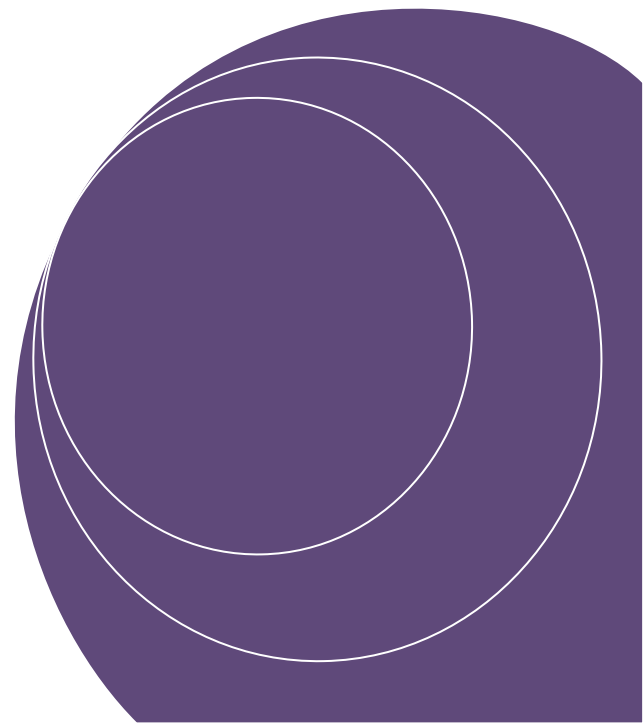


E-ACT

Disciplinary Policy and Procedure



Disciplinary Policy and Procedure

1. Introduction

- 1.1 E-ACT expects all its employees to recognise their obligations to their Academy, the public, pupils and other employees and to conduct themselves properly at all times and in accordance with the Academy's Code of Conduct and all other policies and procedures. Appendix 1 gives examples of misconduct and gross misconduct but these lists are not to be treated as exhaustive.
- 1.2 The procedure is designed to reflect the individual's right to natural justice, the rights identified in the Human Rights Act, and the law as set out in Employment Acts and regulations.
- 1.3 The Director of HR or his/her nominee reserves the right to attend any meetings held in relation to any of the procedures outlined below. They must also be in attendance at any hearings, which may lead to dismissal. This will ensure that advice is available on procedural issues and any employment legislation matters.
- 1.4 Where allegations are made against an employee, he/she should be informed of his/her rights to be represented at all meetings and related hearings by a recognised trade union representative or other Academy employee.

2. Purpose

- 2.1 To achieve excellence in education for all and good employee relations this procedure aims to:
 - Improve conduct primarily by advice and correction rather than by disciplinary measures; and
 - Provide a fair method of dealing with alleged breaches in standards of conduct.

3. Governance

- 3.1 The Local Governing Body (LGB) is a committee of E-ACT. The LGB is responsible for setting out disciplinary rules and procedures for staff, in the context of any procedures and/or guidance issued by the E-ACT board, however, they may delegate these matters (including the power to suspend any person employed at the Academy where in the opinion of the Principal his/her exclusion from the Academy is required) to either:
 - The Principal;
 - A sub-committee of the LGB; or
 - A sub-committee and the Principal.

Therefore, where this procedure refers to the LGB representative this can be any one of the above.

4. Scope

- 4.1 This procedure applies to all employees (teaching and support staff) employed within E-ACT Academies who either have a permanent contract of employment, or have more than six months' continuous service. It does not apply to employees subject to probation, who are subject to separate procedures.

5 Equal Opportunities

- 5.1 The disciplinary procedure must always be applied fairly and in accordance with employment law and E-ACT's Diversity and Equality Policy.

6. Responsibilities

- 6.1 The LGB is responsible for maintaining fair, consistent and objective procedures for matters relating to staff discipline in each Academy.
- 6.2 The Principal is responsible for the management of the Academy.
- 6.3 Employees have responsibility to:
- Conduct themselves appropriately;
 - Obey the reasonable directions of the employer;
 - Behave in a trustworthy manner at all times;
 - Take care over the work assigned to them; and
 - Strive to maintain good employment relationships.

