



BEDFORD BOROUGH COUNCIL

DISCIPLINARY PROCEDURES FOR SCHOOL BASED STAFF (CONDUCT)

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Chapter 4 ~ Section 1

DISCIPLINARY PROCEDURES FOR SCHOOL BASED STAFF

CONDUCT

1. PURPOSE

- 1.1 This procedure is designed to help and encourage all employees in schools with delegated powers to achieve and maintain required standards of conduct. A sound standard of discipline is essential for the efficient and effective management of the school.
- 1.2 Head teachers are responsible for maintaining an agreed code of conduct for their employees. (Schools will wish to have regard to, for example, the guidelines published by the Borough Council on Safer Working Practices.) This procedure provides for matters to be dealt with quickly, using a fair and consistent method, where there has been failure to observe the code.
- 1.3 The governing body recognises its responsibility to ensure that, whenever relevant, appropriate rules and procedures adopted by the governing body are brought to the attention of relevant employees and that they remain accessible to them.
- 1.4 The disciplinary procedure does not replace the normal interchange between manager and employee and recognises that in most instances minor breaches of conduct can and should be dealt with informally and promptly by the manager, counselling and informal reprimand can be effective in improving conduct.
- 1.5 Normally the Head teacher would ensure that the provisions of this procedure are carried out.

2. SCOPE

- 2.1 This procedure is an agreement with the recognised trades unions and forms part of each employee's contract of employment.
- 2.2 The procedure applies to all employees within the school, where the governing body has adopted this procedure.
- 2.3 This procedure does not apply:

where a Head teacher believes that an employee's sub-standard performance or behaviour is a matter of incapability, for which there are separate procedures;

to matters of genuine sickness absence and genuine ill-health;

where an alleged disciplinary matter can be settled by means of counselling or informal reprimand.

3. PRINCIPLES

- 3.1 Nothing in this procedure removes the right of a Head teacher or the line manager to give an employee an informal reprimand outside the disciplinary procedure when the employee is believed to have committed a minor infringement of the school's standards of conduct.
- 3.2 It is the responsibility of the Head teacher or line manager to draw an employee's attention to any way in which his / her conduct falls below the required standard. Action which can lead to disciplinary proceedings and any resultant type of formal warnings given will depend on the nature, circumstances and degree of seriousness of each case.
- 3.3 In operating this procedure Head teachers will apply the school's commitment to equality of opportunity by treating its employees fairly and without discrimination on the grounds of colour, race, nationality, ethnic or national origins, sex, marital status, disability, age, sexual orientation, trade union membership and activity, political or religious belief and unrelated criminal convictions.
- 3.4 If the member of staff involved in the disciplinary procedure is an official representative of a trades union, no action should be taken beyond the informal stage until the circumstances of the case have been discussed with the relevant full time trades union officials. In such cases governing bodies may wish to see first the advice of the Executive Director for Children's Services, Schools and Families.
- 3.5 Disciplinary action shall not be taken against a health and safety representative or member of a safety committee, for pursuing reasonable action concerned with preventing, or reducing risks, to the health and safety of employees.
- 3.6 At every stage in the formal procedure starting with the investigation, the employee will be advised of the nature and provided with details of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- 3.7 No disciplinary action will be taken against an employee until the case has been fully investigated. An investigation will include an interview with the employee whom the complaint is against.
- 3.8 At all stages the employee will have the right to be accompanied by a trades union representative or other person of their choice. This is particularly critical at any disciplinary hearing, investigation, suspension and appeal hearing. Every effort will be made to allow the employee to be accompanied. It is likely that the only exceptional cases where this is not practical would be, for example, the immediate suspension for alleged gross misconduct. In cases of serious or gross misconduct (and especially where matters relating to child protection are involved) it may be that the disciplinary action will result in a referral to the Independent Safeguarding Authority or otherwise have serious implications for the future employment of the persons subject to the allegations. In these circumstances schools are strongly advised to seek advice from the Borough Council regarding the employee's rights to representation at all stages of the procedure. In such cases there is a growing body of case law to support the attendance of solicitors or other legal representation (where requested) at hearings and appeals.
- 3.9 No employee will be dismissed for a first breach of discipline except in the case of

gross misconduct when the penalty may be dismissal without notice.

