

Disciplinary Procedure

Step 1 - Informal resolution – consider:

<input type="checkbox"/>	Can the issue be resolved informally working directly with the Employee	Refer to informal process
<input type="checkbox"/>	Is this a minor issue? Does the Employee have a good employment record with no previous warnings	Refer to informal process
<input type="checkbox"/>	Move to Step 2 if the issue cannot be resolved informally and is beyond the remit of informal resolution	Move to Step 2

Step 2 – Consider whether the Employee should be suspended:

- Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see [KP2](#))

<input type="checkbox"/>	Does there appear to be serious misconduct, or risk to property or other people	See Key Point 4
<input type="checkbox"/>	Identify whether the Employee is a trade union official	See Key Point
<input type="checkbox"/>	http://www.bexley.gov.uk/sites/bexley-cms/files/2019-06/All-Key-Points-of-Employment-Procedures.pdf	
<input type="checkbox"/>	Where the issue is serious is there an alternative to suspension	
<input type="checkbox"/>	Head of Service or above or Head Teacher/Governing Body or Chair of the Member Staffing Panel should authorise	
<input type="checkbox"/>	Suspension will be with full pay	
<input type="checkbox"/>	The Employee should be advised that suspension is not disciplinary action but will provide time to investigate	
<input type="checkbox"/>	Consider whether any regulatory body should be notified of the suspension e.g., HCPC, DBS, DFE	See Key Point 5

Step 3 - Investigate

- Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see [KP2](#))

<input type="checkbox"/>	Identify whether the Employee is a trade union official	See Key Point 2
<input type="checkbox"/>	Does a fuller investigation need to be undertaken?	See Key Point 7
<input type="checkbox"/>	Advise the Employee (if possible) that an investigation is being carried out with timescales for concluding	
<input type="checkbox"/>	Is an investigation meeting required	
<input type="checkbox"/>	Invite the Employee and their representative to an investigation meeting if required, giving reasons	
<input type="checkbox"/>	Gather evidence including witness statements where relevant	
<input type="checkbox"/>	Identify whether there any overlapping issues e.g., have any other Employment Procedures been triggered	See Key Point 9
<input type="checkbox"/>	Decide as a result of the investigation whether a disciplinary hearing should be arranged	
<input type="checkbox"/>	Notify the employee if no disciplinary action will be taken following investigation	

Step 4 – Invite the Employee to a disciplinary hearing and include:

<input type="checkbox"/>	The purpose of the hearing and that it will be held under the Disciplinary Procedure	
<input type="checkbox"/>	The right to be accompanied by a work colleague or trade union representative	See Key Point 1
<input type="checkbox"/>	Written details of the alleged misconduct and any evidence, including witness statements	
<input type="checkbox"/>	Whether any management witnesses will be called and if so provide their statements	
<input type="checkbox"/>	The opportunity for the Employee to call any witnesses	
<input type="checkbox"/>	The possible outcome if the allegations are upheld/proven, including where termination of employment is possible	
<input type="checkbox"/>	7 calendar days' notice of the hearing	
<input type="checkbox"/>	Where the companion is not available, reschedule if an alternative time is suggested	See Key Point 1 below
<input type="checkbox"/>	Consider what support the Employee (and potentially witnesses) may need	Refer to informal options

Step 5 – Hold the disciplinary hearing:

- Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see [KP2](#))

<input type="checkbox"/>	Provide the Employee with an opportunity to respond in full to each allegation and any witness statements.	See Key Point 11
<input type="checkbox"/>	Allow the Employee to ask questions, present evidence and call their own witness(es)	
<input type="checkbox"/>	Adjourn the hearing where appropriate and advise the Employee how long the adjournment will be for	
<input type="checkbox"/>	Provide the Employee with further time to review any new information before reconvening the hearing	

Step 6 – Consider the following before deciding the outcome

<input type="checkbox"/>	The nature and seriousness of the issue	
<input type="checkbox"/>	Is there reasonable belief that the alleged misconduct/gross misconduct has occurred	
<input type="checkbox"/>	Is that belief based on reasonable grounds	
<input type="checkbox"/>	Is the investigation reasonable or is additional information/evidence needed	See Key Point 7
<input type="checkbox"/>	Has the Employee's explanation and any mitigation/special circumstances been considered	
<input type="checkbox"/>	Were the rules and/or standards of conduct known (or ought reasonably to have been known)	
<input type="checkbox"/>	Do the disciplinary rules indicate the severity of penalty	See Disciplinary Rules (KP)
<input type="checkbox"/>	Does the Employee have any live disciplinary warnings and what is their previous employment record	
<input type="checkbox"/>	Is the action contemplated consistent with similar cases	
<input type="checkbox"/>	Could further training, additional support or adjustments assist	
<input type="checkbox"/>	In cases of potential dismissal is there is an alternative	
<input type="checkbox"/>	Are there any overlapping issues where other Procedures have been triggered	See Key Point 9

Step 7 – Decide the outcome and Notify the Employee without unreasonable delay:

- No case to answer
- First Written Warning:**
 - Minor offences have continued to be committed or this sanction is appropriate given the circumstances
 - The Employee should be given the right to appeal
- Final Written Warning:**
 - Dismissal may be appropriate but a lesser sanction is given; or
 - Further disciplinary offences have been committed after a live first written warning or sanction is appropriate
 - The Employee should be given the right to appeal
- Termination of Employment:**
 - Dismissal is appropriate and Employee is issued notice in accordance with their contract of employment
 - The Employee should be given the right to appeal
- Summary Dismissal:**
 - Where there is a finding of gross misconduct
 - No notice will be given or any payment in lieu of notice
 - The Employee should be given the right to appeal

Step 7(a) – Employee appeals

- Employee sets out their reasons for appeal
- Employee is invited to attend appeal hearing with right to representation
- Record outcome

Step 7(b) – Hear the Appeal and Notify the Employee of the Outcome

- Hear the appeal without unreasonable delay
- Invite Employee and their representative to the appeal
- Individual has the statutory right to be accompanied
- Notify the individual formally of the outcome
- Record the outcome
- Advise the Employee that there is no further right of appeal

.....**End of Procedure**.....