



Disciplinary and Dismissal Policy

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CONTENTS

		Page No
1.	Introduction	3
2.	Exclusions to the Procedure	3
3.	Guiding Principles	5
4.	Acts of Gross Misconduct	5
5.	Disciplinary Investigation	5
6.	Suspension	8
7.	Disciplinary Sanctions	8
8.	Inability to attend a Disciplinary Hearing	10
9.	Composition of the Governor Disciplinary Panel	10
10.	Procedure at a formal Disciplinary Hearing	11
11.	Composition of the Disciplinary Appeals Panel	12
12.	The Treatment of New Evidence	12
13.	Training	12

APPENDICIES

I	Acts of Gross Misconduct	13
II	Code of Practice on Suspension	14
III	Dismissal and Disciplinary Procedure	15
IV	Disciplinary and Dismissal Appeal Panel Process	17

1. INTRODUCTION

- 1.1 BASE Academy Trust and the Trades Unions attach great importance to the establishment and continuance of good working relationships at all levels within the schools in the Trust.
- 1.2 It is recognised that discipline is necessary for the efficient and effective operation of the organisation and for the health and safety at work of all employees.
- 1.3 This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct, attendance and job performance, and provide a fair and effective mechanism for dealing with disciplinary matters.
- 1.4 If at any time, prior to or during, the implementation of the Dismissal and Disciplinary Procedure:
 - an employee, governor or witness has reasonable grounds to believe that commencing the Procedure would result in significant threat to him/herself, his/her property, or any other person or the property of any other person
or
 - an employee, governor or witness has been subject to harassment and has reasonable grounds to believe that commencing the Procedure would result in him/her being subjected to further harassment

then the process/procedure would be brought to a halt to allow the appropriate action and decisions to be taken.

2. EXCLUSIONS TO THE PROCEDURE

- 2.2 This Procedure will **not** apply in the following circumstances.
 - Termination during or at the end of a probationary period of service, whether or not extended beyond its originally specified duration.
 - Resignation by the employee, or other termination by mutual consent.
 - To agency staff, contractors or external consultants.
 - All the employees of a description or in a category to which the employee belongs are dismissed, provided that the employer offers to re-engage all the employees so dismissed either before or upon the termination of their contracts.
 - The dismissal is one of a number of dismissals in respect of which the duty in section 188 of the 1992 Act (duty of employer to consult

representatives when proposing to dismiss as redundant a certain number of employees) applies.

- At the time of the employee's dismissal he/she is taking part in:-
 - i. an unofficial strike or other unofficial industrial action*, or
 - ii. a strike or other industrial action (being neither unofficial industrial action nor protected industrial action), unless the circumstances of the dismissal are such that, by virtue of section 238(2) of the 1992 Act, an employment tribunal is entitled to determine whether the dismissal was fair or unfair*.
- The reason (or, if more than one, the principal reason) for the dismissal is that the employee took protected industrial action and the dismissal would be regarded, by virtue of section 238A(2) of the 1992 Act, as unfair for the purposes of Part 10 of the 1996 Act.
- The employer's business suddenly ceases to function because of an event unforeseen by the employer, with the result that it is impractical for him to employ any employees.
- The reason (or, if more than one principal reason) for the dismissal is that the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under any enactment.
- The employee is one to whom a dismissal procedures agreement designated by an order under section 110 of the 1996 Act at the date of dismissal.

Note

For the purposes of (i) and (ii) above:-

"unofficial" shall be construed in accordance with subsections (2) to (4) of section 237 of the 1992 Act;

"strike" has the meaning given to it by section 246 of the 1992 Act;

"protected industrial action" shall be construed in accordance with section 238A(1) of the 1992 Act;

and an employer shall be regarded as offering to re-engage an employee if that employer, a successor of that employer or an associated employer of that employer offers to re-engage the employee, either in the job which he/she held immediately before the date of dismissal or in a different job which would be suitable in his/her case.

