

Knighton Church in Wales Primary School

Disciplinary Policy



Reviewed & Updated : December 2022

To be reviewed : Autumn Term 2023

**Cyngor Sir Powys County Council
Model Disciplinary Policy (Schools)**

Contents

1.	Introduction	3
2.	Purpose and Scope	3
3.	Matters Outside the Scope of the Procedure	3
4.	Key Points	4
5.	Informal discussion with the headteacher and/or line manager – outside of disciplinary process	5
6.	Committees	5
7.	Formal procedure for lesser misconduct (A)	6
8.	Gross Misconduct (where the allegation does not relate to allegations of child abuse) (B)	9
9.	Allegations of child abuse – receipt of an allegation (C)	11
10.	Disciplinary Hearing – appeal	16
11.	Absence due to illness	17
12.	Summary	17

Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
September 2022	New policy	HR	1	September 2027

Introduction

This model procedure presupposes that a delegation is in place allowing the headteacher to deal with allegations constituting lesser misconduct. Where this is not the case, suitable adjustments will need to be made and an alternative policy drafted, agreed with all relevant trade unions and adopted by the Governing Body.

1. This staff disciplinary procedure applies to school staff employed under a contract of employment with the school. It does not apply to staff employed directly by the LA, by an employment agency, staff whose contract of employment is held by another body, i.e. is shared with another school, or staff engaged under a contract to provide services. Members of staff have been made aware of this procedure and copies will be given to any member of staff who is the subject of any allegation.
2. All timescales included in this staff disciplinary procedure have been agreed by the governing body and the school's local staff unions. Depending on the circumstances of the case, there may need to be flexibility with these timescales, e.g. where there is a large amount of paperwork or unavailability of staff.
3. Where required throughout this procedure the chair of governors ('the chair') will take appropriate action on behalf of the governing body as delegated by the governing body unless they are compromised, in which case the vice chair of governors will take over the role and actions normally carried out by the chair. If the vice chair is also compromised the governing body will have to select another governor who is not compromised and minute this decision.

Purpose and scope

4. The governing body is responsible for the conduct and discipline of school staff and is required to have a procedure in place for dealing with staff disciplinary matters.
5. The aim of this procedure is to ensure consistent and fair treatment for all members of staff within the school.

Matters outside the scope of the procedure

6. Matters outside the scope of this disciplinary procedure include:
 - a. where employment is terminated:
 - i. by reason of redundancy
 - ii. by an employee reaching the end of a temporary or fixed-term contract
 - b. where any deficiencies in performance on the part of the staff member arise from a lack of aptitude or skill
 - c. staff grievances that employees raise with their employer
 - d. termination during or at the end of a probationary/induction period, whether or not extended beyond its originally specified duration
 - e. matters that should be dealt with through the governing body's general complaints procedure.

Key points

7. In all cases, the school and governing body will ensure that disciplinary cases are dealt with in an unbiased, open and fair way.
8. The key points are as follows.
 - a. Where appropriate, every effort will be made to address concerns about behaviour or conduct without recourse to formal procedures.
 - b. No disciplinary action will be taken against a member of staff until the case has been fully investigated (for allegations of harm (abuse) caused to a child the investigation will be independent).
 - c. An investigator will be objective and impartial but a member of staff may object to an investigator. The chair will determine whether the circumstances of the objection are valid and accepted and whether the investigator should be changed.
 - d. Where it is considered that the allegation(s) amount to lesser misconduct the matter will be dealt with through lesser misconduct procedures. The member of staff will be informed of the allegation(s) against them and will be given the opportunity to defend the allegation(s) at a disciplinary hearing held before the headteacher, or the chair for allegations against the headteacher.
 - e. A member of staff will not be dismissed for a first breach of discipline in cases of lesser misconduct but may receive a sanction in the form of a warning. Should the lesser misconduct be repeated it may result in a more severe sanction under the lesser misconduct process or a referral to the staff disciplinary and dismissal committee where it constitutes gross misconduct.
 - f. The member of staff will be informed of any warnings at the end of the hearing, including the length of time they are to remain 'live'. The warnings will be confirmed in writing. At the member of staff's request, a copy of the warning will be sent to their union representative.
 - g. Where it is considered that the allegation(s) amount to gross misconduct, the member of staff will be informed of the allegation(s) and will be given the opportunity to defend the allegation(s) at a hearing held before the governing body staff disciplinary and dismissal committee.
 - h. The member of staff will be provided with details of the membership of the staff disciplinary and dismissal committee prior to a hearing and advised of their right of objection to any committee member. It will be for the chair of governors to determine whether the circumstances of the objection are valid and accepted and whether a member of the committee is removed.
 - i. The member of staff will be provided with all relevant information prior to any hearing.
 - j. The member of staff has the right to be accompanied by a work colleague or a representative of their trade union during any investigation, disciplinary hearing or appeal hearing.
 - k. Dismissal for gross misconduct, following the decision of the staff disciplinary and dismissal committee or following the outcome of any appeal, is likely to be without notice. Note that for teaching staff and support staff in community, community special, voluntary controlled and maintained nursery schools, the local authority will issue notice or dismiss. For voluntary aided and foundation schools, this is the responsibility of the governing body.
 - l. A member of staff has the right to appeal against any disciplinary sanction.
 - m. The process is supportive towards the needs of the member of staff.

