Pathway Trust

Disciplinary Procedure

Policy effective from	1 September 2026
Policy owner	Director of People
Policy applies to	Berrow Church Primary School Burnham-on-Sea Infant School Castle Batch Primary School Charfield Primary School Cherry Garden Primary School Downend School East Huntspill Primary School Lyde Green Primary School Mangotsfield School Marlwood School Pawlett Primary School Priory Community School Severn Beach Primary School St Andrew's Church Junior School St Anne's Church Primary School The Castle School The King Alfred School Tortworth Primary School West Huntspill Primary School Worle Community School Pathway Partnership Teams
Policy changes since last version	New policy

1. Policy Statement

1.1 The aims of this Disciplinary Procedure and its associated Disciplinary Rules are to set out the standards of conduct expected of all staff and to provide a framework within which Pathway Trust can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

1.2 It is the trust's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

1.3 This procedure does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary application of this procedure, including any time scales for action, as appropriate.

1.4 Employees who transfer to the trust on their pre-existing terms and conditions of employment by way of a TUPE transfer may have enhanced contractual entitlements. Where this is the case, those enhanced contractual entitlements will continue to apply, unless superseded by subsequent arrangements.

1.5 The trust is committed to ensuring any policy and procedure does not disadvantage any individual with protected characteristics in line with Equality Act 2010. All policies and procedures are checked to ensure they do not discriminate either directly or indirectly or present any barriers.

2. Scope and purpose of policy

2.1 The procedure applies to all employees regardless of length of service excluding those in their probationary period where separate arrangements apply. It does not apply to supply staff, contractors or volunteers. Further information can be found in the Safeguarding Concerns and Allegations Policy.

2.2 This procedure is used to deal with misconduct. It does not apply to cases involving purely sickness absence, proposed redundancies or poor performance. In those cases reference should be made to the appropriate policy or procedure on the trust website.

2.3 Minor conduct issues can often be resolved informally between employees and their manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. In some cases a noted instruction may be given, which will not form part of the disciplinary records but may be referred to as part of any future disciplinary proceedings where appropriate. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

2.4 Employees will not normally be dismissed for a first act of misconduct, unless the trust decides that the conduct amounts to gross misconduct or the employee has not completed a probationary period.

2.5 As recognisable figures in the local community the behaviour and conduct of staff in the trust outside of work can impact on their employment particularly if it may make an individual unsuitable to work with children. This is known as a transferable risk. Therefore conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment (see disciplinary rules).

2.6 We offer access to confidential counselling should you require it, which is available on request from the Headteacher/Director and details will be shared with an employee attending disciplinary proceedings, as part of the process.

3. Confidentiality and data protection

3.1 It is the aim of the trust to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with an investigation or disciplinary matter as confidential during or after an investigation into an allegation.

3.2 A breach of confidentiality will be taken seriously and may warrant its own investigation.

3.3 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, without consent.

3.4 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential.

3.5 The amended Education Act 2002 introduced reporting restrictions, in respect of any allegations made against a teacher, preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press. If for any reason the school/trust needs to make parents aware of any allegations they should equally make them and others aware there are restrictions on publishing information.

3.6 During informal action, formal investigation and any subsequent stages of the procedure, the school/trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Privacy Notice, our Retention and Destruction Policy and in line with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (in any form retained by the UK, unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including

the Data Protection Act 2018). Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

4. Allegations

4.1 Allegations may be brought to the school/trust's attention in a number of ways and through a variety of sources. Appendix 1 sets out the disciplinary rules. As with disclosures made by children and young people, adults need to be aware that in making an allegation or raising a concern it is not always possible to keep the matter confidential. The Headteacher/Director will need to decide upon the most appropriate course of action and can choose to proceed with an investigation even if the person making the allegation does not want them to.

4.2 Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Officer of the Local Authority. See the Safeguarding Concerns and Allegations Policy for further guidance on the management of this type of allegation. No further action under this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted.

5. Information gathering

5.1 Upon receiving any allegations against employees, it is likely that further information will be required to establish what the course of action should be. The Headteacher/Director or other senior employee appointed by the Headteacher/Director should seek to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.

