



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Employee Relations (Discipline and Grievance) Model Policy & Procedure

Produced by	People and Organisational Development Services, Corporate Support Services Directorate
Date approved and agreed	
Review Date	
Date Amended	

If you need this document in a different format please telephone
0161 474 4777 (internal 4777)

Contents

Employee Relations Policy.....	3
1. Introduction.....	3
2. Scope of the policy.....	3
3. Policy statement.....	4
4. Roles and Responsibilities.....	5
4.1 The Governing Board.....	5
4.2 Senior Managers (Headteacher or equivalent).....	6
4.3 Employees.....	6
4.4 Human Resources.....	6
4.5 Investigating Officer.....	7
4.6 Witnesses.....	7
4.7 Employee's representative.....	8
4.8 The person or panel conducting a hearing.....	8
5. Links with other policies and procedures.....	8
Disciplinary Procedure.....	9
6. Introduction.....	9
7. Standards of Conduct.....	9
8. Suspension.....	10
9. Investigation.....	11
10. Disciplinary Hearing.....	11
10.1 No further action should be taken.....	12
10.2 Matter should be dealt with informally.....	12
10.3 Matter should proceed to a disciplinary hearing.....	12
11. Outcomes from a disciplinary hearing.....	13
12. Appeals against disciplinary action.....	14
13. Employees with more than one post.....	14
14. Referral to Statutory Bodies.....	14
15. Referral to the police.....	15
16. Employee support.....	15
Grievance Procedure.....	16
17. Introduction.....	16
18. Making the complaint.....	16
19. Formal stage- Grievance meeting with the Headteacher or a Governor.....	17
20. Appeal.....	18

Appendix 1 19
 Examples of misconduct 19
 Examples of gross misconduct..... 19

Employee Relations Policy

1. Introduction

- 1.1 This document sets out the school's policy and procedures for dealing with employee relation situations, in particular disciplinary and grievance issues.
- 1.2 Disciplinary situations include misconduct issues; misconduct includes poor performance due to neglect or deliberate actions. Grievances are concerns, problems or complaints that employees want to raise about their employment. Employee concerns can include any form of harassment, discrimination, bullying or victimisation (see also Dignity at Work policy - link).
- 1.3 The law delegates dismissal decisions to one or more governors, the headteacher, or one or more governors and the headteacher. **Governors confirm in this policy, from their scheme of delegation, those with the power to dismiss are E Newson, Headteacher, L Chadbourne, Chair of Governors, P McDonald, Governor and L Stevenson, Governor.** Advice can be sought from the School's HR provider.
- 1.4 If a complaint has any potential child protection issues the Local Authority Designated Officer must be informed immediately.

2. Scope of the policy

- 2.1 The Model Policy is set out as a school policy and therefore, refers to the "governing board", rather than the "relevant board". However, the Policy is intended to be easily amended or adapted to cover circumstances where the relevant board is the Local Authority.
- 2.2 This policy and procedure applies to all employees of Banks Lane Infant & Nursery School with the following exceptions:
 - Newly Qualified Teachers
 - Support staff within their probationary period.

The disciplinary procedure does not apply to termination of fixed-term and other temporary contracts of employment (matters of misconduct will normally be dealt with under this procedure); termination during or at the end of a probationary period of service, whether or not extended beyond its originally specified duration (for which separate arrangements apply); termination of employment by reason of redundancy; resignation by the employee, or other termination by mutual consent.

The grievance procedure does not apply to a pay/grading claim for which separate procedures exist; a declared grievance in connection with a matter for which the employee has been suspended or notified of the date of a disciplinary interview or disciplinary hearing concerning an alleged act of misconduct; a declared grievance in connection with alleged unsatisfactory performance when the employee has been notified of the date of an interview or formal hearing concerning that matter; a matter more appropriate to the Council's collective negotiation and consultation procedure or any matter relevant to the School's Confidential Reporting Policy (Whistleblowing) (link to model policy).