Employees are expected to observe all reasonable rules, policies and procedures which cover the following, amongst other things:

- Absence procedure;
- Timekeeping;
- Standard of dress;
- Health and Safety;
- Use of the Academy's facilities and equipment;
- Anti-discrimination;
- Anti-bullying and harassment.

7. Timing

- 7.1 Disciplinary matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.

7.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged without undue delay.

8. Informal Action

8.1 Less serious breaches of conduct (i.e. first occurrences of some types of misconduct) can be dealt with informally by meeting with and discussing the matter with the employee.

8.2 This involves drawing the employee's attention to the unsatisfactory conduct, explaining what conduct is required, and setting a clear and reasonable timescale for the employee's conduct/behaviour to improve.

8.3 Consideration should be given to any difficulties which an employee may be facing and a genuine attempt should be made to help the employee to overcome them. Where considered appropriate, managers should seek Occupational Health advice when managing staff who may be suffering from mental illness or alcohol or substance abuse.

8.4 In some cases, it may be beneficial for the employee to contact the Employee Support Programme for advice and guidance.

9. Disciplinary Sanctions

9.1 The following formal stages of disciplinary action can be taken for breaches of conduct (see Appendix 1).

9.2 Warnings are progressive from First to Final except for:

- Cases of gross misconduct (which if substantiated through the disciplinary process may result in summary dismissal with no entitlement to statutory notice).
- Cases which are less serious than gross misconduct but warrant a Final Warning being issued regardless of prior formal warnings.

Disciplinary Action	Authority to issue	Duration of warning on personal file
Oral warning	As delegated by the LGB	6 months
First written warning	As delegated by the LGB	9 months
Final written warning	As delegated by the LGB	18 - 24 months*
Dismissal	As delegated by the LGB	-

* A final written warning will remain on the employee's file for a minimum of 18 months. Depending on the circumstances of the case the disciplinary panel may determine that the warning may remain on file for up to 24 months.

- 9.3 Further misconduct may occur during the term of a first written warning. Where this results in a formal hearing and a final written warning is issued, the duration of the final written warning will supersede that of the first written warning.
- 9.4 Upon expiry, all disciplinary warnings will be removed from an employee's personnel file except for warnings relating to the safety and welfare of children or young people.
- 9.5 An employee with a final written warning on file who is alleged to have committed a further occurrence of misconduct must be treated as if the allegation was of gross misconduct. This is because if the allegation is substantiated, the employee will be dismissed. Therefore letters to the employee should include the warning of dismissal (as for allegations of gross misconduct).
- 9.6 Where a member of staff is dismissed, misconduct cases that relate to the safety of children and young people will be referred to the Independent Safeguarding Authority (ISA). This will be dealt with by the Director of HR for E-ACT. All other cases of teacher misconduct resulting in dismissal will be referred to the GTC (pending the announcement of new arrangements when it is abolished).

10. Disciplinary Investigations

This process is designed to be implemented in complex cases, and it may not always be necessary to carry out these actions where the evidence is already clear.

10.1 The Investigating Officer

- 10.1.1 The Principal or his/her nominee is responsible for appointing an Investigating Officer who must be competent to undertake the role.
- 10.1.2 Investigations should normally be carried out by the appropriate line manager. If this is impractical or inappropriate, another Investigating Officer should be chosen. Alternatives to the line manager could include an employee of equal or more senior status within the Academy, or as nominated by E-ACT.
- 10.1.3 The process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all parties have the opportunity to present their version of events.
- 10.1.4 The case must be thoroughly investigated, have a clearly written investigation report and supporting evidence.

10.2 Pre-Investigation Stage or Management Investigations

- 10.2.1 In certain cases it will be necessary to gather information regarding complaints, incidents and allegations before the start of a disciplinary investigation.
- 10.2.2 This type of information gathering is only appropriate for prima-facie serious allegations which are particularly sensitive or complex to determine whether:
- There is any substance to the complaint and a full disciplinary investigation is appropriate; and if

- The allegations warrant suspension of the employee.

10.2.3 This is not a formal stage of the procedure and would not be considered within the stipulated timescales of the procedure, but must be carried out as speedily as possible.