5.2 Depending on the nature of the allegations then it may be necessary to conduct a full investigation, however there will be occasions where this is not necessary and a general discussion with the employee may conclude the matter there and then. If however the allegations are concerned with Bullying and Harassment, or linked to someone's protected characteristic then an investigation must be carried out. Take advice from the trust HR team if you are unsure what should be the most appropriate course of action.

6. Investigation

6.1 After gathering information regarding the allegation, where it is determined that there is a need for investigation, or if the concerns are serious enough to warrant an investigation immediately, the Headteacher/Director will usually appoint a suitably senior and experienced Investigating Officer to carry out the investigation. This will be an appropriate person to the nature of the allegations and the role of the employee. In the case of allegations against a Headteacher/Director, the Chief Executive will be responsible for the management of the procedure and determining an appropriate investigating officer, either internally or externally. In the case of allegations against the Chief Executive, the Chair of the Board of Trustees will be responsible for the management of the procedure and determining an appropriate investigating officer, either internally or externally.

6.2 The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations made against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents and other information.

6.3 It may be necessary to interview witnesses who may have information that is relevant to the allegations. A record of the meeting will be made and the witness will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record. The trust recognises that some employees may find this difficult or worrying, however all employees are expected to fully participate in any such investigation and should share any concerns so appropriate support can be given.

6.4 Investigation meetings are solely for the purpose of fact-finding and no decision on formal disciplinary action will be taken until after a disciplinary hearing has been held. A record of the meeting will be made and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.

6.5 Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.

7. Criminal charges

7.1 Where conduct is the subject of a criminal investigation, arrest, charge or conviction the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their Headteacher/Director immediately if they are involved in a criminal investigation, arrest, or are subject to a charge or conviction. Failure to notify their line manager may result in disciplinary action.

7.2 The trust will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.

7.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.

7.4 Where a criminal investigation relates to allegations of abuse of children or young people the school/trust will co-operate and share information about the employee with other relevant agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

8. Suspension

8.1 In some circumstances it may be necessary, following an appropriate Risk Assessment, to suspend the employee from work, in particular where there are either reasonable grounds to suspect a member of staff, child or other children at the school/trust are at risk of harm or the case is so serious that it might be grounds for dismissal. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process. The arrangements and the reasons for suspension will be confirmed to the employee in writing as soon as possible or within one working day if in relation to a safeguarding concern or allegation.

8.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive normal salary and benefits during the period of suspension and appointed a named contact within the school/trust who will provide welfare support.

8.3 Alternatives to suspension, for example re-organisation of duties, work location, temporary redeployment to another role, providing an assistant to be present when the individual has contact with students, moving the student/s to a different class where they will not come into contact with the member of staff etc will be explored where relevant before a decision to suspend is made. The school/trust should be as inventive as possible when considering alternative options to suspension. The nature and severity of the allegations will need to be considered as well as the employee's role and if their continued presence would result in potential harm to the organisation or others, or make it difficult to investigate.

8.4 Where allegations are made that involve the protection of children, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information in consultation with the Local Authority Designated Officer (LADO), including the views of the police and social care. Additional information on the management of these allegations is available in the Safeguarding Concerns and Allegations Policy.

8.5 The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.

8.6 The school/trust will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.

8.7 The decision to suspend an employee can be made by:

- The Headteacher/Director in the case of an employee
- The Chair of the Board of Trustees (or other appropriate Trustee) in the case of the Chief Executive.

8.8 The school/trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead the school/trust will cease to use

the services of that member of agency staff or self-employed contractor but not without first finding out the facts and liaising with the LADO to determine a suitable outcome. Further information can be found in the Safeguarding Concerns and Allegations Policy.

9. Disciplinary hearing

9.1 Following any investigation, if there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The employee will be informed in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if it is decided at the hearing that the allegations are true. The following will also be included where appropriate:

- A summary of relevant information gathered during the investigation;
- A copy of any relevant documents which will be used at the disciplinary hearing; and
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.

9.2 The Headteacher/Director or other senior employee appointed by the Headteacher/Director will be responsible for ensuring that all of the arrangements for the hearing are made and that the employee receives the appropriate paperwork and notice of the hearing.