- 2.3 This policy is written in accordance with the Employment Rights Act 1996; Employment Relations Act 1999; Employment Act 2008 and the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary and Grievance Procedures.

3. Policy statement

- 3.1 The Governing Board believes that in order to promote good employee relations and practices it is necessary to demonstrate that employees will be treated fairly, reasonably and consistently in matters relating to discipline and grievances.
- 3.2 The Governing Board believes that employees understand the need for high standards of behaviour and accept that in order to maintain these standards, appropriate action needs to be taken when conduct falls below an acceptable level.
- 3.3 Managers at all levels within the school have a responsibility to maintain high standards of behaviour and performance, address matters of misconduct appropriately and support employees whose conduct needs to be improved. If matters of misconduct are not addressed at an early stage a situation may escalate and result in a higher sanction.
- 3.4 Prior to any decision regarding disciplinary action being taken, Managers need to allow all employees the opportunity to state their case when a disciplinary matter arises and ensure that all facts of the case have been thoroughly investigated prior to any disciplinary hearing. Minor misdemeanours may be dealt with informally and where no misconduct is found the matter will be disregarded.
- 3.5 In cases where alleged misconduct is established on the balance of probabilities, the following formal disciplinary action may be taken
- Level 1 – for a minor offence or offences
 - Level 2 - written warning - for a more serious offence

- Level 3 - final written warning - for a serious offence, or for an offence after a written warning has been given and is current (within the last twelve months) or
 - Level 4 – dismissal (see point 1.3)
- 3.6 Employees will have the right to be represented by a colleague, a trade union representative or trade union official at all formal or investigatory meetings, hearings and appeals conducted under the Employee Relations policy.
- 3.7 All parties will ensure that investigation, hearing and appeal processes progress as quickly as is reasonably possible for the benefit of the organisation and the employee. Repeated adjournments will be discouraged.
- 3.8 Employees will have the right of appeal against any disciplinary action taken under this policy and procedure.
- 3.9 Employees should be confident that the school will comply with its obligations with regard to the Equalities Act 2010 in terms of reasonable adjustment.
- 3.10 Except in the case of gross misconduct no one will be dismissed for a first breach of discipline.
- 3.11 Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- 3.12 The prime focus of managers and employees raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
- 3.13 Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- 3.14 Mediation should be considered where accessible, appropriate and agreed.

4. Roles and Responsibilities

This section outlines the roles and responsibilities for the main parties involved in the management of employee relations. These lists are not exhaustive.

4.1 The Governing Board

The law delegates dismissal decisions to one or more governors, the headteacher, or one or more governors and the headteacher. Governors have stated in 1.3, from their scheme of delegation, who has the authority to dismiss.

The Governing Board is responsible for establishing procedures for the regulation of conduct and discipline of staff. These functions cannot be delegated.

4.2 Senior Managers (Headteacher or equivalent)

Senior managers play a lead role in maintaining positive employment relationships within the school. They are responsible for ensuring that:

- staff are aware of this policy and associated procedures and that managers are able to deal effectively with disciplinary and grievance situations in the workplace;
- that an appropriate and effective communication and training plan is in place to embed this policy and procedure into the organisation and
- appropriate action is taken against managers and supervisors that fail to manage employee relations in line with this policy.

In order to achieve the consistent application of this policy and procedure appropriate arrangements will be made by senior managers to:

- ensure that employees are aware of and can access the policy and procedures and for applying them in a fair and consistent manner
- ensure that employees are made aware of the standard of conduct expected from them
- deal with minor misconduct and work performance issues in the first instance informally and promptly;
- ensure that employees are given every opportunity to respond to grievances promptly;
- communicate any changes to timescales outlined in this policy and procedure to the employee involved and explain the reason why; and
- seek advice and guidance, when necessary from the HR provider.

4.3 Employees

All employees are responsible for:

- raising an issue at work promptly with their manager and pursuing the issue if it is not resolved informally
- arranging representation at investigatory meetings; hearings and appeals conducted under this policy and procedure; and
- engaging in any learning and development in relation to this policy and procedure.