- n. Investigations and hearings will be conducted in English or Welsh, or with access to interpretation, at the request of the member of staff.

Informal discussion with the headteacher and/or line manager – outside of disciplinary process

9. There will be occasions when it is appropriate for a member of staff's actions to be discussed with them as part of normal supervisory arrangements without recourse to the formal procedures. In such circumstances the member of staff will be given guidance and support from their line manager. This could take the form of advice, counselling, training instruction, coaching or other managerial strategies as is appropriate.
10. It will be made clear in writing to the member of staff by way of an agreed note of the discussion:
 - what they need to do in relation to their conduct
 - how conduct will be monitored and reviewed, and over what period of time
 - that formal action could be taken if there is a recurrence of the conduct in question or if the member of staff fails to produce the necessary improvements.
11. Where discussions and support do not lead to the necessary improvements or relevant changes in conduct, within the agreed timescale, the member of staff will be advised in writing of further action to be taken, which may be formal. A record of these discussions will be retained and agreed by both parties.

Committees

12. The staff disciplinary and dismissal committee and staff disciplinary and dismissal appeals committee will each have a minimum of three governors, although they may have more. No governor will be a member of both committees and both committees will have separate local authority advisers.
13. The chair (unless the chair is tainted or compromised in which case the vice chair should take over) and the clerk to the governing body will make the arrangements for disciplinary hearings.

A. Formal procedure for lesser misconduct

14. Responsibility for disciplinary matters considered to be lesser misconduct has been delegated by the governing body to the headteacher.
15. Any lesser misconduct allegations made against the headteacher will be dealt with by the chair.
16. There may be rare occasions where, at the end of an investigation into lesser misconduct matters, the evidence in the investigation report indicates that the behaviour constitutes gross misconduct. If the headteacher or chair concludes that this is the case, a referral for

formal disciplinary action where dismissal may be an option may be justified. The member of staff will be informed immediately of this decision in writing.