10.2.4 Any information uncovered at this stage would be provided to the Investigating Officer as appropriate.

10.3 Timescales for Investigations

10.3.1 All allegations and complaints against employees must be investigated without delay (particularly in cases of potential gross misconduct). The Principal or his/her nominee should ensure the Investigating Officer has reasonable time off from normal duties to complete the investigation promptly.

10.3.2 As a guide, from the time the Investigating Officer begins their investigation, the investigation report should be completed within 15 working days* for allegations of misconduct and other cases where the fact finding is relatively straightforward. For allegations of gross misconduct and more complex cases, the investigation process should take no longer than 20* working days. In very complex cases or exceptional circumstances, a reasonable timescale will be agreed by E-ACT.

10.3.3 On completing the investigation, the Investigating Officer will recommend to the Principal or his/her nominee whether a formal disciplinary hearing is necessary and, if so, on what basis.

*(Working days refers to actual Academy days for term-time only staff.)

11. Employee Representation

11.1 Where allegations are made against an employee, he/she should be informed of their right to be represented at all meetings and related hearings by a recognised trade union representative or other Academy employee.

12. Suspension

12.1 In accordance with the rules set out in the 'Governance of E-ACT Academies' the LGB may delegate responsibility for formally suspending a member of staff to either the Personnel and Pay Sub-Committee or the Principal**. An employee may be suspended on full pay when an act of gross misconduct is either suspected or alleged to have been committed or for "other good and urgent cause", which is normally taken as when the employee is suspected of, or has been arrested for, doing something which would render him or her unsuitable to remain in the Academy. The period of suspension should be as brief as possible and should be kept under review.

** Only the Director General or his/her nominee may suspend the Principal

12.2 Where the power of suspension has not been delegated to the Principal, the Principal or his/her nominee can send a member of staff home pending ratification.

- 12.3 Where suspension occurs, this should be confirmed in writing giving broad details of the allegation. In all cases the Director of HR at E-ACT needs to be informed.
- 12.4 The suspension of a member of staff is a neutral act and should only be used to enable a matter to be investigated, or in the interests of protecting children and/or staff while a matter is investigated pending any further action that may be necessary. Suspensions are a precautionary measure and should not be regarded as prejudging the matter. If at any stage during or at the end of the investigation, or at any stage of the disciplinary procedure, it is considered that this suspension should be lifted by the Principal or the Chair of the Personnel and Pay committee where the LGB has delegated this authority to them, the employee will be informed immediately.
- 12.5 Suspension from duty is a 'working arrangement' whereby the employee must not enter any Academy building and consideration will be given to restricting contact with any Academy employee without the express permission of the Principal. Nor must a suspended employee contact pupils or their parents or anyone else with whom they would come into contact during the course of their duties. Failure to observe this requirement may render them liable to disciplinary action.
- 12.6 Where an employee is suspended and needs to contact witnesses to provide evidence at a hearing, then this may be achieved via their trade union representative or by a request to the Principal.

13. Disciplinary Hearings

- 13.1 Where the results of the investigation recommends that there are reasonable grounds to suggest misconduct or gross misconduct, a Disciplinary Hearing should be arranged as soon as possible but normally within four working weeks of completion of the investigation. Reasons for any delay in convening a Hearing must be clearly communicated to the employee.
- 13.2 The Investigating Officer's report and/or all relevant documentation should be sent to the employee and their representative with a letter specifying the date, time and place for the hearing giving no less than ten working days notice. The letter must contain sufficient information on the alleged misconduct and its possible consequences. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable. Where every effort has been made to re-organise the hearing the employee should be informed that it may then proceed in his/her absence, with or without their representative being present.
- 13.3 The employee can request to reduce the 10 days notice of a hearing if this is mutually acceptable.

14. The Disciplinary Panel

- 14.1 As delegated by the LGB the person(s) hearing the disciplinary will write to the employee, giving details of the hearing, normally allowing 10 working days notice.

- 14.2 A representative from E-ACT HR will be present at any hearing where dismissal is a possibility.
- 14.3 For all meetings a note taker will attend to take minutes of the proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record.