3. GUIDING PRINCIPLES

- 3.1 This Procedure was drawn up having regard to the following guiding principles:
- 3.2 No disciplinary proceedings will be taken against an employee until a case has been investigated.
- 3.3 At every stage in the procedure an employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.
- 3.4 At all stages of the Disciplinary Procedure, an employee will have the right to be accompanied by a Trade Union representative or work colleague of their choice. The Trade Union representative or work colleague would be present to observe the proceedings and advise an employee, **but cannot answer questions on an employee's behalf.**
- 3.5 To ensure disciplinary issues are dealt with fairly and effectively and with clear outcomes at all stages.
- 3.6 To ensure standards of work required are explained so that employees are clear as to what is expected of them.
- 3.7 To try to find solutions to overcome difficulties, whilst protecting the shared interests of everyone concerned, to sustain standards and quality of service to the community.
- 3.8 No disciplinary action will be taken against a Trade Union Representative in relation to his/her conduct, whilst acting in the capacity of a Trade Union Representative, without prior consultation with the appropriate Branch Secretary and District Officer. The Trade Union Representative also has the right to have his/her District Officer present at any Disciplinary Hearing.

4. ACTS OF GROSS MISCONDUCT

- 4.1 It is impossible to provide a comprehensive and exhaustive list of all the issues that might give rise to a disciplinary investigation and formal disciplinary action but some of the more common are attached at Appendix 1.

5. DISCIPLINARY INVESTIGATION

- 5.1 The key purpose of the investigatory process is to ascertain the facts. The Investigating Team may do this either through interviewing witnesses, the scrutiny of files/records/documents etc., or a combination of both. Detailed records must be kept of any interviews held and witnesses interviewed must sign any statements given and recognise that they could be used at a subsequent hearing. Any employee who is interviewed as part of the investigatory process will have the opportunity to be accompanied either by a colleague of their choice, who must be an employee of the

School or a Trade Union Representative. The colleague/Trade Union Representative would be present to observe the proceedings and advise the employee **but cannot answer questions on the employee's behalf**. Given the need to ensure that any investigation is conducted promptly, fairly and thoroughly, the Investigating Team must comprise at least two people (i.e. Executive Headteacher/Heads of School/Assistant Heads/Deputy Heads and a HR Representative) however this is not exhaustive and will depend on the circumstances and nature of the allegation/s. If the Investigating Team does not include a personnel specialist then HR advice can be sought from Children's Services HR Unit.

- 5.2 At any stage during the investigatory process, the Investigating Team can recommend that the Police should be involved eg if the possession of illegal drugs is involved or in the event of claims of abuse, child protection issues, theft or fraud. The involvement of the Police should not be viewed as a reason to suspend the internal process of the investigation unless the internal investigation would prejudice the police investigation. Usually, the Police investigation will run parallel to the local investigation but by definition, the results of any Police investigation may take some considerable time to be made known. In view of this, the local investigation should continue in the normal manner with the emphasis on fairness and equality, and any recommendation made as a consequence of the internal investigation may be made without waiting for the results of the Police investigation. In the case of a child protection issue, there is a requirement for the Executive Headteacher (or appropriate investigatory officer) to inform the Local Authority Designated Officer (LADO). In such circumstances, a Child Protection Strategy Meeting may be convened to discuss and agree appropriate action.
- 5.3 If, during the formal investigation, pupils are involved, especially young pupils, they can be asked to make an oral statement, which will then be written and witnessed on their behalf. The Executive Headteacher or line manager should always seek permission from the parent(s) to take a formal statement from their child and invite them to be present. It will very rarely be desirable for young pupils to attend a hearing but, in certain cases, it may be appropriate for older pupils to attend.
- 5.4 Where an employee is charged with, but not convicted of a criminal offence, not related to work, this will not necessarily be treated as a reason for disciplinary action. In such circumstances the facts of the case would be clarified through a formal investigation and then consideration would be given as to whether the matter warrants formal disciplinary proceedings, having taken into account whether the alleged incident, act, or behaviour affects an employee's suitability for his/her job.
- 5.5 During the process of the investigation, an employee, and his/her representative if appropriate, will be notified in writing, of the alleged allegations which may result in disciplinary action being taken. It will be necessary to interview the employee(s) in question. This should be done as soon as reasonably practicable but in any event should normally take place within **10** working days of the investigation commencing. A request to extend this time limit by the employee will only be considered on written application from the employee or his/her representative stating the reasons for the request and must be accompanied by a medical certificate where sickness is the reason for the request. However, it is not expected that any extension will exceed a

