



NORTHAMPTON PRIMARY
ACADEMY TRUST PARTNERSHIP

Disciplinary Hearing and Appeal Guidance

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Chair of Directors Signature:	Adrian White
Renewal Date:	10 May 2020

Section 1 - Procedure for Disciplinary Hearing by the Senior Manager/Head Teacher/ Disciplinary Committee

1. Presentation of the Management Case

- a) The management representative* may make an opening address outlining the case.
- b) The management representative calls each witness in turn so that:
 - i. The witness is asked questions.
 - ii. The employee's companion** has the opportunity to ask the witness questions.
 - iii. The management representative may ask the witness questions of clarification.
 - iv. The Senior Manager/Head Teacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence, except the management representative who is a witness and presents the outcome of the disciplinary investigation.

*Management representative will usually be the Investigating Officer.

**Companion will be defined in the School's Disciplinary Procedure. Legally it may be a work place colleague or trade union representative.

2. Presentation of the Employee's Case

- (a) The employee's companion may make an opening address outlining the employee's case.
- (b) The employee's companion calls each witness in turn so that:
 - i. The witness is asked questions.
 - ii. The management representative has the opportunity to ask the witness questions.
 - iii. The employee's companion may ask the witness questions of clarification.
 - iv. The Senior Manager/Head Teacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence except the employee who has been a witness to his/her own case, who has the right to remain throughout the hearing procedure.

3. Summing Up

- (a) The management representative and then the employee's companion shall have the opportunity to sum up their case if they so wish.
- (b) Both parties then withdraw.

4. The Head Teacher/Disciplinary Committee's Decision

- (a) The Head Teacher/Disciplinary Committee, together with an appointed adviser(s), is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- (b) The Head Teacher/Disciplinary Committee is to announce its decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing soon afterwards. Where the decision is to dismiss or to give a disciplinary warning, the employee will be advised of his/her right of appeal against the decision of the Head Teacher/Disciplinary Committee.

Notes on the Procedure

- 1. The management case may be presented by someone other than the Investigating Officer and the Investigating Officer may remain in the hearing throughout as or with the management representative. If the employee is the Head Teacher, the management case will be brought by the Chief Executive Officer who may remain throughout the hearing if someone other than the Chief Executive Officer presents the case.
- 2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.
- 3. The Head Teacher/Disciplinary Committee will normally have access to an adviser to advise him/her on the law and on procedures. The Head Teacher/ Disciplinary Committee will make the decision. No adviser shall vote on the matter being considered by the Head Teacher/ Disciplinary Committee.

Section 2 - Procedure for an Appeal Conducted by a Committee of the Local Governing Body

1. Presentation of the Employee's Appeal

- (a) The employee's companion* may make an opening address outlining the employee's case.
- (b) The employee's companion calls each witness in turn so that:
 - i. The witness is asked questions.
 - ii. The management representative** has the opportunity to ask the witness questions.
 - iii. The employee's companion may ask the witness questions of clarification.
 - iv. The members of the Committee have the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence, except the employee who has been a witness to his/her own case, who has the right to remain throughout the hearing.

*Companion will be defined in the School's Disciplinary Procedure. Legally it may be a work place colleague or trade union representative.

**Management representative will usually be the Investigating Officer.

2. Presentation of the Management Response

- (a) The management representative may make an opening address outlining the case.
- (b) The management representative calls each witness in turn so that:
 - i. The witness is asked questions.
 - ii. The employee's companion has the opportunity to ask the witness questions.
 - iii. The management representative may ask the witness questions of clarification.
 - iv. The members of the Committee have the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence except the Head Teacher, who has been a witness and is bringing the management case to the Committee, has the right to remain throughout the hearing.

3. Summing Up

- (a) The management representative and the employee's companion have the opportunity to sum up their case if they so wish; the employee's companion to have the last word.
- (b) Both parties then withdraw.

4. The Committee's Decision

- (a) The Committee, together with an appointed adviser(s), is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- (b) The Committee is to announce its decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing within 5 days.

Notes on the Procedure

- 1. The management response may be presented by someone other than the Head Teacher and the Head Teacher may remain in the hearing throughout with the management representative. If the employee is the Head Teacher, the management response will be brought by the Chief Executive Officer who may remain throughout the hearing if someone other than the Chief Executive Officer.
- 2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.
- 3. The Committee will normally have access to an adviser to advise the Committee on the law and on procedure. The Committee will make the decision. No adviser shall vote on the matter being considered by the Committee.
- 4. Where it is considered appropriate, the appeal hearing may be conducted as a re-hearing. In this case the procedure used at the first hearing will be used.