15. Conducting the Hearing

- 15.1 At the Hearing, all parties present will be given an opportunity to ask questions or challenge the reports/evidence submitted by all witnesses.
- 15.2 The employee and their representative should be informed of the decision of the Disciplinary Hearing as soon as possible (unless there is an adjournment to clarify any facts) and the Chair of the Panel/the Principal hearing the allegation will confirm this in writing within five working days. The letter must also confirm the individual's right of appeal and of the right to be represented by a work colleague or trade union representative at any appeal hearing.

16. Appeals Procedure

- 16.1 Employees have the right of Appeal against any sanction.
- 16.2 Appeals will be heard by the Appeals Sub-Committee of the LGB.
- 16.3 Appeals must be registered in writing with the Principal within ten working days of the date of the letter confirming the disciplinary decision. Appeals received after this period will not be heard.
- 16.4 A quorum of the Appeals Panel will be three.
- 16.5 Employees/appellants may present any new evidence which was unavailable at the time of submission of the appeal documentation at least five working days prior to the Appeal Hearing so that management has an opportunity to respond.
- 16.6 Appeals against the outcome of any disciplinary action may be considered by the Appeals Sub-Committee in relation to one or more of the following grounds:
- i) The **PROCEDURE** – the grounds of appeal should detail how any procedural irregularities prejudiced the disciplinary decision.
 - ii) The **FACTS** – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
 - iii) The **DECISION** – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of disciplinary action taken or the act was one of misconduct rather than gross misconduct.

- 16.7 Appeal hearings will be convened as soon as is reasonably practicable and the employee/appellant will be given no less than 10 working days notice of the time and place of the Appeal hearing.
- 16.8 The Appeal will concentrate on the area(s) of dispute only and will not be a re-run of the whole disciplinary hearing. Accordingly, it is important that the employee is explicit about the grounds for appeal and must provide clear and specific reasons in writing. Such written notice of the Appeal must include reference to any new facts the employee/appellant intends to raise at the Appeal.
- 16.9 The result of the Appeal and the reasons for the decision will be conveyed to the appellant immediately after the Hearing and will be confirmed in writing to the appellant and his/her representative within 5 working days by the Chair of the Appeals Sub-Committee.

17. Child Protection

- 17.1 If allegations are made against staff which involve child protection issues, the Academy's Child Protection Procedure must be followed irrespective of how the allegation arises. Employees may be suspended on full pay pending the outcome of the Child Protection procedure, however, suspension should not be the default option. If the relevant child protection agencies decide not to pursue action against the employee, the matter will be referred back to the Academy for consideration under the appropriate procedure.
- 17.2 If the Child Protection Procedure is involved, other disciplinary procedures will begin only if and when the matter has been referred back to the Academy. The fact that external agencies have not taken action should not be taken as an indication of the employee's innocence or guilt.
- 17.3 The Academy will operate within statutory guidance when handling cases of child protection.

18. Monitoring

- 18.1 The Academy will monitor cases in line with its diversity and equality policy to ensure consistency and fairness in its application.

19. Special Situations

19.1 Grievances raised during the course of the disciplinary procedure

- 19.1.1 Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee, will however, have to raise the grievance in accordance with the E-ACT Grievance Procedure.

- 19.1.2 Depending on the nature of the grievance, the Academy may need to consider bringing in another manager to continue to hear the disciplinary case.

19.2 *Discipline of Employee Representatives*

19.2.1 Any Disciplinary action being contemplated in respect of staff representatives of recognised trade unions within this procedure should not be instigated without notification in advance to the full-time official or nominee, of the appropriate Trade union.