further **20** working days. Employees should be made aware in advance of the area(s) to be covered at the interview and given the right to be accompanied.

- 5.6 At the end of the investigation, the Investigating Team will recommend to the appropriate Governors or his/her nominee, the appropriateness of whether or not a disciplinary hearing is warranted. It should be noted that the recommendation must not contain details of the case itself, nor include any statements, documents etc.
- 5.7 If it is determined that there is no requirement to hold a disciplinary hearing then the employee and his/her representative, if appropriate, must be notified in writing of this decision within **5** working days of the conclusion of the investigation and if currently under suspension appropriate arrangements will be made for the employee to return to the workplace.
- 5.8 If it is determined that there is a requirement to hold a disciplinary hearing then the employee and his/her representative, if appropriate, must be notified in writing of this decision within **5** working days of the conclusion of the investigation. The notification will set out the reasons why an employee's alleged conduct, or other circumstances, have led to the requirement for a disciplinary hearing.
- 5.9 If it is determined that a Disciplinary Hearing should be held, then the Disciplinary Panel will be convened where possible within **10** working days of the recommendation having been made by the appropriate Governor or his/her nominee. In preparing a case for a Disciplinary Hearing both parties must be in a position to exchange their witness statements, where appropriate, **5** working days prior to the hearing. **Both Parties must respect the need for confidentiality, at all times, in relation to any information exchanged.**
- 5.10 At all stages of the investigation advice can be sought from the Children's Services HR Unit. The Education Reform Act provides for the Director of Children's Services or their representative to be present at any Governors' hearing at a Community School where dismissal of a member of staff might be considered. Advisory rights are accorded in the case of Voluntary Aided or Foundation Schools
- 5.11 Any individuals involved in the Disciplinary Investigation must not sit on any subsequent Disciplinary Panel, **this directive must not be departed from under any circumstances**, they may, however, be involved in any suspension and it may be appropriate for them to either present or assist in the presentation of Management's case at any future Disciplinary Hearing.
- 5.12 Normally the individual leading an investigation will present the case to a Governor's Disciplinary Panel. The Panel should comprise at least three Governors. That same individual (normally the Executive Headteacher) would then present to any subsequent Appeal Hearing when the Chair of the Disciplinary Panel would, if appropriate, become a management witness. Schools can, if they so wish, use representatives from the Children's Services HR Unit to assist with the presentation of management's case.

6. SUSPENSION

- 6.1 Where the alleged misconduct is of such a potentially serious nature, or it is considered necessary in order to investigate the allegations, then an employee will be suspended on full pay. See Code of Practice on Suspension - attached at Appendix II for guidance.
- 6.2 In all cases, the employee **must** be informed of the nature of the allegations made against him/her. See Code of Practice on Suspension - attached at Appendix II for guidance.
- 6.3 It should be noted that suspension from duty, for the purpose of conducting a disciplinary investigation, does not constitute disciplinary action.

