

Procedure for Disciplinary Hearing by the Senior Manager/Headteacher/ 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/Headteacher/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 is defined in the Trust's Disciplinary Procedure as 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/Headteacher/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 Headteacher/Disciplinary Committee's Decision

- (a) The Headteacher/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 Headteacher/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 Headteacher/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 Headteacher, the management case will be brought by the Chair of Directors who may remain throughout the hearing if someone other than the Chair of Directors presents the case.
- 2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.