- 3.10 The School Staffing (England) Regulations 2003 (in accordance with Sections 35 and 36 of the Education Act 2002) allow that the Head teacher should have the delegated responsibility to make the initial dismissal decision, following which there will be an opportunity to appeal to a panel of governors. The decision to delegate dismissal powers to the Head teacher should be discussed by the whole governing body and formally agreed, and minuted, by them. There are, however, possible exceptions to this arrangement anticipated within the Regulations:-
- Where the Head teacher is unwilling to perform the function of taking the initial decision
 - Where the head has been directly involved in the disciplinary procedures leading to dismissal, has instigated a proposal to dismiss or is a witness of the conduct giving grounds for dismissal.
 - Where the Borough Council has made representations to the chair of governors regarding the performance of the Head teacher.
- 3.11 In circumstances where one of the three exceptions apply, the governing body should establish a disciplinary committee of, ideally, three governors (“the disciplinary committee”) and delegate to them the initial decision to dismiss (or determine any other appropriate outcome of the disciplinary procedure). It is essential, when an investigation commences, that the employee and their trade union or professional association representative are provided with a clear recorded statement as to the investigation process (ie who will conduct this) who will make the decision with regard to the initial decision to dismiss (or determine an appropriate outcome to the process) and what appeal mechanisms exist. This can be done in the form of a note of the meeting with the employee and their representative or a letter of confirmation.
- 3.12 It should be noted that the Executive Director for Children's Services, Schools and Families (which for all practical purposes usually means senior staff from the HR Services Team) and the Head teacher (except where he / she is the person concerned) have the right to be present, for the purpose of giving advice, at all proceedings when involving governors except that the Head teacher should withdraw while the disciplinary committee or appeals committee of the governing body consider their decision.
- 3.13 A governor should not take part in consideration of a matter in which he / she or a relative living with him / her have a pecuniary interest and, in the case of a teacher governor, a direct pecuniary interest. In particular, an employee must withdraw where the governing body is discussing the dismissal or suspension of another person employed at the school, if a vacant post might arise as a result, for which he / she or a relative living with him / her could be a candidate. For practical purposes it is recommended that staff governors do not take part in formal committees considering misconduct allegations.

4. THE INVESTIGATION

4.1 Initiating the Investigation

4.1.1 Where conduct which might warrant disciplinary action is alleged, the matter will be investigated immediately by the Head teacher, who may wish to designate a senior member of staff to carry out this task on his / her behalf and must so delegate where the Head teacher intends to take the initial decision to dismiss or determine the outcome of the disciplinary procedure. The employee will be informed of the situation and the procedure to be followed and will be provided with a copy of the disciplinary procedure (also see paragraph 3.10 above). **At this stage the employee must be advised of the right to be accompanied by a trades union representative or friend.**

4.1.2 The wording of the allegations is important. It must be clear to both the investigator and the employee exactly what is to be investigated. It is strongly recommended that the advice of the HR Services Team is sought and attention is drawn to the advisory support documents available for Head teachers.

4.1.3 Where an employee is unable to attend an investigatory meeting (or formal hearing) under the procedure due to bail restrictions, or custodial sentence or can offer no good reason for non attendance, then the Governors, Executive Director for Children's Services, Schools and Families or his / her representative and representatives of the employee will meet to discuss how this matter can be progressed.

4.2 Conducting the Investigation

4.2.1 The designated member of staff conducting the investigation will explore thoroughly the facts of the matter, including interviewing witnesses where appropriate and obtaining the employee's version of events. This would normally be by interview. The employee must be informed orally that an investigation is to be carried out under the disciplinary procedure and that this will be kept confidential. The employee must be made aware of the nature and available details of the allegations. The employee will be advised that any information gained when questioning can be presented at any subsequent disciplinary hearing. (A model letter confirming a disciplinary investigation is included in the advisory support documents available to Head teachers).

4.2.2 The designated member of staff conducting the investigation may call upon witnesses to supply information in the form of a written statement which will assist in the investigation. Where other employees are to be questioned, it will be explained that they may be asked to attend a disciplinary hearing and act as a witness. Written statements may be obtained from juveniles but, in such instances, the investigator should give consideration to informing the parents / guardians and giving them the opportunity to be present. This will be dependent on the nature of the allegations against the employee. Statements should be signed by the witness as a true record (see paragraph 5.4).

4.2.3 The investigatory interview with the employee against whom allegations have been made may take place over more than a single session and the result will be in written form. A written record of this interview will be made by the designated member of staff conducting the investigation and will be signed as a true record by the employee if there is agreement that this represents a true record of the interview. If there are

any points of disagreement these will be noted in writing and kept with the record of the investigation.