The investigation

17. As soon as an allegation has been brought to the attention of the headteacher or the chair a full investigation will be carried out. This investigation will be undertaken by someone other than the person who may be required to take informal action/formal action. Where the allegation is about the headteacher the chair of governors will, where possible, arrange for the investigation to be carried out externally, by the LA, diocesan authority (if appropriate) or other independent person. A member of the senior management team will never be engaged to investigate allegations against the headteacher.
18. The member of staff has the right to object to any investigator. It will be for the chair to determine whether the circumstances of the objection are valid and accepted.
19. The member of staff and all relevant witnesses will be interviewed, having been given information and advance notice. Notes will be taken during interviews. All witnesses will be reminded of the confidential nature of the disciplinary process. No undertaking of confidentiality will be given to witnesses; however, the overall confidentiality of the disciplinary process will be respected.
20. The member of staff will be given the opportunity to respond to the allegation and will be advised of their right to be accompanied by a work colleague or a representative of their trade union at an investigation interview meeting. Witnesses may also be accompanied when giving evidence if they so wish.
21. Once the investigation has concluded, the investigating officer will present the findings to the headteacher or the chair in a written report. a copy of which will be provided to the member of staff. This will usually be done within 10 school days of receipt of the report.
22. Based on the evidence and findings in the investigation report the headteacher or chair with advice from the Local Authority may conclude that:
 - the allegation is false or unfounded and no further action will be taken
 - matters can be dealt with through informal procedures
 - there appears to be sufficient evidence of lesser misconduct for a hearing before the headteacher or chair
 - there appears to be sufficient evidence of lesser misconduct for a hearing to take place but, because the member of staff currently has a final written warning, the case should be referred to the staff disciplinary and dismissal committee
 - there appears to be sufficient evidence that the allegation constitutes potential gross misconduct to be considered at a disciplinary hearing before the staff disciplinary and dismissal committee.
23. Where the headteacher and/or chair is unable to reach an agreed decision, the matter will be referred to a hearing before the headteacher or chair or a hearing before the staff disciplinary and dismissal committee if the findings in the report show that the allegation is considered to constitute gross misconduct.

The hearing before the headteacher or chair of governors

24. A hearing will take place before the headteacher or the chair, supported by advice from the LA or diocesan authority (where appropriate).
25. The member of staff will be sent a copy of this procedure and a copy of the investigation report and supporting documentation, and will be informed in writing of at least 5 school days prior to the hearing:
 - the nature of the alleged misconduct
 - the relevant procedure being followed and why
 - the date, time and place for the hearing
 - the possible outcome/sanctions from the hearing if the allegation(s) are upheld.

They will also be advised of their right to:

- produce written statements which will be circulated to all parties in advance of the hearing
 - ask questions relating to any written statements
 - state their case in person and/or through a representative
 - produce witnesses
 - be accompanied by a trade union representative or work colleague of their choice.
26. The six possible outcomes following on from such a hearing are:
 - informal action
 - a recorded oral warning
 - a first written warning
 - a final written warning
 - a referral to a disciplinary hearing before the governing body's staff disciplinary and dismissal committee
 - the allegation is not upheld.

Informal action

27. As a result of the hearing, the headteacher or the chair may deal with matters by giving advice, counselling, training instruction, coaching or other managerial strategies as appropriate. Such activity may be delegated to a member of the senior leadership team. In respect of the headteacher, however, the chair will refer for additional training as appropriate.
28. Where discussions and support structures do not lead to improvement or the relevant changes in conduct in the agreed timescale, the member of staff will be advised orally and in writing of further action to be taken.

Formal action

Warnings

29. Standard warning periods are as follows:

- recorded oral warning – 6 months
- first written warning – 6 months • final written warning – 12 months.
- * warnings will commence from the date on which the hearing is concluded.

30. If the member of staff's conduct is satisfactory for the specified period of a warning, such warnings will be removed from the staff member's file after the specified period ends and will not be referred to again once spent.
31. A final written warning may be issued where lesser misconduct recurs despite attempts by senior managers to support the member of staff to improve their behaviour or conduct. A final written warning may also be issued where a single instance of proven misconduct is considered to be of a serious nature. It will also be made clear to the member of staff that failure to address the behaviours which are the subject of a final written warning could lead to further disciplinary proceedings which could lead to dismissal.
32. Every warning given will include:
- the specified period of the warning
 - what action/improvement/outcome is expected for the future and the action needed to avoid any further disciplinary action
 - the consequences of any failure to take the necessary action
 - the right to appeal
 - the time limit within which the appeal should be made
 - how the appeal should be made.

Records of warnings

33. All warnings will be issued to the member of staff at the conclusion of the hearing, where possible. The warning will be confirmed in writing within 5 school days with a copy going to the member of staff's trade union representative/work colleague, if requested by the member of staff. A record of the warning will be placed on the member of staff's file.

Appeals against formal warnings

34. There is a right of appeal against any disciplinary action. An appeal must be lodged within 10 school days from the receipt of the e-mail/ written correspondence (whichever is received sooner). The appeal must be in writing to the clerk to the Staff Dismissal and Disciplinary Appeals Committee and set out the grounds for appeal. The member of staff will be informed in writing of the date and time of the appeal hearing in advance. The appeal should be held within 20 school days. The appeals committee cannot impose a more severe penalty than that imposed at the first hearing.