4.4 Human Resources

Human Resources plays an important role in supporting the school to manage employee relations effectively. Its role is to:

- equip managers with model procedures and guidance that will assist them to manage employee relations issues;
- assist managers with preparing and presenting management's case at a hearing (where necessary);
- be present at a hearing to provide advice to the panel and to attend at subsequent deliberations;
- meet and brief any witnesses who are requested to attend the Disciplinary Hearing about their role and the structure of the hearing;
- support managers and employees on the interpretation and application of this policy; and
- provide skills and knowledge-based training to enable managers to fulfil their responsibilities under this policy and procedure.

4.5 Investigating Officer

The Investigating Officer is appointed by the Headteacher or Chair of Governors to undertake a formal investigation when issues of suspected misconduct arise. The Investigating Officer should not have been involved in any of the issues under investigation.

When appointed, the officer should:

- Convene an initial investigatory meeting to establish facts from the employee's perspective;
- Conduct a thorough investigation, ascertaining all facts relevant to the allegation;
- Gather statements from and if necessary interview any parties relevant to the investigation;
- Compile a management report stating how the investigation was undertaken and present all evidence gathered during the investigation;
- Convene a Disciplinary Hearing Panel when necessary, arranging the Panel Chair, HR Support and communicating venue arrangements to all parties;
- Present the Management report and if necessary question the employee at the Disciplinary Hearing.

4.6 Witnesses

Witnesses will be interviewed by the Investigating Officer as part of the investigation process. It is important to note that relevant witness statements should normally be supported by the appearance of the witness at the hearing to answer questions by both parties as statements alone do not carry as much weight.

There may be circumstances where pupils are involved as witnesses in the disciplinary process but where it may not be appropriate for them to appear at

Page | 7

the hearing. In such circumstances a written statement may be produced in accordance with the procedure. The employee or his/her trade union representative shall be given the opportunity to interview the pupil(s), and/or to observe the 'management' interview with such a witness, this being subject to parental agreement. Parents should be given every opportunity to be in attendance at any interview with their child(ren) as should an independent third party if requested by either the school or the employee.

4.7 Employee's representative

The employee may be accompanied by a trade union representative or a work colleague at formal meetings held under the Employee Relations Procedure.

During investigatory interviews, the role of the employee's companion is to provide general support to the employee, so that the individual can fully participate in the interview. This may include, for example, seeking clarification of any questions, responses or points raised at the interview, note taking to assist understanding. It does not include answering a question directly on behalf of an employee.

At all hearings, however, the employee's representative may present and sum up the employee's case, respond on the employee's behalf to points raised at the hearing, and confer with the employee during the hearing.

4.8 The person or panel conducting a hearing

The person that chairs a hearing will be a Headteacher or governor who has not been involved in the investigation. They will have had no prior involvement with the case and have the authority to dismiss if necessary. An HR representative may be present to advise the Chair or panel and to ask questions.

The Chair or panel will hear all the evidence presented at the hearing and make a decision based on the evidence available as to the appropriate action to take.

5. Links with other policies and procedures

In dealing with employee relations issues, managers may also need to make reference to other policies, procedures and information including the following:

- Safer Workplace Practice – Workplace Conduct
- Dignity at Work procedure
- Confidential Reporting policy (Whistleblowing policy)

- Capability Procedure for Teachers
- Capability Procedure for Support Staff

These policies and procedures are available from Office Online/SLA Online with further advice available by ringing 474 4777 Option1, Option 2 or from hrschools@stockport.gov.uk.

Disciplinary Procedure

6. Introduction

- 6.1 This procedure is designed to encourage all employees to achieve and maintain acceptable standards of conduct and to provide a fair and effective mechanism to dealing with disciplinary matters.
- 6.2 Many potential problems and difficulties can and should be resolved informally. Wherever possible an employee and their manager should seek solutions in a manner that encourages good working relationships through support and training. Employees have a crucial role in taking responsibility for their conduct and acting to address issues and concerns. Further information can be found in the Guidance Notes for Managers - Employee Relations.
- 6.3 The formal process is intended to be used for problems that are serious incidents, or serious because they remain unresolved after informal steps have not received a satisfactory outcome.