7. DISCIPLINARY SANCTIONS

- 7.1 Under the Disciplinary Procedure a number of sanctions are available to a Disciplinary Panel e.g.
- Counselling
 - Verbal Warning
 - First Written Warning
 - Final Written Warning
 - Dismissal

Counselling

- 7.2 Minor offences or lapses by the employee, should in the first instance, be dealt with by counselling. This is an informal discussion between Heads of School/Line Manager and the employee concerned.
- 7.3 The objective of counselling is to assist an employee to resolve a problem which is having a detrimental effect on his/her performance at work. This may cover conduct, work performance, sickness or personal problems. It is an informal process designed to work through difficulties before they become so significant that disciplinary action may be necessary. However, a written record of any counselling sessions should be made, including details of any agreed action, training or other support to be made available to the employee and it will be confirmed in writing that his/her performance will be monitored over an agreed period.

Verbal warning

- 7.4 Where counselling has failed to resolve a matter or where it is considered that an offence warrants formal disciplinary action, a verbal warning may be given by the Executive Headteacher. The employee will be provided with written reason(s) of the decision within **5** working days. **A Verbal Warning will remain live for disciplinary purposes on an employee's personal file for a period of 6 months from the date**

the warning was issued. However the Verbal Warning will remain on an employee's personal file indefinitely.

- 7.5 The employee has the right of appeal against a verbal warning. Any appeal should be made in writing by the employee to the Chair of Governors within **10** working days of receipt of the formal warning. The appeal would be heard by another panel of Governors (the Appeals Panel) not involved in the first hearing. The employee must state the specific reasons for his/her appeal, i.e. whether it is against the finding that he/she has committed the alleged act(s) of misconduct and/or the form of disciplinary action decided upon.

First written warning

- 7.6 If a verbal warning does not correct the situation or if the case warrants it or a further offence is committed requiring disciplinary action, a First Written Warning may be issued by the Governors Disciplinary Panel. The employee will be provided with written reason(s) of the decision within **5** working days of the hearing. **A First Written Warning will remain live for disciplinary purposes on an employee's personal file for a period of 12 months from the date the warning was issued. However the First Written Warning will remain on an employee's personal file indefinitely.**
- 7.7 The employee has the right of appeal against a First Written Warning. Any appeal should be made in writing by the employee to the Chair of Governors within **10** working days of receipt of the formal warning. The appeal would be heard by another panel of Governors (the Appeals Panel) not involved in the first hearing. The employee must state the specific reasons for his/her appeal, ie whether it is against the finding that he/she has committed the alleged act(s) of misconduct and/or the form of disciplinary action decided upon.

Final written warning

- 7.8 If an employee's conduct still does not meet the standards required by the school or if the case warrants it or a further offence is committed requiring disciplinary action, a Final Written Warning may be given by the Governors Disciplinary Panel. The employee will be provided with written reason(s) of the decision within **5** working days of the hearing. **A Final Written Warning will remain live for disciplinary purposes on an employee's personal file for a period of 12 months from the date the warning was issued. However the Final Written Warning will remain on an employee's personal file indefinitely.**
- 7.9 The employee has the right of appeal against a Final Written Warning. Any appeal should be made in writing, by the employee, to the Chair of Governors, within **10** working days of receipt of the formal warning. The appeal would be heard by another panel of Governors (the Appeals Panel) not involved in the first hearing. The employee must state the specific reasons for his/her appeal, ie whether it is against the finding that he/she has committed the alleged act(s) of misconduct and/or the form of disciplinary action decided upon.

Dismissal

- 7.10 If conduct or performance is still unsatisfactory or the employee continues to fail to reach an acceptable and agreed standard or the case warrants it dismissal will normally result. Only a Governor's Disciplinary Panel can take the decision to dismiss. The employee will be provided, within **5** working days of the decision, written reasons for dismissal and confirmation of the date on which employment was terminated as well as the right of appeal.
- 7.11 Notice of dismissal will be confirmed in writing, using recorded delivery, under the signature of the Chair of the Disciplinary Panel and a copy sent to the Trade Union Representative, (if appropriate), and a copy to Children's Services HR Unit.
- 7.12 The employee has a right of appeal against dismissal. Any appeal should be made in writing, by the employee, to the Chair of Governors within **10** working days of receipt of the letter confirming dismissal. The employee must state the specific reasons for his/her appeal, ie whether it is against the finding that he/she has committed the alleged act(s) of misconduct and/or the form of disciplinary action decided upon. Any appeal will be heard by the Governor's Disciplinary Appeals Panel. The employee may also have the right to appeal to an Employment Tribunal and will be advised of this, if appropriate, in the dismissal letter.