B. Gross misconduct (where the allegation does not relate to allegations of child abuse)

35. The term gross misconduct means an act, or omission, or a series of actions or omissions by a member of staff that fundamentally repudiates the contract of employment. All gross misconduct allegations will be subject to a formal disciplinary hearing before the governing body's staff disciplinary and dismissal committee.

36. Gross misconduct allegations are usually referred to the headteacher or chair who will make an initial assessment of the situation (but not investigate) to determine the nature and circumstances of the allegation. This decision is not a predetermination of the case. The headteacher or the chair will seek advice from the local authority HR adviser on the most appropriate procedure to follow. The member of staff will be given as much information as possible at this stage provided it does not compromise witnesses (staff or pupils) or hinder a police investigation.
37. If the allegation involves potential criminal activity a referral will be made to the police. If this happens the governing body will normally take no further action until the matter is referred back to the governing body to complete the disciplinary process. The police will also be asked to agree what information can be released to the member of staff.
38. If after making the initial assessment of the allegation the conclusion of the headteacher or chair is that beyond reasonable doubt it is not possible for the allegation to be true, the headteacher or chair may take no further action. The member of staff will be informed immediately of this decision, which will be minuted by the clerk.

The investigation

39. **Please note: refer to paragraph 43 for allegations of child abuse.** As soon as an allegation has been brought to the attention of the headteacher or the chair (if it concerns the headteacher) a full investigation will be carried out. This investigation will be undertaken by someone other than the person who may be required to take informal action/formal action. Where the allegation is about the headteacher the chair of governors will, where possible, arrange for the investigation to be carried out externally, by the LA, diocesan authority (if appropriate) or other independent person. Consideration will be given as to any connection or prior involvement the appointed investigator may have with the member of staff as well as ensuring they have the relevant skills to undertake the investigation. A member of the senior management team will never be engaged to investigate allegations against the headteacher.
40. The member of staff has the right to object to any investigator. It will be for the chair to determine whether the circumstances of the objection are valid and accepted. The objection and the reasons for it should be sent to the Chair of Governors within 5 school days of the employee being informed. The member of staff and all witnesses will be interviewed, having been given information and advance notice. Notes will be taken during interviews and detailed notes produced... No undertaking of confidentiality will be given to witnesses; however, the overall confidentiality of the disciplinary process will be respected. All witnesses will be reminded of the confidential nature of the disciplinary process.
41. The member of staff will be given the opportunity to respond to the allegation and will be advised of their right to be accompanied by a work colleague or a representative of their trade union at an investigation interview meeting. Witnesses may also be accompanied when giving evidence if they so wish. Once the investigation has concluded, the investigating officer will present the findings to the headteacher or the chair in a written report.
42. Based on the evidence and findings in the investigation report the headteacher or chair, with advice from the Local Authority, may conclude that:

- the allegation is false or unfounded and no further action will be taken
- matters can be dealt with through informal procedures
- there appears to be sufficient evidence of lesser misconduct for a hearing before the headteacher or chair
- there appears to be sufficient evidence of lesser misconduct for a hearing to take place but, because the member of staff currently has a final written warning, the case should be referred to the staff disciplinary and dismissal committee
- there appears to be sufficient evidence that the allegation constitutes potential gross misconduct to be considered at a disciplinary hearing before the staff disciplinary and dismissal committee.