20. Review

20.1 This policy will be reviewed every two years in consultation with the recognised trade unions.

Appendix 1 - Examples of Misconduct and Gross Misconduct

GROSS MISCONDUCT

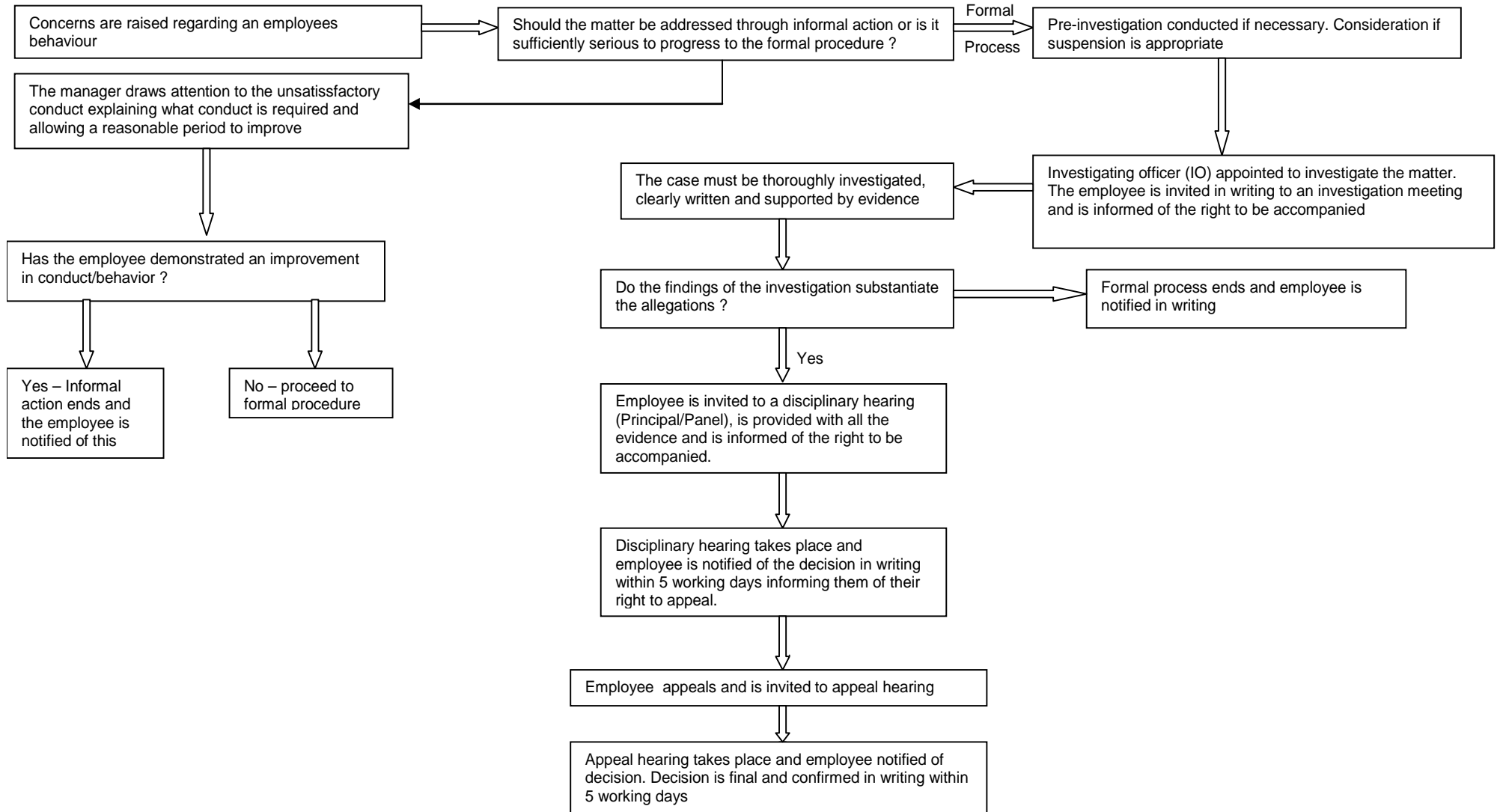
The following are examples of gross misconduct but are not intended to be exhaustive:

- Prolonged unauthorised absence from work (at least 10 working days without contact);
- While purporting to be absent sick, working or engaging in activities, which are likely to be inconsistent with the reason for absence and/or which are unlikely to be conducive to recovery;
- Inappropriate conduct towards or contact with pupils;
- Serious acts of insubordination;
- Serious breaches of the Academy's Financial Regulations or Code of Conduct;
- Theft or misappropriation of, or failure to account for, or falsely claiming entitlement to, the property, assets or funds of the academy or its employees;
- Fighting or acts of violence at the work place, serious threatening or abusive behaviour towards, pupils, parents or fellow employees;
- Criminal offences outside work (including fraudulent activities) which may affect the individual's employment suitability;
- Unauthorised removal and use of Academy property;
- Failure to report or record any serious matter which it is the employee's contractual duty (either expressed or implied) to report;
- Falsification of documents likely to be of financial benefit to the employee or other persons e.g. time sheets, bonus/expense claims, qualifications etc;
- Obtaining a job by lies or deception in the course of selection procedures;
- Making false claims under any of the Academy's policies and/or procedures;
- Discrimination/harassment against a pupil, employee or parent, on the grounds of sex, trans-gender status, sexual orientation, religion or belief, marital status, civil partnership status, age, race, colour, nationality, national origins, ethnic origin or disability;
- Bullying;
- Being incapable of adequately performing duties as a result of the intake of alcohol or misuse of drugs;
- Serious breaches of the Academy's Health and Safety policies or practice;
- Serious contravention of the Academy's Policy on Internet Access;
- Acts or omissions that would expose the Academy or E-ACT to criticism or cause reputational damage;
- Disorderly or indecent conduct whether at the Academy or otherwise; and
- An act committed outside the place of work where the act has an adverse bearing on the employee's suitability for the job or which would bring the Academy into disrepute.

MISCONDUCT

The following are examples of misconduct but are not intended to be exhaustive:

- Regular lateness for work;
- Regular failure to follow employment rules e.g. reporting absence;
- Refusal to obey a reasonable instruction of a manager;
- Negligence at work leading to loss, damage or wastage of academy or other property;
- Improper, disorderly or unacceptable conduct at, in or near the Academy;
- Wilfully inadequate work performance (poor performance or lack of capability will normally be the subject of Capability procedure);
- Private trading;
- Consistently poor standards of dress or hygiene.



SUMMARY OF DISCIPLINARY PROCESS

Conducting The Hearing

AGENDA

- 1 The Chair introduces him/herself and allows an opportunity for all those present to do so. The Chair ensures that all procedural steps have been adhered to and confirms the order of the agenda with all those present
- 2 The Chair checks that all parties have the relevant documents and identifies the specific allegation/complaint
- 3 The chair asks the investigating officer/management to present the case (including questions of witnesses)
- 4 The Employee and/or representative may ask points of clarification from management or witnesses
- 5 Panel members may ask points of clarification from management or witnesses
- 6 Employee or representative will present his/her case (including questions to witnesses)
- 7 Management may ask points of clarification from the employee/representative (including witnesses)
- 8 Panel members may ask points of clarification from the employee/representative (including witnesses)
- 9 Panel members may wish to ask further questions of either side
- 10 Final statement by management
- 11 Final statement by employee/representative
- 12 The parties then withdraw to allow the panel to discuss the findings and come to a decision. The HR adviser to the panel will remain. The outcome must be confirmed in writing with reasons and the right of appeal within 5 working days to the employee and his/her representative.

The Chair should ensure that there are sufficient breaks. If new information is presented during the course of the hearing, the Chair of the panel may decide to adjourn to allow all parties to consider it. Either party may ask for an adjournment to take advice or to compose themselves if they find the proceedings overwhelming.

Minutes of the meeting should be taken by either the Clerk to the Governing Body or a person experienced in taking detailed and accurate minutes. These will be circulated to all parties and will be part of any documentation used as part of an appeal.

Time should be taken to make a decision; an HR advisor will be present to advise the panel about process and the options available to the panel.

The employee has the right to be accompanied by their trade union representative or a work colleague and an HR adviser may support management. In cases of gross misconduct, a representative from the E-ACT HR team will be present to advise the panel.

The Appeal

The agenda for an appeal hearing will follow the same format as outlined above except the appellant will be asked to state their case first.

The Chair of the panel for the first hearing will respond by addressing the grounds of appeal and explaining the rationale behind the decision of the panel. He/she may be supported by the HR adviser who advised the panel at the first hearing and may ask the person who presented the management case in the first hearing to appear as a witness.

The Appeal panel will be advised by an HR adviser from E-ACT, the hearing must be minuted.

All parties should be given the documents presented in the first hearing, along with a copy of the minutes from the first hearing, a copy of the outcome letter from the Chair of the first panel and a copy of the letter of appeal from the employee.

The decision of the appeals panel is final and the outcome communicated in writing within five working days by the Chair of the appeal panel.