The Appeals Panel may either uphold the appeal, substitute a lesser disciplinary sanction or confirm the disciplinary action taken.

8. INABILITY TO ATTEND A DISCIPLINARY HEARING

- 8.1 If an employee, or his/her representative, has a justifiable reason for being unable to attend a disciplinary hearing, it will be re-arranged. If the employee, or his/her representative, is unable to attend the re-arranged hearing it will normally proceed in his/her absence but with his/her representative being provided with an opportunity to make representations on the employee's behalf. A Disciplinary Hearing cannot be unduly delayed pending the availability of a full time Trade Union Official.

9. COMPOSITION OF THE GOVERNOR DISCIPLINARY PANEL

- 9.1 The Governor Disciplinary Panel should comprise a minimum of three people and will strive to reflect the School's commitment to Valuing Diversity and/or the level of employee. The seniority of the Panel will reflect the potential seriousness of the alleged offence. **It is imperative that no Panel Member should have been involved in the investigatory process.**
- 9.2 The Panel can seek advice from the Children's Services HR Unit or Legal Services if required.

10. PROCEDURE AT A FORMAL DISCIPLINARY HEARING

- 10.1 The procedure to be followed at a Disciplinary hearing is as follows:
- 10.2 The Management representative(s) shall put the case, in the presence of the employee and his/her representative and may call any necessary witnesses to give evidence.
- 10.3 The employee or his/her representative will then have the opportunity to ask questions of the Management representative on the evidence given by him/her and any witnesses whom he/she has called.
- 10.4 The members of the Panel may ask questions of the Management representative and witnesses.
- 10.5 The employee or his/her representative puts his/her case in the presence of the Management representative and calls such witnesses as he/she wishes.
- 10.6 The Management representative has the opportunity to ask questions of the employee and his/her witnesses.
- 10.7 The Panel may ask questions of the employee and his/her witnesses.
- 10.8 The Management representative and the employee or his/her representative have the opportunity to sum up their case if they so wish.

NO NEW EVIDENCE MAY BE INTRODUCED AT THIS STAGE.

- 10.9 The Management representative and the employee and his/her representative, together with any witnesses, will then withdraw.
- 10.10 The Panel will then consider their decision. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- 10.11 The Panel will announce their decision either orally on the day or in writing as may be determined.
- 10.12 The decision, including an oral decision, will be confirmed in writing within **5** working days of the hearing along with confirmation of an employee's right to appeal against the decision.

Note

The Chair of the Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained or clarity of information is required from witnesses the Chair will specify the nature of the information required.

Any adjournment will be for a stated period determined by the Panel. Witnesses will be required to be on-call throughout the proceedings but will not usually be present for all the hearing.

11. COMPOSITION OF THE DISCIPLINARY APPEALS PANEL

- 11.1 The Disciplinary Appeals Panel will consist of three governors **who have not been involved in the original hearing or investigation.**
- 11.2 Unless there has been any fresh evidence unearthed or a significant change in circumstances affecting the case in question, the Disciplinary Appeals Panel will determine whether the previous decision was appropriate given all the circumstances and evidence heard.
- 11.3 The Secretary (minute taker) will normally be provided by Governor Support/School. However, where for reasons of either resources or previous involvement in the case being heard this is not possible, then the role may be taken by an appropriate HR representative from the Children's Services HR Unit who has had no prior involvement in the case.