C. Allegations of child abuse – receipt of an allegation

43. Allegations of child abuse will be brought immediately to the attention of the headteacher who must inform the chair. The chair will receive allegations against the headteacher. The school should seek advice from the local authority designated lead officer for safeguarding in education and follow the Wales Safeguarding Procedures. The school and Governing Body must have regard to the Safeguarding Children in education: handling allegations of abuse against teachers and other staff (WG Guidance circular 009/2014) when carrying out their duties in relation to child abuse allegations.
44. The headteacher or chair will immediately discuss the allegation and possible action with the local authority designated lead officer for safeguarding in education who has responsibility for discharging the local authority's safeguarding duties.
45. Where this discussion concludes that beyond reasonable doubt the allegation is not true this decision and the justification for it will be recorded by the headteacher/chair and the local authority designated lead officer for safeguarding in education, and agreement reached on what information should be put in writing to the member of staff. No further disciplinary action will be taken. The chair will be informed of this decision.
46. If the initial discussion and assessment indicates that an allegation might be true, and there are concerns about the welfare of a child/children, the local authority designated lead officer for safeguarding in education will arrange for a strategy discussion to take place involving the statutory authorities (i.e. social services and/or the police) in accordance with local child protection procedures. This discussion will determine whether the allegation meets the threshold to arrange a professional strategy meeting.
47. The headteacher or chair will inform the member of staff about the allegation as soon as possible after consulting the local authority designated lead officer for safeguarding in education. However, if a strategy discussion is needed, or police or children's social services need to be involved, no information will be given until those agencies have agreed what information can be disclosed to the member of staff.
48. At any point the headteacher or chair may suspend the member of staff, on full pay, in line with the governing body's agreed procedures. Suspension will not be an automatic action but will be informed by a thorough risk assessment, which will be documented by the headteacher or chair. Other alternatives such as reassignment and/or restriction of duties will

be considered and discussed with the local authority designated lead officer for safeguarding in education and the local authority HR adviser. The headteacher and/or chair should provide appropriate support to the employee during this process. Suspensions will be reviewed by the chair (if they are not tainted) at intervals of no longer than 4 school weeks. The decision to extend a suspension, and the justification for it, will be reported to the member of staff and the governing body.

49. Only the governing body or the Chair (where delegated) can end a suspension. Once the statutory authorities (e.g. the police and social services) have concluded their consideration of the allegation, it will be referred back to the governing body to consider the next steps. This will happen even if the statutory authorities take the decision not to pursue a criminal investigation.

Referral for an independent investigation

50. Governing bodies must appoint an independent investigator to investigate allegations of harm caused to a registered pupil, except where it is satisfied:

- beyond reasonable doubt that the allegation is not true
- beyond reasonable doubt that there is no evidence to corroborate the allegation
- that the person about whom the allegation was made has admitted to having done what has been alleged
- that the person about whom the allegation has been made has subsequently been convicted of a criminal offence in relation to the same allegation following criminal proceedings.

A person is not to be regarded as independent if the person is (this is not an exhaustive list):

- a member of the governing body making the appointment
- a governor from another school within the federation of schools
- a parent/carer of a current pupil of the school in question
- a current or former member of staff of the school
- a member or employee of the local authority that maintains the school
- a trustee of the school
- a member of the appropriate diocesan authority for the school
- the body that appoints the foundation governors to the school governing body.

51. The representative from the governing body must not appoint an independent investigator until:

- the local authority has notified the governing body that it has discussed the allegation with all appropriate parties
- the statutory authorities have notified the governing body that:
 - (i) they have each concluded their investigation (if any)
 - (ii) any criminal proceedings have been discontinued or concluded
- the representative from the governing body has consulted with:
 - (i) the local authority designated lead officer for safeguarding in education
 - (ii) the headteacher (unless the allegation is made against them).

52. If there is any reasonable doubt or agreement cannot be reached the allegation will follow the gross misconduct procedures and will be independently investigated.
53. The independent investigator will interview all witnesses and gather all other relevant evidence in order to ensure a completely impartial and unbiased investigation is carried out as per the Terms of Reference. The report will not contain any personal views or comments, conclusions or recommendations as these are matters for the committee to determine.
54. The completed report will be given to the chair and the headteacher. If the allegation is about the headteacher, the report will be given to the chair and/or the delegated individual. The chair will keep the report safely stored and inform the clerk that a disciplinary committee hearing is required. They will also liaise with the local authority HR adviser over the date of the hearing, distribution of papers and the members of the staff disciplinary and dismissal committee.
55. The chair will ensure that all relevant papers, including the full investigation report, are sent to the member of staff, their union representative or work colleague (if requested), the person presenting the case against the member of staff, members of the staff disciplinary and dismissal committee and local authority within the timescales set out in this procedure.
56. No evidence will be removed by any party from the investigation report.