Model Letter Notifying Suspension

Date

Dear

Notification of Suspension

It is with regret that I write to inform you that you have been suspended from your work at.....Academy with effect from..... You will receive your full pay throughout the period of your suspension.

Your suspension has been occasioned by the need to investigate the following allegations made against you/incident in which you were involved.....

Your suspension is a neutral act and does not imply that any decisions have been taken regarding the allegations made against you. However, we advise you to arrange for a member of your trade union to support you during the suspension period. I have asked to keep you informed of the general activities taking place at the Academy until your suspension comes to an end.

You will be kept informed of the progress of the investigations. You will be notified once they are completed and invited to a meeting as part of these investigations. You may be accompanied by your trade union representative at that meeting.

You are not permitted under any circumstances to visit the Academy without prior permission of the Principal. If any of your personal possessions still remain on site, you

should contact the Principal in order to make a convenient appointment to come into the Academy to collect them.

As acknowledgement of receipt of this letter, please sign and return to me the enclosed copy within 5 working days. Failure to return the copy does not invalidate any possible disciplinary procedures.

If you require any additional support you can contact the Employee Assistance Programme on.....

Yours sincerely

Model Invitation to an Investigation Meeting

Date

Dear

Investigation Meeting

I have been asked by the Principal to investigate the following allegations that have been made against you which could potentially constitute misconduct/gross misconduct:

The purpose of the investigation is to gather information and to ascertain whether there will need to be any further action taken under the disciplinary procedure (copy enclosed). You have the right to be accompanied by a trade union representative or colleague for support. The meeting will be held *time, date, venue*.

If you have any questions then please do not hesitate to contact me.

Yours sincerely

Investigating Officer

Enc : Copy of the Disciplinary Procedure

Model Letter to Request Attendance at a Formal Disciplinary Hearing

Date

Dear.....

Formal Disciplinary Meeting

I am writing to advise you that as a result of the investigations into allegations that *(set out summary details of alleged misconduct)* You are required to attend a formal disciplinary hearing.

The hearing will take place on.....(date) at.....(venue) at.....(time).

It will be conducted by *name of the delegated LGB representative*.

You have the right to be accompanied by your trade union representative or a work colleague.

You also have the right to produce written statements and to invite witnesses to give evidence in support of your case. You should ensure that copies of written statements upon which you wish to rely on at the hearing are given to me by *(date 5 days before the hearing)* together with the names of any witnesses that will be attending on your behalf.

Management will be calling the following witnesses to the hearing

I enclose/will forward an indexed bundle of statements and other documents which management will be presenting at the hearing.

If there is any aspect of this letter, or the procedure, to the extent that it applies to you, that you do not understand, please contact me.

As acknowledgement of receipt of this letter, please sign and return to me the enclosed copy. Failure to return the copy does not invalidate any possible subsequent disciplinary procedures.

If you require any additional support you can contact the Employee Assistance Programme on

Yours sincerely

Model Letter Stating Outcome of Formal Disciplinary Hearing

Date

Dear.....

Outcome of Formal Disciplinary Meeting

Following the formal disciplinary hearing held on.....(date), I write to confirm that I/the panel has determined that:

the allegations against you have not been substantiated and no further action will be taken;

or

the allegations made against you were deemed to be substantiated;

or

the following allegations (give details) have been upheld against you but I/the panel concluded that allegations that you (give details) were not substantiated

(Record the findings of fact reached by the Panel and the reasons for reaching the decision)

As a result (my/the panel's) decision that you (give details of misconduct), (I/the panel) have/has decided that

you should receive a first/final written warning, and this letter constitutes notice of the same;

or

you are to be dismissed and your employment terminated with effect from (date)

or

no formal action will be taken on this occasion but I/the panel requires you to (details of standards of conduct required) and remind(s) you that failure to maintain such standards may result in further disciplinary action being taken against you.

The warning will remain on file (9/24 months) from this date.

You have the right to appeal against this decision. If you wish to appeal, you must do so in writing stating the grounds of appeal within 10 working days of the date of this letter.

If there is any aspect of this letter you do not understand or on which you require further clarification, please contact me.