9.3 Five working days written notice of the date, time and place of the disciplinary hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. The hearing will be arranged as soon as is practicably possible.

9.4 If the employee and/or their companion cannot attend the hearing they should inform the contact named within the invite letter immediately and consideration will be given to arranging an alternative time which is reasonable (see paragraph 10.4).

9.5 Employees must make every reasonable effort to attend the hearing and failure to attend without good reason may lead to the employees being advised in writing that a decision will be taken based on the available evidence.

9.6 If the employee chooses not to attend the hearing they may choose to send a written statement (online or via correspondence) for consideration at the hearing or their trade union representative may attend on their behalf.

10. Role of Companion at Meetings and Hearings

10.1 An employee may bring a companion to any hearing or appeal where a formal warning may be issued or dismissal may be a potential outcome. The companion may be either an official trade union representative or a work colleague. The employee must inform the named person in the invite letter who their chosen companion is, in good time before the hearing. In addition, employees will be given

the option to bring an official trade union representative or work colleague to the investigation meeting if one is available. It may not be possible for rearrangements to be made to the time and date of the investigation meeting to enable a companion to attend.

10.2 Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.

10.3 Acting as a companion is voluntary and colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

10.4 If the choice of companion is not available at the time a hearing or appeal is scheduled, the employee may propose an alternative time for the hearing or appeal to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If the employee's chosen companion will not be available for more than five working days afterwards, we may ask the employee to choose someone else.

10.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.

10.6 We may, at our discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability.

11. Procedure at disciplinary hearings

11.1 The hearing will be chaired by a panel of councillors/trustees. A member of the HR team may also be present.

11.2 At the disciplinary hearing the panel chair will go through the allegations against the employee and the evidence that has been gathered. The employee (or their companion on their behalf) will be able to respond and present any evidence of their own. A format for a disciplinary hearing is attached at Appendix 2.

11.3 The investigating officer or relevant witnesses may be asked to provide a statement or attend the hearing. The employee must give sufficient advance notice if they wish to call witnesses to ensure that there is time to arrange their attendance or provide a statement. The employee will be given the opportunity to respond to any information given by a witness. However, the employee will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the chair decides that a fair hearing could not be held otherwise.

11.4 The chair may adjourn the disciplinary hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

11.5 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person.

12. Disciplinary penalties

12.1 The panel may find that there is no case to answer and may refer the case back to an informal process. Alternatively, the panel may give the employee a disciplinary warning or dismiss them.

12.2 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. The trust aims to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

12.3 A disciplinary warning or dismissal may be authorised by the panel.

13. First written warning

13.1 A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

13.2 A first written warning will usually remain active for six months.

14. Final written warning

14.1 A final written warning will usually be appropriate for:

- Misconduct where there is already an active written warning on the employee's record; or
- Misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.

14.2 A final written warning will usually remain active for twelve months. In exceptional cases verging on gross misconduct, or in relation to Child Protection a final written warning may state that it will remain active indefinitely.

15. The effect of a warning

15.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

15.2 After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

16. Dismissal

16.1 Dismissal will usually only be appropriate for:

- Further misconduct where there is an active final written warning on the record; or

- Any gross misconduct regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal);

- Any misconduct during the probationary period.

17. Appeals against disciplinary action

17.1 The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the Headteacher/Director copied to hr@pathwaytrust.uk within 7 working days of the date on which the employee was informed of the decision.

17.2 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity or pay and benefits.

17.3 If any new matters are raised in the appeal hearing further investigation may need to be carried out. The chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.

17.4 The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be held within 10 working days of receiving the employee's appeal. The employee may bring a companion to the appeal hearing (see paragraph 10).

17.5 The appeal hearing will be conducted by a different panel of governors/trustees not previously involved in the case. The hearing may be a complete re-hearing or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light (in which case the format would be reversed so that the appellant would present their appeal first). This will be at the panel's discretion depending on the circumstances of the case. In any event the appeal will be dealt with, as impartially as possible.

17.6 Following the appeal hearing the panel may:

- Confirm the original decision;

- Revoke the original decision; or

- Initiate another disciplinary hearing as required based on new information or evidence being available that requires further investigation.

17.7 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal.