Appointment of an independent non-governor member on staff disciplinary and dismissal committees and staff disciplinary and dismissal appeals committees dealing with allegations of child abuse involving registered pupils

57. The staff disciplinary and dismissal committee and the staff disciplinary and dismissal appeals committee will each have at least two governors plus an independent non-governor with voting rights (as required in law). The appeals committee may have more governors but membership of the committees will not overlap.
58. A disciplinary hearing will be held as soon as it can be arranged by the clerk to the staff disciplinary and dismissal committee even if the member of staff has subsequently resigned, or is on sick leave if this is for an indeterminate period of time and the committee deems it appropriate and necessary.
59. The member of staff will be provided with a copy of the agreed disciplinary and dismissal procedure and informed in writing of:
 - the date, time and place for the disciplinary hearing
 - details of the allegation(s) together with any supporting document
 - names of any witnesses to be called if appropriate
 - name of the adviser to the headteacher or chair
 - a copy of the up-to-date procedure
 - their right to be accompanied by a work colleague or a representative of their trade union
 - the purpose of the hearing and the range of possible outcomes

- the membership of the staff disciplinary and dismissal committee and the staff disciplinary and dismissal appeals committee
 - the name of the person presenting the case against the member of staff
 - the date by which all relevant documentation must be returned to the clerk.
60. The clerk will arrange for the documentation from both parties to be distributed to the member of staff and their representative prior to the hearing, including up-to-date procedures, in accordance with the timescales set out in this procedure. In accordance with the law, all papers will be issued at least five school days prior to the hearing.
61. The staff member will be afforded the right to object to any member of the committee or the independent member on the basis of evidence that calls into question their ability to act impartially in the circumstances of the case. Objections should be sent to the chair and it will be for the chair to decide whether an objection is upheld.

The hearing

62. The hearing will be conducted in a fair manner with all parties having the opportunity to present evidence and call and question witnesses. There will also be an opportunity for the presenting officer and the member of staff and/or their trade union representative/work colleague to summarise their case. The clerk to the governing body will be present to record the hearing in detail.
63. There will be an opportunity for the staff disciplinary and dismissal committee to receive advice after which members of the committee will be left alone with the clerk to discuss the evidence and make their decision. HR advice will be noted.

Decision reached after the hearing has taken place for all gross misconduct allegations

64. Having considered all the evidence and taken into account advice provided the staff disciplinary and dismissal committee will make their decision, their options include.
- a. specifying required training and development
 - b. relegation to a lower grade
 - c. oral warning
 - d. written warning
 - e. final written warning
 - f. dismissal (with or without notice)

A referral to the Education Workforce Council and Disclosure and Barring Service must also be considered.

65. Where possible this decision will be given verbally at the end of the hearing. The committee's decision will also be given in writing to the member of staff as soon as possible after the hearing and in any event within 10 school days of the hearing. The member of staff will also be informed of their right to appeal and the timescale within which this must be made.
66. Details of allegations found not to be upheld will be removed from the personnel records for the member of staff. However, for upheld allegations, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any

action taken and decisions reached, will be kept on the confidential personnel file of the member of staff for the relevant period of time. A copy of this documentation will also be provided to the member of staff.

67. Suspension (or other appropriate temporary action such as redeployment to another post outside of the school or the application of restricted duties) pending disciplinary proceedings may be considered for misconduct allegations where:
- it appears to be necessary to exclude the member of staff from the school, for the protection of themselves, pupils, other staff or property, or for the orderly conduct of the school
 - the continued presence at work of the member of staff would be an obstacle to proper investigation of the allegations made against that member of staff.
68. Suspension will not be used in a punitive way and will be on full pay and without loss of employment entitlements. The member of staff will be called to an interview with the headteacher or chair before a suspension is implemented. Written notice will be given to all relevant parties following a decision to suspend.
69. The decision to suspend can be taken by the headteacher or the chair but only the governing body can end a suspension, subject to the relevant delegations. The governing body may delegate this responsibility to the chair, the chair of the staff disciplinary and dismissal committee or the chair of the staff disciplinary and dismissal appeals committee. This decision will be minuted.
70. Before taking a decision to suspend or take other action the headteacher or chair must seek advice from the LA HR adviser and if appropriate, the diocesan authority. All decision making must be recorded and a template suspension risk assessment is available for this purpose. For child abuse allegations the advice of the local authority designated lead officer for safeguarding in education must be sought and advice from any other statutory authorities that are involved, i.e. police or LA social services, will also be considered. The continued effect of the suspension will be kept under review by the headteacher or chair at least monthly (excluding school holiday periods) and the outcome of the review reported to the member of staff and the governing body.
71. Should the employee become absent due to illness during the period of suspension or restriction of duties, or at any point throughout the disciplinary process, a fit note will be required. At this point, the employee's status changes from being suspended to being absent from work due to sickness and the employee may be referred to Occupational Health, in line with the School's Sickness Absence Management policy.
72. During the period when the employee is unfit for work, their suspension or restriction of duties will continue to be reviewed in line with paragraph 70.