As acknowledgement of this letter, please sign and return to me the enclosed copy within 5 working days. Failure to return the copy does not invalidate either the duration of the warning, the length of time it will remain on your file or any possible subsequent disciplinary procedures.

Yours sincerely

Model letter notifying an appeal hearing

Date.....

Dear.....

Appeals Sub-Committee Hearing

In response to your letter of.....(date) stating that you wish to appeal against the decision of the Principal/Panel notified to you on(date), I write to inform you that the appeal hearing will be held at.....(time) on(date) in(venue).

During the hearing you have the right to be accompanied by your trade union representative or work colleague.

I enclose/will forward copies of the documents to be presented to the appeal panel. If you wish to submit any new papers please send these to me by.....

The names of those who will be hearing your appeal are(names)

As acknowledgement of receipt of this letter, please sign and return to me the enclosed copy. Failure to return the copy does not invalidate the proceedings of the appeal hearing.

Yours sincerely

Model letter stating outcome of appeal hearing

Date.....

Dear

Outcome of appeal hearing

Following the appeal hearing held on.....(date) attended by
.....(names), I write to inform you of the outcome of the hearing.

On the evidence presented to the Appeals Sub-Committee, it was found
that.....(it is important to detail the findings of fact and reasons for reaching the
decision).

On the evidence presented to the Panel it was decided that:

the decision made by the Disciplinary Panel is upheld and your dismissal is confirmed

or

the decision made by the Disciplinary Panel is upheld but that the sanction imposed will
remain or be reduced to.....

or

the Appeals Sub-Committee decided not to uphold the decision of the Disciplinary Panel.
Therefore no further action will be taken and the matter is closed.

The decision of the Appeals Sub-Committee is final.

Yours sincerely

The Hearing

AGENDA

- 13 The Chair introduces him/herself and allows an opportunity for all those present to do so. The Chair ensures that all procedural steps have been adhered to and confirms the order of the agenda with all those present
- 14 The Chair checks that all parties have the relevant documents and identifies the specific allegation/complaint
- 15 The chair asks the investigating officer/management to present the case (including questions of witnesses)
- 16 The Employee and/or representative may ask points of clarification from management or witnesses
- 17 Panel members may ask points of clarification from management or witnesses
- 18 Employee or representative will present his/her case (including questions to witnesses)
- 19 Management may ask points of clarification from the employee/representative (including witnesses)
- 20 Panel members may ask points of clarification from the employee/representative (including witnesses)

- 21 Panel members may wish to ask further questions of either side
- 22 Final statement by management
- 23 Final statement by employee/representative
- 24 The parties then withdraw to allow the panel to discuss the findings and come to a decision. The HR adviser to the panel will remain. The outcome must be confirmed in writing with reasons and the right of appeal within 5 working days to the employee and his/her representative.

The Chair should ensure that there are sufficient breaks. If new information is presented during the course of the hearing, the Chair of the panel may decide to adjourn to allow all parties to consider it. Either party may ask for an adjournment to take advice or to compose themselves if they find the proceedings overwhelming.

Minutes of the meeting should be taken by either the Clerk to the Governing Body or a person experienced in taking detailed and accurate minutes. These will be circulated to all parties and will be part of any documentation used as part of an appeal.

Time should be taken to make a decision; an HR advisor will be present to advise the panel about process and the options available to the panel.

The employee has the right to be accompanied by their trade union representative or a work colleague and an HR adviser may support management. In cases of gross misconduct, a representative from the E-ACT HR team will be present to advise the panel.

The Appeal

The agenda for an appeal hearing will follow the same format as outlined above except the appellant will be asked to state their case first.

The Chair of the panel for the first hearing will respond by addressing the grounds of appeal and explaining the rationale behind the decision of the panel. He/she may be supported by the HR adviser who advised the panel at the first hearing and may ask the person who presented the management case in the first hearing to appear as a witness.

The Appeal panel will be advised by an HR adviser from E-ACT, the hearing must be minuted.

All parties should be given the documents presented in the first hearing, along with a copy of the minutes from the first hearing, a copy of the outcome letter from the Chair of the first panel and a copy of the letter of appeal from the employee.

The decision of the appeals panel is final and the outcome communicated in writing within five working days by the Chair of the appeal panel.