7. Standards of Conduct

- 7.1 Standards of conduct are necessary for promoting good employee relations and ensuring fair and consistent treatment of individuals. School employees are expected to maintain standards of conduct and any breach of good conduct will be subject to disciplinary action.
- 7.2 The standard of conduct expected by the School can be found in its code of conduct.
- 7.3 Certain misconduct, normally referred to as gross misconduct, is so serious that the first occurrence would probably call for summary dismissal. Acts which constitute such misconduct are those resulting in a serious breach of the terms of employment.
- 7.4 Examples of misconduct and gross misconduct are enclosed on appendix 1.

Commented [KH1]: Check title

8. Suspension

- 8.1 Where an issue of alleged gross misconduct has arisen, the employee should normally be suspended from work on pay pending the outcome of an investigation and any disciplinary hearing. It should be noted that suspension is a neutral act and may be relevant to ensure the integrity of the investigation.
- 8.2 Suspension from work will be on full contractual pay except that where an employee when suspended is receiving less than full pay (or no pay) under the terms of their contract of employment, that entitlement (or lack of it) of less than full pay shall continue during the period of absence.
- 8.3 Leave periods for teachers will continue to fall within the school closure times. If a support employee employed on a full year contract wishes to take a holiday whilst suspended they will make a request for leave from their line manager and will also inform the Investigating Officer(s) that they will be on annual leave and will be unavailable to attend investigatory meetings. Employees should ensure that they request and take their annual leave entitlement as normal during the period of suspension.
- 8.4 An employee who is sick during a period of suspension will be classed as off sick and will be paid in accordance with the sick pay scheme. When they become fit for work they will again be classed as suspended (unless the suspension has come to an end in the meantime, in which case they will attend for work). The suspended employee and their manager must follow the school's Sickness Absence Management procedure. The employee's line manager will notify the Investigating Officer(s) of the employee's sickness.
- 8.5 If at any stage, the investigation indicates that there is no disciplinary case to be heard or that the level of misconduct is no longer judged to be gross in nature, the suspension will be lifted and the employee will return to work. Suspension can only be ended by the governing board. This cannot be delegated.
- 8.6 The power to suspend lies with the employee's Headteacher, Chair of Governors or nominated governor(s). Managers should seek advice from their HR provider prior to suspending an employee.
- 8.7 A period of suspension should not initially exceed twenty days. Where an extension is required, the Investigating Officer will agree this with the Chair of Governors. The reasons for this and the period of any subsequent extension(s), which will normally be for up to twenty working days, will be confirmed in writing to the employee.
- 8.8 Once the decision to hold a suspension meeting has been confirmed the Headteacher, Chair of Governors or nominated governors should verbally invite the employee to a meeting. The employee should be made aware that the meeting may result in suspension. Employees should be allowed

appropriate time to organise representation. However, employees should be made aware that the meeting will not be delayed.

- 8.9 The meeting should be held and the employee should be allowed the opportunity to give an initial response to the concerns raised before a decision to suspend is taken. The decision to suspend and the reasons for this will be confirmed in writing within two working days.
- 8.10 The meeting may be adjourned to establish whether to continue with the decision to suspend the employee. The meeting should then be reconvened and the employee advised of the outcome.
- 8.11 If the employee is unable or unwilling to attend a meeting for this purpose for whatever reason, they will be informed by letter within two working days of the decision to suspend and the reasons for this.