18. Referrals to external bodies

18.1 In cases where employees in regulated activity are dismissed, or removed due to safeguarding concerns or would have done had they not resigned during a disciplinary process, a referral should be made as soon as possible to the Disclosure and Barring Service (all staff) and Secretary of State (teachers only), where the thresholds for referral are met. This could also include when an individual is suspended and redeployed into work that is not regulated activity. A failure to do so when the criteria is met is a criminal offence.

19. Review of policy

19.1 This policy is reviewed and amended annually by the trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1 - Disciplinary rules

Policy statement

- The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which the Headteachers/Directors and managers can work with staff to maintain those standards and encourage improvement where necessary.
- If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager or contact HR hr@pathwaytrust.uk

Rules of conduct

While working for the trust you should at all times maintain professional and responsible standards of conduct. In particular you should:

- Observe the terms and conditions of your contract;
- Ensure that you understand and follow our Code of Conduct;
- Observe all of the trust's policies, procedures and regulations which are available on the trust website or notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise;
- Take reasonable care in respect of the health and safety of colleagues, pupils and third parties and comply with our Health and Safety Policy;
- Comply with all reasonable instructions given by the Headteacher/Director and managers; and
- Act at all times in good faith and in the best interests of trust and those of our pupils and staff.
- Ensure that you never behave in a way, either inside or outside of work, that indicates you may pose a risk of harm to children/not be suitable to work with children

Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Disciplinary Procedure.

- Minor breaches of the trust's policies including the Sickness Absence Policy, Acceptable Use of IT Policy, and Health and Safety Policy;
- Minor breaches of an employee's contract of employment;
- Damage to, or unauthorised use of, the trust's property;
- Poor timekeeping or time wasting;
- Unauthorised absence from work;
- Refusal to follow instructions;
- Excessive use of the trust's telephones, email or internet usage for personal reasons;
- Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils;
- Negligence in the performance of duties;
- Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or
- Poor attendance.

This list is intended as a guide and is not exhaustive.

Gross misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the trust , is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public;
- Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments;
- Actual or threatened violence, or behaviour which provokes violence;
- Deliberate damage to the buildings, fittings, property or equipment of the trust, or the property of a colleague, contractor, pupil or member of the public;

- Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;
- Serious failure to follow the school's/trust's child protection procedures;
- Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children
- Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare;
- Serious misuse of the trust's property or name;
- Deliberately accessing internet sites at work or at home, using school equipment, which contain pornographic, offensive or obscene material;
- Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- Bringing the school/trust into serious disrepute;
- Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances.
- Causing loss, damage or injury through serious negligence;
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- Acceptance of bribes or other secret payments;
- Conviction or caution for a criminal offence that in the opinion of the trust may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us;
- Possession, use, supply or attempted supply of illegal drugs;
- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;

- Harassment of, or discrimination against, employees, pupils, parents or members of the public, related to any of the protected characteristics;
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- Giving false information as to qualifications or entitlement to work (including immigration status);
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith;
- Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet);
- Undertaking unauthorised paid or unpaid employment during your working hours or whilst on sick leave;
- Unauthorised entry into an area of the premises to which access is prohibited;
- Making covert recordings of colleagues or managers

This list is intended as a guide and is not exhaustive.

In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

Appendix 2 - Format for disciplinary hearing

- Welcome by chair of panel/hearing officer: ask everyone present to introduce themselves and explain their role, and explain purpose of hearing.
- Presentation of management case by investigating officer including evidence from management witnesses.
- Questions from employee/representative to investigating officer/witnesses.
- Questions from the hearing officer/panel to the investigating officer/witnesses
- Presentation of employee's case by employee/representative including evidence from employee's witnesses
- Questions to employee/witnesses from investigating officer
- Questions to employee/witnesses from the hearing officer/panel
- Summing up by investigating officer (no new evidence)
- Summing up by employee/representative (no new evidence)
- Hearing adjourned and all parties asked to leave whilst hearing officer/panel consider evidence, make a decision on level of sanction (if appropriate)
- All parties return and employee advised of hearing officer/panel's decision, (sanction and right of appeal)
- Notes from the meeting are used to confirm outcome in writing and sent to employee within the timescale set out in the policy