Disciplinary hearing – appeal

73. A member of staff is entitled to appeal against a decision of the staff disciplinary and dismissal committee or the headteacher or chair (in respect of sanctions imposed under the lesser misconduct process). The notice of the intention and grounds for appeal needs to be lodged with the clerk to the staff disciplinary and dismissal appeals committee within 10 school days of receiving the outcome. It should be noted that where the outcome is emailed to the employee the date of the email will be the start of the 10 school days.
74. The appeal for both lesser and gross misconduct allegations will be heard by the disciplinary and dismissal appeals committee within 20 school days of receipt of the appeal and the grounds for the appeal. Appeal hearings will focus on the issues set out in the appeal notification and may not always take the form of a complete rehearing. The form of the disciplinary appeal hearing will be a matter for the staff disciplinary and dismissal appeals committee to decide based on the nature of the appeal and any comments made. The member of staff will be given notice of the date and time of the appeal hearing. Agreeable times and dates will be arranged for all parties concerned where possible.
75. The staff disciplinary and dismissal appeals committee will come to one of three conclusions after considering all the facts presented to it, including any new evidence. These are to
- uphold the decision of the staff disciplinary and dismissal committee or headteacher or chair (in respect of lesser misconduct proceedings)
 - impose a lesser penalty
 - conclude that no disciplinary action should be taken against the member of staff.
76. The staff disciplinary and dismissal appeals committee will not impose a more severe penalty than that imposed by the headteacher or chair (in respect of the headteacher in lesser misconduct cases) or the staff disciplinary and dismissal committee (in gross misconduct cases).
77. The decision of the staff disciplinary and dismissal appeals committee will be final and the staff member will be informed in writing.
78. The member of staff will be given a copy of the detailed notes of the appeal hearing and a copy of the staff disciplinary and dismissal appeals committee's conclusions.
79. If, as the result of an appeal, no disciplinary action is taken, all details thereof will be removed from the member of staff's personnel file and they will be informed accordingly. The member of staff will be given a copy of the detailed notes of the appeal hearing and a copy of the staff disciplinary and dismissal appeals committee's conclusions.

Absence due to illness

80. If the staff member is absent due to sickness, the staff disciplinary and dismissal committee may decide to postpone the hearing. However, where the staff member may be absent for an indeterminate period, the staff disciplinary and dismissal committee can decide to hold the hearing. Where this decision is made the chair of the staff disciplinary and dismissal committee will inform the member of staff and offer the opportunity for a representative to attend in their place (i.e. a union representative or work colleague) or submit written evidence to present their case. The representative will have the same opportunity as the staff member to present evidence, call witnesses and sum up the staff member's case.

Summary

81. In adopting this procedure the governing body has taken due regard of advice and guidance from the local authority and the Welsh Government in their circulars on *Disciplinary and dismissal procedures for school staff* guidance and *Safeguarding children in education: handling allegations of abuse against teachers and other staff*. It has also consulted the local trade union representatives.
82. The governing body will also consult further before any amendments are made to this disciplinary procedure.

Signed by chair of governors on behalf of the governing body: Eirlys Spawton

Date approved: 13/12/22 Date of review: Autumn 2023 (by full governing body)

Date sent to local authority: 13/12/22