9. Investigation

- 9.1 Where a matter arises which is suspected or believed to be a breach of discipline or appropriate standard of conduct, or may otherwise be a disciplinary matter, the employee's manager or similar will conduct an investigation and will assume the role of 'Investigating Officer'. Further information about the role of the Investigating Officer can be found in Guidance Notes for Managers - Employee Relations.
- 9.2 Where the police are involved in the case, the internal investigation will be suspended until a determination has been made.
- 9.3 Unless there are exceptional reasons the employee will normally be interviewed as a key part of the investigation process. This will not be a disciplinary hearing but will be for the purpose of investigating the matter before deciding whether to proceed with disciplinary action.
- 9.4 At the meeting, the Investigating Officer should establish the facts from the employee's perspective and allow the employee with the opportunity to provide any relevant information. The employee may be accompanied by a Trade Union representative or colleague at any meeting.
- 9.5 Detailed guidance for instigating and carrying out investigations can be found in the Investigation Toolkit, including interviewing witnesses.

10. Disciplinary Hearing

Once the investigation is complete, the Investigating Officer should come to a conclusion and make an, evidence based, decision as to whether any action

needs to be taken. The decision will come under one of the following categories:-

- No further action needs to be taken;
- the matter should be dealt with informally; or
- the matter should proceed to a disciplinary hearing.

10.1 No further action should be taken

The Investigating Officer should write to the employee stating the outcome of the investigation. If the employee has been suspended, the governing board should be informed of the recommendation that no further action is necessary so that a decision to lift the suspension can be taken. The employee should be informed in writing within two working days.

10.2 Matter should be dealt with informally

If the Investigating Officer decides that the misconduct issue can be dealt with informally, the manager should discuss solutions with the employee. These could include training or coaching but this will depend on the conduct issue. A record of actions agreed will be kept.

10.3 Matter should proceed to a disciplinary hearing

If on completion of the investigation, the Investigating Officer decides that the matter should proceed to a hearing, the employee will be given a minimum of 10 working days advance notice of the hearing. The employee will be told the purpose of it, with the nature of the alleged misconduct being outlined; and requested to attend together with their trade union representative or colleague. The employee should be given any documentary evidence in advance.

The Investigating Officer or manager should arrange a date for the hearing, giving the employee a minimum of 10 working day's advance notice. The hearing will normally be conducted by a disciplinary panel chaired by a Headteacher or equivalent. Where dismissal is a possibility a panel comprised of governors, who will be advised by the HR provider, will be convened

The Investigating Officer who conducted the investigation will not be a member of the disciplinary panel, but will be asked to present the supporting facts and material.

The Investigating Officer should prepare a management report. The employee has the right to representation and should confirm their attendance at the meeting with the Investigating Officer. Copies of any documents will be made available to all parties in advance of the hearing.

Both management and the employee will present their case, calling any witnesses if necessary. The hearing will be adjourned whilst the panel considers the Investigating Officer's and employee evidence. The hearing will be reconvened and the Chair will deliver the decision and the disciplinary action, if any, to be taken. The employee will be sent a letter detailing the outcome of the hearing within 3 working days of the hearing. A copy will be placed on the employee's personal file.

If the employee's trade union representative or colleague or is not available to attend on the date proposed for the hearing, the employee can offer an alternative time and date so long as it is reasonable and falls within ten working days of the original date proposed. Disciplinary processes will not, however, be unreasonably delayed to accommodate representation.

If, for good cause, the employee is unable to attend the first arranged hearing, it will be adjourned to a suitable date in the near future which the employee and his or her representative (if any) will be informed of, without delay.

The employee will be notified that if he or she is unable to attend the rearranged hearing, it will normally proceed in his or her absence, but with his or her representative being provided with an opportunity to present the employee's case on his or her behalf. Any submission by the employee in writing, or by his or her representative, will be considered.

No action shall be taken against any individual who is a recognised officer or representative of a trade union, other than temporary suspension, until the circumstances have been discussed with a full time or other official of the individual's trade union.

11. Outcomes from a disciplinary hearing

- 11.1 Following the hearing the chair or panel may decide that no disciplinary action is necessary.
- 11.2 Alternatively, the chair or panel may decide to take the following forms of disciplinary action:-
- First written warning which will normally remain live for 12 months from the date of the decision;
 - Final written warning which will normally remain live for 12 months from the date of the decision;
 - Dismissal; or
 - Action short of dismissal, with final written warning (if an employee refuses action short of dismissal, then dismissal will occur).
- 11.3 A disciplinary decision will not be taken at a higher level than the level at which the hearing is called. It will be confirmed in writing to the employee

within 3 working days of the hearing and a copy of the letter placed on the employee's personal file.

