending on the nature of the grievance another senior member of staff may be brought in to deal with the grievance case independently of the disciplinary case.

Where grievance and disciplinary matters are related and linked:

For cases where the employer is contemplating dismissal, for example in allegations of gross misconduct, the Complainant must be given the opportunity to appeal against the grievance outcome, in accordance with the ACAS Code of Practice.

The grievance meeting and any subsequent grievance appeal meeting should take place before the disciplinary appeal hearing or within the same meeting. This may mean the disciplinary process is delayed for a short period in order to resolve the grievance. The employee must be notified in writing of the delay and reasons given.

Where the employee raises a grievance after the disciplinary appeal hearing, the full statutory grievance procedure should be followed unless the employee gives their written consent for the modified grievance procedure to be used.

APPENDICES

Appendix 1 – Evidence from pupils

If it is necessary to formally interview pupils, parents/guardians must be advised, and their consent obtained.

A parent/guardian may accompany their child during the interview but will be advised they should avoid intervening during the interview in a way which would prevent responses being made by the child.

Where it is felt necessary to interview a pupil as part of an investigation the employee's representative will be offered the opportunity to be present, if deemed appropriate. This will allow the representative to see that no leading questions are asked and avoid the necessity of interviewing the pupil more than once. Care should be taken to ensure the presence of the employee's representative is not prejudicial to the disclosures likely to be made by the pupil. If it is thought the presence of another adult may be intimidating, the employee's representative will instead be provided with a full transcript of the interview.

Wherever possible, a factual record of the discussion will be agreed to avoid the child being called as a witness at any subsequent disciplinary hearing.

Appendix 2 – Child protection issues: Incidents and/or allegations involving a child or young person under the age of 19 years

Children are protected from physical, sexual, verbal and emotional abuse under several statutes including The Children Act 1989. This Act expressly lays down specific procedures to be followed in circumstances where an incident has occurred and/or allegations have been made that an employee has emotionally or physically harmed a child.

In these circumstances, it is recommended that the Headteacher/CEO immediately seek advice from the Authority's Designated Safeguarding Officer (LADO).

It is essential that Headteachers/CEO or Chairs of Governors have due regard to the South West Child Protection procedures and Plymouth Safeguarding Children Partnership Procedures and acts in accordance with these documents.

If the investigation is taking place following the completion of a police investigation, it may be possible to obtain copies of police witness statement. The relevant police authorities will be able to advise further on this however the release of statements requires the agreement of the individual(s) concerned.

Appendix 3 –Sequence to be followed at a Disciplinary Hearing

Documentation used at and generated by the disciplinary hearing will be circulated to members of the Disciplinary Panel, HR representative, and all relevant parties in advance of the hearing. This must include a list of the witnesses to be called by both the school and employee's side at the disciplinary hearing.

The hearing will be attended by a Governors Panel (minimum of 3 Governors) and Advisor to the Panel, the Employee and their representative if required; plus, witnesses.

SEQUENCE OF EVENTS:

1 Introductions

Including procedural issues to be covered and confirmation of witness lists.

2 Employee Case

The employee or representative will put their case including any mitigation and may call witnesses.

3 Questions from the Panel

The Panel and the Human Resources Advisor may ask questions of the employee, Investigating Officer and/or witnesses.

4 Summing Up

The employee or their representative will have an opportunity to sum up their cases if they so wish

5 Withdrawal

All parties except the panel and advisor will withdraw to consider the evidence and decide on an outcome.

6 Recall all parties to clarify points of uncertainty, if necessary

The Panel may recall the parties to clear points of uncertainty on evidence already given. If recall is necessary, all parties are to return regardless of who the questions relate to.

7 Decision and Outcomes

Notification of the Panel's decision will normally be given verbally by the chair of the panel to all parties concerned on the day and the reasons for the decision confirmed in writing within five working days from the date of the disciplinary hearing. This letter should include the right of appeal and be sent to the employee by email and/or post.

Appendix 4: Sequence to be followed at all appeal hearings

Documentation used at and generated by the disciplinary hearing will be circulated to the Appeal Panel, HR representative, and all relevant parties in advance of the appeal hearing. This must include a list of the witnesses to be called by both the management and employee's side at the Appeal Hearing.