- 4.2.4 After the investigation the investigator will consider if there is a case to answer. If there is no evidence to substantiate the need for further proceedings, the employee will be informed in writing of this and, if under suspension, will return to work. No reference to the matter in question will be kept on the employee's personal file.
- 4.2.5 If, on analysis of the material gained during the investigation, the investigator believes the matter can be resolved by means of counselling he / she should recommend that the Head teacher or appropriate governors conduct a counselling interview with the employee and a note of counselling agreed by the employee should be kept for reference purposes on the personal file, with a copy to the employee, until expunged by agreement. Counselling does not constitute disciplinary action and this should clearly be stated on the written document.
- 4.2.6 If, on completion of the investigation, the investigator considers that there is a case to answer which may require more than counselling, he / she will arrange a formal hearing with the Head teacher or the disciplinary committee of the governing body as appropriate.

4.3 Suspending an Employee

- 4.3.1 If the matter to be investigated is thought to involve gross misconduct, it may be necessary to suspend the employee from work e.g. where it is inappropriate for the employee to remain at the normal place of work, because the alleged misconduct relates to physical assault, sexual misconduct, malicious damage to property, drunkenness, gross abuse of orders and action which leads, or could lead, to major injury to another person, or theft including fraud, or where it is necessary to remove the employee from the premises when his / her presence may inhibit proper investigations. Similarly, if during the course of an investigation, the investigator is of the view that a gross breach of discipline may have occurred, the employee may then be suspended. Suspension will be a neutral, not disciplinary, measure pending the outcome of the matter. (A model suspension letter is included in the advisory support documents available to Head teachers).
- 4.3.2 The decision to suspend an employee will be taken by the Head teacher or the governing body. Where suspension is being considered, a meeting should be arranged (normally outside pupil contact time). If the police are involved in a criminal investigation, any meeting arranged to consider suspension should not be conducted without prior consultation with the officer in charge of the case. (Please read the advisory support documents for further advice on meetings to consider suspension. In the case of allegations against staff involving potential child abuse, see also Chapter 3, Section 10, of the Personnel Handbook). Suspension will always be with full pay. This will be the normal remuneration applicable immediately prior to suspension eg. including contractual overtime payments, teaching and learning responsibility payments, standby or shift allowances etc and will continue until the completion of the investigation and a decision is made at a resultant hearing.

- 4.3.3 Suspension will be for as short a period as possible and will be kept under review. It will usually last until an investigation has been concluded or any resulting disciplinary hearing has been held. The employee will be informed immediately of their suspension in person unless exceptional circumstances do not permit this but, in any event, employees must receive confirmation in writing including the reason(s) for suspension.
- 4.3.4 Employees who fall sick during periods of suspension will be advised by the Head teacher that they are required to follow the normal sickness absence procedures and may be required to be examined by the Borough Council's Occupational Health Physician.
- 4.3.5 The Head teacher (or the chairperson of the governing body if the person involved is the Head teacher) should inform the Executive Director for Children's Services, Schools and Families (or his/her representative) as soon as possible after a member of staff has been suspended from duty.
- 4.3.6 Suspension may only be ended by the governing body through an appropriate mechanism which the governing body may agree to delegate to the chairperson of the governing body, the disciplinary committee or Head teacher.
- 4.4 **Gross Misconduct**
- 4.4.1 Gross misconduct is regarded as misconduct of such a nature that it, in view of the employee's duties, makes it unreasonable for that person to continue to be employed to perform those duties. Examples are given in the advisory support documents available to Head teachers and the support document for employees.
- 4.5 **Cases of Alleged Criminal Activity**
- 4.5.1 If the case involves suspected criminal offences at work, which may lead to police proceedings, providing the allegations have been fully investigated and the normal procedures followed and, if there is evidence to show, on the balance of probability, the employee committed the misconduct, there is no obligation to wait until the outcome of any criminal case is known before taking disciplinary action.
- 4.5.2 A criminal offence outside employment will not be treated as an automatic reason for disciplinary action. The main considerations should be whether the offence is one that makes the employee unsuitable for his / her type of work or unsuitable to remain in his / her present employment. Where it is felt necessary to investigate the case, this must be carried out fully, following the disciplinary procedures. If sufficient evidence is available and it is believed on the balance of probability the employee committed the offence, there is no obligation to wait until the outcome of any criminal proceedings before taking disciplinary action. (Head teachers are advised to refer to the support documents).