12. THE TREATMENT OF NEW EVIDENCE

- 12.1 In the event of pertinent or new evidence coming to light during a Disciplinary Appeals Panel, the Panel should refer the case back to the original Disciplinary Panel in order for that Panel to be able to give consideration to the new evidence and for management to have an opportunity to respond. During any such reference back the employee would remain dismissed. The outcome of any reconvened Disciplinary Panel will be subject to a right of appeal in accordance with this Dismissal and Disciplinary Procedure.

13. TRAINING

- 13.1 All Head Teachers and Governors who may be involved or lead on Disciplinary Investigations should attend the appropriate internal training course.
- 13.2 The training will include familiarisation with the Dismissal and Disciplinary Procedure and guidance on the preparation and presentation of cases.

ACTS OF GROSS MISCONDUCT

The following list is not intended to be comprehensive and merely serves to provide examples of gross misconduct which throughout the application of the School's Disciplinary Procedure could lead to dismissal. These are examples which could, dependant on the seriousness of the offences, result in summary dismissal:

- Grossly offensive behaviour
- Gross neglect of Health and Safety rules
- Harassment
- Abuse of vulnerable clients in the care of the School/LEA
- Inappropriate use of the School's Corporate E-Mail, Internet Security and Facsimile Policy
- Willful and deliberate damage to the School's assets
- Incitement to or use of physical violence to anyone at all on the School's premises or whilst on School business
- Fraudulent timekeeping
- False and misleading statements eg on application forms, on medical questionnaires or at medical examination, at an accident investigation or at a disciplinary investigation
- Failure to obey instructions given by the School provided these are in accordance with accepted practices
- Theft or incitement to steal
- Bringing firearms or offensive weapons on School's premises
- Knowingly being under the influence of alcohol or non-prescribed drugs whilst on duty
- Accepting profits or bribes for personal gain
- Divulging confidential information
- Allowing one's private interests or duty to conflict with the interests of the School
- Clocking in or out for another colleague

CODE OF PRACTICE ON SUSPENSION

Where it is deemed necessary for an employee to be suspended from duty, the following Code of Practice shall apply:

- The employee shall be called to a meeting with the Executive Headteacher/Chair of Governors or his/her representative and where appropriate a representative from the Children's Services HR Unit.
- An employee will not lose any earnings whilst suspended from duty.
- The employee will be informed of the right to be accompanied by his/her Trade Union representative or a colleague of his/her choice in advance of this meeting, and at any subsequent meeting which may be convened during the period of suspension. The Trade Union representative or colleague will attend the meeting purely in the capacity of an observer.
- The employee will be informed of the reason for suspension from duty and asked to hand-over his/her ID card, security pass, if appropriate, keys and any other equipment belonging to the School.
- A letter, confirming the suspension and the reason(s) for the suspension will be sent to the employee within **2** working days from the date of the suspension. A copy of the letter must also be sent to Children's Services HR Unit and the Trade Union Representative, if appropriate. The employee will be informed not to return to the school premises and be advised not to have contact with colleagues. When on suspension with pay an employee must be ready to attend investigatory meetings/interview when requested.
- Suspension from duty does not constitute disciplinary action against an employee.
- Contact with the employee during the period of suspension should be formal and should be made within four weeks from the date of suspension and at regular intervals thereafter.
- Every effort must be made, where possible, to conclude a disciplinary investigation as quickly as possible from the date the suspension commences.
- The purpose of formal contact during a suspension is to:
 - facilitate investigatory meetings
 - keep the employee informed of the progress of the investigation in terms of its likely time of conclusion
 - inform the employee of the consequences of the conclusions of the investigation and to inform them of any subsequent action