The hearing will be attended by Appeal Panel Members (minimum 3 members and at least the same number as the Governors' Staffing Panel), Adviser to the Panel; the Employee and their representative; the Chair from original Hearing who may also be accompanied by their HR Adviser plus any witnesses.

SEQUENCE OF EVENTS:

1 Introductions

Including procedural issues to be covered and confirmation of witness lists.

2 Employee Case

The employee or representative will put their grounds of appeal in the presence of the manager and may call witnesses.

3 Cross Examination by Management

The manager shall have the opportunity to ask questions of the employee and/or witnesses on the evidence given by them.

4 Questions from the Appeal's Panel

The Appeal Panel and the HR Adviser or nominee may ask questions of the employee and/or witnesses.

5 Management Case

The manager or management's representative will put their response to the grounds of appeal in the presence of the employee and/or representative and may call witnesses.

6 Cross Examination by Employee

The employee or representative will have the opportunity to ask questions of the manager and/or witnesses on the evidence given by them.

7 Questions from the Panel

The Appeal Panel and the Human Resources Adviser or nominee may ask questions of the manager and/or witnesses.

8 Summing Up

The manager and/or adviser and the employee or representative will have an opportunity to sum up their cases if they so wish, the employee or representative statement being last.

9 Withdrawal

All parties except the Appeal Panel and their Adviser will withdraw to consider the evidence and decide on an outcome.

10 Recall all parties to clarify points of uncertainty, if necessary

The Appeal Panel may recall the parties to clear points of uncertainty on evidence already given. If recall is necessary, all parties are to return notwithstanding the possibility that only one of them is concerned with the points giving rise to doubt.

11 Decision and Outcomes

Notification of the Appeal Panel's decision will normally be given verbally to all parties concerned and will be communicated to the employee in writing as soon as possible. In the case of a decision not to uphold the employee's appeal, reasons will be provided in writing. This letter should be sent to the employee by special delivery.

Appendix 5: Examples of potential gross misconduct

- Stealing from the school or a colleague
- Theft, dishonesty, fraud, misuse of school property, or deliberate falsification of records
- Sexual misbehaviour
- Serious insubordination
- Deliberate falsification of claims for financial reimbursement with the intention of obtaining from the school a payment to which the claimant is not entitled
- Deliberate and/or malicious damage to school or property
- Assault of any kind by an employee on any person
- Knowingly breach financial regulations or security
- Knowingly refuse to follow a reasonable formal legal management instruction
- Serious negligence which causes unacceptable loss, damage or injury, or acting in a manner dangerous to others
- Harassment intimidation or bullying of any kind including sexual or racial harassment
- Publication or distribution of offensive material relating to race, sex, age or religion
- Knowingly disclose matter of a confidential nature or break a trust to the disadvantage of the school
- Failure to uphold the highest professional standard by the influence of improper motives
- Unauthorised entry to computer records and deliberate misuse of the school computer resources and telephone services
- Serious breach of Data Protection Policy and Guidelines
- Obscene or indecent behaviour
- Serious incapability through alcohol or being under the influence of drugs
- Serious breaches of the school's Health & Safety Policy
- Bringing the school into serious disrepute
- Misuse of the school property or name
- Breach of confidence
- Failure by an employee to report actual or suspected physical or sexual abuse or other inappropriate behaviour of a child or another vulnerable person by another employee or person
- Serious breaches of Professional Codes of Practice
- Any failure to disclose any involvement with the police or courts including but not limited to existing (or pending) criminal conviction, caution, reprimand or final warning which in the view of the school impacts on their ability or suitability to undertake their role
- Posting uploading, forwarding, videoing, copying or adding inappropriate derogatory or defamatory comments, photographs, video or audio clips relating to or about the school, any fellow employee, parent/guardian, governor, pupil or any other party related to the school onto or for use on public chatrooms, blog sites, social

networking or professional networking sites

This list is not intended to be exhaustive and there may be other breaches of conduct that may be deemed so serious as to represent acts of gross misconduct.