5. THE DISCIPLINARY HEARING

5.1 Notifying the Employee of a Disciplinary Hearing

- 5.1.1 The investigator is responsible for arranging the disciplinary hearing which will be with the Head teacher or the disciplinary committee (see paragraph 3.10) and notifying the employee of this in writing, giving at least five working days' notice of such a meeting. The employee should be notified of the right to be accompanied by a trades union representative or friend.
- 5.1.2 Where the employee is to be represented by a recognised trades union, the date of the disciplinary hearing should be a mutually convenient one. In accordance with ACAS advice, the employee can request a delay of up to five days.
- 5.1.3 The employee should be given details of the complaint / allegations and should be informed that either party can produce witnesses and / or written witness statements and relevant supporting documents at the disciplinary hearing, should they so wish. This is subject to the requirement to exchange this information at least five working days before the disciplinary hearing.

5.2 Those in Attendance at the Disciplinary Hearing

- 5.2.1 The Head teacher or the disciplinary committee as appropriate must consider the seriousness of the complaint / allegations. In conducting the disciplinary hearing the Head teacher or the disciplinary committee may be accompanied by a representative of the Executive Director for Children's Services, Schools and Families. For more serious breaches of discipline and, especially where dismissal is a possibility, the Head teacher or the disciplinary committee must **be accompanied by a representative of the Executive Director for Children's Services, Schools and Families. Failure to be accompanied will be viewed by the Borough Council as "acting unreasonably" in the meaning of the Education Act 2002. In matters relating to serious or gross misconduct (and especially where the matter relates to child protection) then in accordance with paragraph 3.8 of this policy schools are strongly advised to seek support from the Borough Council.**
- 5.2.2 If a senior member of staff has been designated to carry out the investigation he / she will not take part in deciding any disciplinary action but will be called to present the supporting facts and material (and may be supported by a representative of the Executive Director for Children's Services, Schools and Families).

5.3 Failure by the Employee to Attend the Disciplinary Hearing

- 5.3.1 If for good cause, for example certified sickness, the employee is unable to attend the hearing, it will be rearranged to another date taking into account the reason. Sickness absence must be supported by a medical certificate. In consultation with the employee the hearing could go ahead in their absence (See the advisory support documents and the employee guide for further advice).

5.4 **Witnesses**

- 5.4.1 If the investigator or the employee proposes to call witnesses to give evidence at the interview, their identity will be disclosed to the other side in advance, unless exceptional circumstances prevent this e.g. where anonymity is to be preserved. Where there is a requirement to call young persons, parents / guardians should be informed and given the opportunity to accompany the young person to the hearing.
- 5.4.2 The other side will receive advance copies of written statements to which reference will be made at the hearing. It is preferable that the authors of statements attend the disciplinary hearing as a witness, although in certain circumstances e.g. in the case of young persons, those in the care of the Authority or where anonymity is to be preserved, it is acknowledged that this should not be a requirement.
- 5.4.3 Hearsay evidence will not be considered at any stage.

6. **PROCEDURE TO BE FOLLOWED AT THE DISCIPLINARY HEARING**

6.1 **Presentation of the Case against the Employee**

- 6.1.1 (a) The investigator makes an opening address outlining the case
- 6.1.2 (b) The investigator calls witnesses, if any, so that taking each one in turn:
- he / she questions each witness;
 - the member of staff or his / her representative has the opportunity to put questions to each witness;
 - the investigator may clarify any issues by further questions to the witness;
 - the Head teacher or members of the governing body as appropriate have the opportunity to question each witness;
 - each witness withdraws after giving evidence;
 - the member of staff or his / her representative has the opportunity to put questions to the presenter of the case;
 - the Head teacher or members of the governing body as appropriate have the opportunity to question the presenter of the case.

6.2 **Presentation of the Employee's Case**

- 6.2.1 (a) The member of staff or his / her representative makes an opening address outlining his / her case.

- 6.2.2 (b) The member of staff or his / her representative calls his / her witnesses, if any, so that taking each one in turn:
- he / she questions each witness;
 - the investigator has the opportunity to put questions to each witness;
 - the member of staff or his / her representative has the opportunity to clarify any issues by further questions to the witness;
 - the Head teacher *or* members of the governing body as appropriate have the opportunity to question each witness;
 - each witness withdraws after giving evidence;
 - the investigator has the opportunity to put questions to the employee;
 - the Head teacher *or* members of the governing body as appropriate have the opportunity to question the employee.