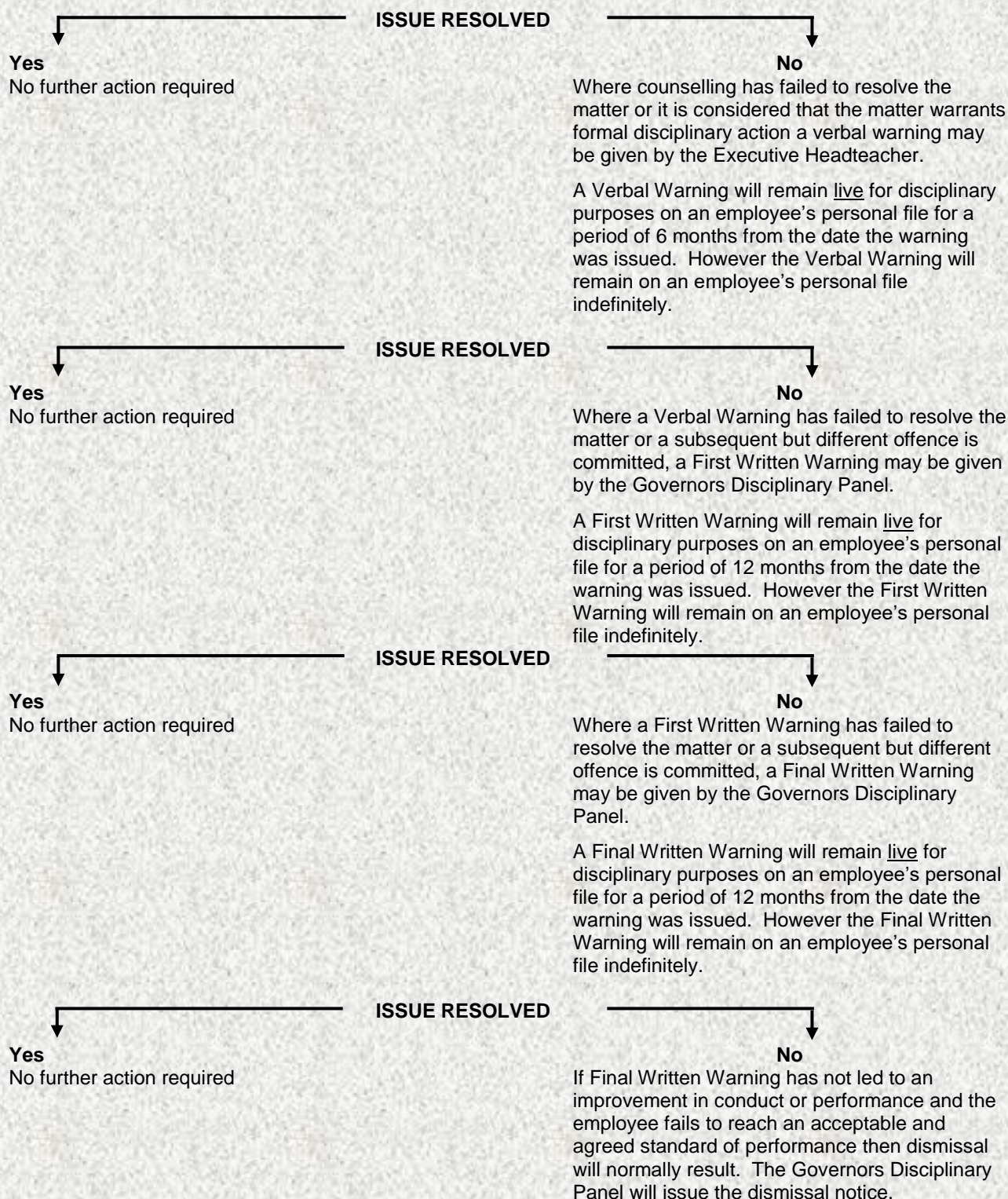
Should formal disciplinary proceedings be warranted it should be noted that those Line Managers involved in the suspension process are not precluded from being involved, if appropriate, in any formal disciplinary procedure.