Guidance on dealing with action short of dismissal can be found in Guidance Notes for Managers - Employee Relations.

12. Appeals against disciplinary action

- 12.1 The employee should appeal in writing to the nominated manager or governor (as outlined in the hearing letter) setting out the grounds for the appeal within 10 working days of receipt of the notification of disciplinary action. The letter of appeal should clearly set out the basis of the appeal which might include unfairness of the judgement; severity of the penalty; procedural irregularities; or the existence of new evidence.
- 12.2 The employee will be given not less than 10 working days' notice of the time and venue of the appeal hearing. Documents relating to the appeal will be circulated at least 5 working days in advance of the appeal hearing.
- 12.3 The hearing will have a different Chair and panel from the original hearing. If the original hearing was chaired by the Headteacher, a panel of governors will hear the appeal, supported by the HR provider.
- 12.4 Employees have the right to representation at the appeal hearing.
- 12.5 Both the management side and the employee will present their cases. Unless there are exceptional circumstances, it will not be usual for witnesses to be called.
- 12.6 The employee will receive written confirmation of the outcome of the appeal within 3 working days which will:
 - confirm the original disciplinary action;
 - substitute a lower level of disciplinary action
 - uphold the appeal
- 12.7 A copy of the letter will be placed on the employee's personal file.

13. Employees with more than one post

Some employees may hold more than one post in the School. Where the School loses confidence in an employee such as to confirm dismissal from one contract it is reasonable to expect that no other employment can be continued.

14. Referral to Statutory Bodies

There are statutory duties placed on Headteachers and governors to refer individual disciplinary cases to national bodies where the issue involves safeguarding children and/or vulnerable adults. The Headteacher and/or governors are responsible for making any referrals to statutory bodies.

15. Referral to the police

Occasionally, the disciplinary allegation involves potential criminal activity and the police need to be informed.

16. Employee support

The School understands that when there is a need to use the disciplinary procedure it can be a difficult and worrying time for those involved. In addition to the support offered by Trade Unions, employees have access to the counselling service.

Grievance Procedure

17. Introduction

- 17.1 The School believes that all employees should be treated fairly and with respect. If employees are unhappy about the treatment that they have received or about any aspect of their work, they should discuss it with their line manager, who will attempt to resolve the situation on an informal basis. If employees feel unable to approach their line manager directly, they should approach their manager's manager or a member of the governing board.
- 17.2 Where attempts to resolve the matter informally do not work, it may be appropriate for employees to raise a formal grievance under this procedure. A formal grievance is concerned with the way in which employees have been treated by the School or managers acting on its behalf.
- 17.3 This procedure should be used by an individual or group of employees for any work related complaint, including those linked to harassment and bullying. Issues that are more appropriate for collective negotiation or consultation with the trade unions will not be considered under this grievance procedure.
- 17.4 The grievance procedure will not normally apply to incidents which happened more than 3 months previously; when there are separate procedures to deal with issues for example a grading claim or whistleblowing; where the complaint is considered to be trivial, frivolous or vexatious; or where there is an attempt by an employee to use the grievance procedure for potentially false or malicious accusations.

18. Making the complaint

- 18.1 The first stage of the grievance procedure is for employees to put their complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that employees set out clearly the nature of their grievance and an indication of the outcome they are seeking. If the grievance is unclear, employees may be asked to clarify their complaint before any meeting takes place.
- 18.2 The complaint should be headed "Formal grievance" and should include the following information:-
- Full name and job title.
 - A summary of the facts of the grievance.
 - Dates and times of any incidents, in order.

- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- Details of who will accompany the employee to the grievance meeting.
- Details of what resolution/outcome the employee would like to redress their grievance.