6.3 **Summing up and Withdrawal**

- 6.3.1 (a) The investigator and the member of staff, or his / her representative, have the opportunity to sum up their case if they so wish, the member of staff to have the last word.
- 6.3.2 (b) Both parties then withdraw.

6.4 **The Decision**

- 6.4.1 (a) The Head teacher or disciplinary committee with the Executive Director for Children's Services, Schools and Families or his representative if either is in attendance, will deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.
- 6.4.2 (b) The decision will be announced at the close of the hearing whenever possible. The Head teacher or chairperson of the disciplinary committee will confirm the decision in writing within five working days of the decision.

7. **DETERMINING DISCIPLINARY ACTION**

7.1 **Case Unfounded**

- 7.1.1 If the Head teacher / disciplinary committee considers that the case against the employee is unfounded, the employee will be informed of this at the hearing and the decision will be confirmed in writing. All reference to the matter in question will be removed from the employee's personal file.

7.2 **Disciplinary Measures**

7.2.1 If the Head teacher / disciplinary committee believes on the balance of probabilities that the alleged misconduct is substantiated, the appropriate disciplinary action will be determined, having regard to all the circumstances. For the measures available see paragraphs 7.3 to 7.7.

7.3 **Formal Oral Warning**

7.3.1 A copy of a formal oral warning will remain live on file for a maximum of six months. The warning will be disregarded for disciplinary purposes after the six month period. All relating correspondence will be removed from the employee's file.

7.4 **Written Warning**

7.4.1 A copy of a written warning will remain live on file for one year. A formal review will be held by this time to assess whether satisfactory standards of conduct have been maintained during the period. Reasons shall be given in writing if the warning is not to be expunged, if appropriate. Once the warning has expired it will be disregarded in all future cases of misconduct. A written warning would be appropriate:-

- for a serious offence; or
- where there has been a failure to improve conduct; or
- for a further offence of a similar nature for which a formal oral warning has been given which remains live.

7.5 **Final Written Warning**

7.5.1 A final written warning would be appropriate:-

- for a very serious offence which would not amount to gross misconduct but would justify a final written warning;
- for a very serious offence which would justify summary dismissal for gross misconduct, but a lesser penalty is appropriate in the circumstances; or
- where there has been failure to improve conduct; or
- for a further and different offence after a written warning has been given and remains live.

7.5.2 A copy of a final written warning will remain live on file for two years. A formal review will be held by this time to assess whether satisfactory standards of conduct have been maintained during the period. Reasons shall be given in writing if the warning is not to be expunged, if appropriate. Once the warning has expired it will be disregarded in all future cases of misconduct and all related documents will be removed from the employee's file.

7.6 Dismissal

- 7.6.1 For failure to improve, or for an act(s) of further misconduct after a final written warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice. The notice period will run from the date of the disciplinary hearing where the initial decision to dismiss was made.
- 7.6.2 For an act(s) of gross misconduct, dismissal will be without notice (summary dismissal).

7.7 Confirmation of Disciplinary Action

- 7.7.1 The employee will be provided with written confirmation of the finding, together with details of their right of appeal, within five working days of the conclusion of the hearing and a copy sent to the employee's representative.

7.8 Variation in Penalties

The following variations in action may be appropriate in certain circumstances:

- after a first written warning, further written warnings, although not normally more than one, may be issued before a final warning;
- it may be decided that the first instance of misconduct is sufficiently serious to justify the issue of a first and final warning;
- at a disciplinary hearing the Head teacher or the disciplinary committee may decide to issue a final warning rather than recommend dismissal;
- the governing body, when considering an appeal against the decision of the Head teacher or the disciplinary committee to dismiss, may decide to issue a further or final warning rather than dismiss.

8. THE APPEAL PROCESS

8.1 The Right of Appeal

- 8.1.1 An employee may lodge an appeal against any formal disciplinary action taken against him / her under this procedure in writing within 10 working days of the date upon which they receive written confirmation of the disciplinary action. The appeal will be heard by the appeals committee of the governing body.

- 8.1.2 The letter of appeal from the employee should state whether:

- it is against the findings that the allegations have been substantiated and / or against the form of disciplinary action taken; and/or
- the disciplinary procedure has been applied defectively or unfairly; and/or
- new evidence has come to light which was not available at the disciplinary hearing and which may make a difference to the original decision.