Note

The Executive Headteacher/Heads of School/Line Managers who have been involved in the investigatory process will be precluded from being a member of any subsequent Disciplinary Panel.

BASE Academy Trust**DISCIPLINARY AND DISMISSAL PROCEDURE****INFORMAL STAGE**

Minor offences or lapses by the employee are dealt with by the Heads of Schools/Line Manager in the form of Counselling. Outcome recorded in writing.



Note Depending on the nature of the allegation it may be necessary to bypass stages of the procedure.

PLEASE NOTE:

- Depending on the nature of the allegations it may be necessary to by pass stages of the procedure.
- At all stages of the procedure the outcome of any disciplinary hearing must be confirmed to the employee in writing within **5** working days of the hearing and a copy sent to the Trade Union Representative if appropriate.
- At all stages of the formal procedure the employee has a right of appeal against formal disciplinary action. Appeals must be made in writing, by the employee, within **10** working days of receipt of the formal warning or notification of dismissal. The employee must state the specific reasons for his/her appeal, ie whether it is against the finding that he/she has committed the alleged act(s) of misconduct and/or the form of disciplinary action decided upon.
- In the event of an Appeals Panel upholding an appeal then any reference will be expunged from the employee's file with immediate effect.
- In the event of an Appeals Panel varying the disciplinary sanction then any reference to it will remain on an employee's personal file indefinitely but will only remain live for a period of six months, (for a Verbal Warning), and twelve months, (for a First Written Warning or Final Written Warning) from the date the warning was issued.
- Under the Dismissal and Disciplinary Procedure an employee may have on file, at any one time, more than one formal warning, these can run concurrently.
- On occasions, re-affirmation of a warning may be more appropriate than proceeding to the next stage of the procedure.
- In the event of an employee being issued with a formal disciplinary warning and then being absent on long term sick the warning will remain live on file for the stated period, either six months or twelve months, depending on the disciplinary sanction, following his/her return to work.
- Absence due to sickness will not prevent the use of the Dismissal and Disciplinary Procedure.
- A Disciplinary Warning will remain live for a period of 6 months, (for a Verbal Warning), and 12 months, (for a First Written Warning or Final Written Warning) from the date the Warning was issued. However, a disciplinary warning will remain on an employee's personal file indefinitely.

DISCIPLINARY & DISMISSAL APPEAL PROCEDURE

PROCEDURE AT A FORMAL DISCIPLINARY APPEAL HEARING

- Chair facilitates introductions and explains procedure
- The employee or their representative presents their case in the presence of the Management representative & calls such witnesses as they feel appropriate.
- The management representative may ask questions of the witnesses.
- The members of the panel may then ask questions of the witnesses.
- When the employee has presented their case, the management representative may ask questions of the employee on the evidence given.
- The Panel may ask questions of the employee.
- The Management representative presents their case in the presence of the employee & their representative & calls any witnesses to give evidence.
- The employee or their representative may ask questions of the witnesses.
- The members of the panel may then ask questions of the witnesses.
- When management have presented their case, the employee or representative may ask questions of the Management representative on the evidence given.
- The members of the Panel may ask questions of the Management rep.
- The employee or their representative then sums up their case.
- The Management representative then sums up their case.
- **NO NEW EVIDENCE MAY BE INTRODUCED AT THIS STAGE.**
- The Management representative & the employee (& rep) leave the room.
- The Panel consider their decision. If it is necessary to recall a party to clarify evidence given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- The Panel will announce their decision orally on the day or in writing as may be determined.
- The decision must then be confirmed in writing within **5** working days of the hearing.

Notes

The Chair may adjourn proceedings at any stage if appropriate. If the adjournment is to enable further information to be obtained or clarify information from witnesses, the Chair will specify the nature of the information required.

Any adjournment will be for a stated period determined by the Panel. Witnesses will be required to be on-call throughout proceedings but will not be present for all the hearing.