- 18.3 The complaint should be sent to the Headteacher or Chair of Governors. If the grievance is against the Chair of Governors, the complaint should be sent to the Vice Chair of Governors.
- 18.4 Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if employees are not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing.
- 18.5 The Headteacher, Chair or Vice Chair of governors, should acknowledge the grievance letter within 5 working days. The Headteacher or a governor must be appointed to hear the grievance and they should invite the employee to attend a meeting as soon as practicable to discuss the grievance. They may need to gather additional information before or after the meeting, whichever is most applicable to the case.

19. Formal stage- Grievance meeting with the Headteacher or a Governor

- 19.1 The meeting will be arranged as soon as practicable, (normally within 10 working days of the notification being received). It will be conducted by the Headteacher or a governor and maybe attended by a member of the HR provider. At the meeting, the employee will be asked to explain the nature of their complaint and what action they would like to be taken to resolve the matter, taking into consideration the School's policies, procedures, rules and the need for consistency and fairness. Where appropriate, the meeting may be adjourned to allow further investigations to take place. The investigation may be made by the person hearing the grievance or they may appoint an Investigating Officer.

The employee has the right to be represented at the meeting, either by a colleague or a trade union representative.

- 19.2 The employee should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the Headteacher or Governor as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence based on their written representations.

- 19.3 While employees will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The person conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. They may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
- 19.4 The employee will receive a written reply within 5 working days of the meeting unless it is a complex issue requiring further investigation, including the discovery of facts relevant to the matter, in which case agreement will be sought from the employee about an appropriate timescale.
- 19.5 Employees who are dissatisfied with the outcome of the meeting will be informed of their right to appeal.

20. Appeal

- Employees dissatisfied with the outcome of the grievance meeting have the right to progress to appeal where the matter will be heard by a different person not previously involved.
- The right to appeal should be exercised in writing to the nominated person within 10 working days of receiving the grievance outcome. The employee should clearly state the grounds of the dissatisfaction, i.e. the basis on which the employee maintains the result of the grievance was wrong or that the action taken as a result was inappropriate. A meeting will be arranged to take place normally within 10 working days of receipt of the appeal.
- The employee should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the nominated person of this as soon as possible. If employees fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the appeal may take place in their absence, based on their written representation.
- The appeal will be conducted by the nominated person, who will consider the grounds that have been put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The appeal is a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance. The nominated person conducting the appeal may therefore confine discussion to those specific areas and will not usually reconsider the whole matter afresh.
- Following the meeting, employees will be informed of the outcome within 5 working days.

Appendix 1

Examples of misconduct

The following list contains examples of misconduct. It is not intended to cover all possible circumstances which may arise. Some of the examples listed below may be regarded as gross misconduct in certain circumstances:

- Persistent bad timekeeping
- Poor attendance
- Unauthorised absence
- Failing to comply with the Sickness Absence Procedure
- Not taking reasonable care with regards to the health and safety of self or others.
- Misuse of Council facilities including computer facilities

Examples of gross misconduct

The following list contains examples of gross misconduct. This list is not exhaustive.

- Theft or fraud
- Deliberate falsification of records or documents for example employment application, timesheets, and car mileage claims.
- Physical violence, bullying, harassment, intimidation, abusive, threatening or indecent behaviour, action or language, including racial, religious or sexual abuse.
- Reporting for work under the influence of alcohol or non-prescribed drugs;
- Conduct which could be expected to bring the public services into disrepute
- Deliberate damage or abuse of School property
- Sexual misconduct involving either another employee or member of the public
- Serious incapability brought on by alcohol or illegal drugs
- Serious negligence which causes, or might cause, unacceptable loss, damage or injury
- Serious insubordination
- Serious infringement of health and safety rules
- Serious breach of confidence

- Serious bullying or harassment including discrimination
- Unreasonably leaving the place of work without permission
- Refusal to carry out a reasonable instruction
- Unauthorised access of records in breach of the Council's Information Governance policy