8.2 Preparation for the Appeal Hearing

8.2.1 All appeals will be heard at the earliest possible date, having regard for the need to provide notice of hearings.

8.2.2 Evidence presented to the appeals committee must enable the assessment of whether or not the allegations against the employee were accurate, justified and substantiated and whether the disciplinary action was appropriate in all the circumstances.

8.3 Notifying the Employee of an Appeal Hearing

8.3.1 The employee will be informed in writing of the place, date and time of the hearing at least five working days before the date of the appeal hearing.

8.3.2 Where the employee is to be represented by a recognised trade union, the date of the appeal hearing should be arranged in conjunction with that representative.

8.3.3 The employee should be informed that either party can produce witnesses and / or written witness statements and relevant supporting documents at the appeal hearing, should they so wish. This is subject to the requirement to exchange this information at least five working days before the appeal.

8.4 New Evidence

8.4.1 New evidence is permissible at the appeal. If either party wishes to introduce new evidence, they should give notice to the other party at least five working days before the appeal hearing giving details of the new evidence and copies of any supporting documents and / or names of witnesses and / or written witness statements to be presented. If, at the appeal hearing, the new evidence is of such significance that further investigation, information and / or clarification is required, it may be appropriate for an adjournment and to reconvene when this has been completed.

8.5 Witnesses

8.5.1 Witnesses called to give evidence at the appeal hearing will have their identity disclosed to the other side in advance unless exceptional circumstances prevent this e.g. where anonymity is to be preserved. If juveniles are to be called as witnesses, parents / guardians should be informed of this and given the opportunity to accompany the child to the hearing.

9. PROCEDURE TO BE FOLLOWED AT THE APPEAL HEARING

9.1 Presentation of the Case against the Employee

9.1.1 (a) The Head teacher or representative of the disciplinary committee makes an opening address outlining the case.

9.1.2 (b) The Head teacher or representative of the disciplinary committee calls witnesses, if any, so that taking each one in turn:

- he / she questions each witness;
- the member of staff or his / her representative has the opportunity to put questions to each witness;

- the Head teacher or representative of the disciplinary committee may clarify any issues by further questions to the witness;
- the members of the appeal committee of the governing body have the opportunity to question each witness;
- each witness withdraws after giving evidence;
- the member of staff or his / her representative has the opportunity to put questions to the presenter of the case;
- the members of the appeal committee of the governing body have the opportunity to question the presenter of the case.

9.2 **Presentation of the Employee's Case**

9.2.1 (a) The member of staff or his / her representative makes an opening address outlining his / her case.

9.2.2 (b) The member of staff or his / her representative calls his / her witnesses, if any, so that taking each one in turn:

- he / she questions each witness;
- the Head teacher or representative of the disciplinary committee has the opportunity to put questions to each witness;
- the member of staff or his / her representative has the opportunity to clarify any issues by further questions to the witness;
- the members of the appeal committee or the governing body have the opportunity to question each witness;
- each witness withdraws after giving evidence;
- the Head teacher or representative of the disciplinary committee has the opportunity to put questions to the employee;
- the members of the appeal committee of the governing body have the opportunity to question the employee.

9.3 **Summing up and Withdrawal**

9.3.1 (a) The Head teacher (if he/she heard the case at the disciplinary hearing) or representative of the disciplinary committee and the member of staff, or his / her representative, have the opportunity to sum up their case if they so wish, the member of staff to have the last word.

9.3.2 (b) Both parties then withdraw.

9.4 The Decision

- 9.4.1 (a) The appeal committee of the governing body with the Executive Director for Children's Services, Schools and Families or his representative will deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.
- 9.4.2 (b) The decision will be announced at the close of the hearing whenever possible. The chairperson of the appeals committee will confirm the decision in writing within five working days of the decision.

10. CONDUCT OF THE HEAD TEACHER

- 10.1 Should the Head teacher be the subject of disciplinary proceedings, the above procedure should still be followed with the chairperson of the governing body taking the role of investigator, with the Executive Director for Children's Services, Schools and Families available to provide professional advice and conduct the investigation, if required, by the governing body.
- 10.2 The outcome of an investigation into the conduct of the Head teacher must be referred to a panel of (ideally) three governors with delegated authority to take the initial decision to dismiss or otherwise determine the outcome of the disciplinary procedure. There will be a right to appeal to the appeal committee of governors as required.