Truro and Penwith
**Academy Trust**

**Disciplinary Policy and Procedure**

## 1. Introduction

1.1 Truro and Penwith Academy Trust is referred to as 'the Trust' throughout the document. 'Board of Directors' or 'Board' refers to the directors of Truro and Penwith Academy Trust. 'Governing Body' refers to the local governing body at each member school of Truro and Penwith Academy Trust

1.2 Every member of staff has a role to play in both achieving and sustaining the highest standards of conduct and performance. This Procedure is designed to ensure that employee's conduct meets the standards required of them and to ensure that employees are treated fairly and consistently and in line with relevant legislation. One of its primary aims is to encourage a permanent improvement in the employee's conduct.

1.3 This procedure should be read in conjunction with the investigation and suspension guidelines if disciplinary action is to be taken.

## 2. Policy Statement

2.1 The Trust Board aims to ensure that in complying with both legal requirements, and acting as a reasonable employer, that a fair and equitable process will be adhered to in progressing disciplinary matters. Adopting this approach will:

1. Allow disciplinary matters to be dealt with quickly.
2. Set standards of conduct at work.
3. Ensure that employees are aware of the standards expected of them.
4. Treat all employees on an equal basis.
5. Maintain good employee relations.
6. Reduce the likelihood of arbitrary decisions by managers.
7. Assist the Academy in operating effectively.
8. Apply appropriate disciplinary measures where needed.

## 3. Scope of Procedure

3.1 The procedure will be applied consistently and equitably in respect of the conduct of all employees of the Trust.

3.2 The standards of behaviour contained within this procedure also apply to sub-contractors and people providing services to the Trust, as well as to people on work experience. The procedure relates to disciplinary action and/or dismissal on conduct.

3.3 Dismissals for any other reason, for example ill health, redundancy or non-renewal of a fixed term contract are dealt with by way of separate procedures. The procedure does not apply to the management of issues relating to capability alone (to whom a separate procedure applies).

3.4 Although the procedure identifies the sanctions to be used its aims are to, wherever possible, facilitate an improvement in conduct.

3.5 The procedure recognises the importance of informal intervention aimed at improving/changing conduct. Wherever possible, problems should be resolved through an informal process, once facts have been established. In many situations informal methods, for example, performance management meetings, coaching or counselling, may prove valuable in bringing about improvements in the employee's conduct before the formal disciplinary procedure is implemented. Such measures shall be documented by mutual agreement, be signed and dated on the individual's personal file but are not to be treated as a formal stage of the Disciplinary Procedure. However, where such action fails or where it is inappropriate, the formal disciplinary procedure will apply.

3.6 Formal Disciplinary Action will therefore, only take place when it is decided that:

1. Further counselling or training will not bring about the improvement required.
2. The alleged misconduct warrants immediate disciplinary action owing to the serious nature of the allegation.
3. There is a clear breach of standards and procedures

**4. Standards of Behaviour**

4.1 These standards are the minimum expected from every employee in order to achieve a safe, efficient, quality standard of service. These standards are not exhaustive but are indicative of those which, if not achieved, will lead to action being taken to rectify the behaviour.

4.2 All staff are expected to achieve the following in relation to their conduct:

1. Individuals will behave in such a manner that the interests and well being of the learner and other staff are respected at all times
2. Individuals will undertake any training that is required of them by statute, or that is identified as being required by the Academy. Furthermore, they will acknowledge any limitations in their knowledge and competence and seek assistance in addressing these limitations.
3. Individuals will always behave in a co-operative and respectful manner with other staff and pupils.
4. Individuals will at all times protect the privacy and confidentiality of any information gained by them from, or about, a pupil or another member of staff.
5. Staff are expected to attend regularly and on time. Sickness absence should be reported in accordance with the procedure.
6. Staff are expected to be dressed professionally and appropriately.
7. The Trust expects staff who use computers to take care to promote appropriate levels of security – for example, logging off when the computer is unattended, and changing passwords regularly.

**5. Procedure**

5.1 Disciplinary action will not be undertaken until the facts have been established. For issues, which are of a minor nature or where the facts are not in dispute, a fact gathering exercise will take place prior to taking a decision on whether or not to progress to a disciplinary meeting.

5.2 In more serious cases, including gross misconduct, it may be necessary to undertake a separate investigation and interviews to decide whether or not to proceed with a disciplinary meeting, unless the modified procedure applies, (see below).

5.3 Under the Employment Act 2002, there are two forms of statutory dismissal and disciplinary procedure: a standard (three-step) procedure and a modified (two-step) procedure. The Trust already adopts the three-step procedure, in disciplinary cases, whereby an employee is advised of the allegation(s) against him/her, is invited to attend a meeting to discuss the issue and finally has the right to appeal. In limited circumstances the Academy will apply a modified procedure in which an employee will be dismissed immediately for gross misconduct but will be given the right of appeal.

5.4 This modified procedure will only be applied where it is reasonable to dismiss the employee before enquiring into the circumstances in which the conduct took place. Such situations will be rare.

5.5 In determining the disciplinary action to be taken, managers should be aware of the need to satisfy the test of what is reasonable, and must ensure that each case is investigated thoroughly and all the relevant facts are taken into account.

5.6 If managers are unsure of any aspect of implementing the disciplinary procedure they should contact the Trust HR Advisors or Headteacher for advice and guidance.

5.7 Rights of Representation

5.7.1 Employees may be assisted and accompanied by either a member of a recognised Trade Union of which they are a member, or by a colleague from within the Trust, during disciplinary, meetings and /or appeals. They should be given the opportunity to be accompanied at any meeting in which disciplinary action is contemplated. The representative or union colleague will be able to ask general questions during the meeting.

5.7.2 Disciplinary action will not be taken against accredited representatives of Trade Unions until the circumstances have been notified to a full-time official of the Trade Union, or, if agreed, a senior lay official. It is the responsibility of management to take this action. Accredited Trade union colleagues may also be represented by a full time officer of their union at formal disciplinary proceedings.

5.7.3 Legal representation is not acceptable on either side at any stage within this procedure.

**5.8 Timescales**

5.8.1 The date of receipt of an allegation or complaint will be recorded. This includes the date when an allegation or complaint becomes construed as a disciplinary matter following the initial fact gathering exercise.

5.8.2 The investigation will, wherever possible, be completed within 28 working days. Protected time for this will be at the discretion of the Headteacher. However, in particularly complex situations or where circumstances determine an investigation will take longer, then the employee/representative/union colleague should be informed and a revised timescale agreed.

5.8.3 Where at the request of the Police an investigation is halted the timescale will commence at the resumption of the investigation. Union colleagues will be responsible for distribution of their own pack (if any), the panel members and the management side presenting the case. In addition, union colleagues will be able to have reasonable and appropriate time to prepare for the case.

**5.9 Suspension**

5.9.1 The Trust reserves the right to suspend an employee from work at any stage of the procedure. However, suspension does not in itself constitute disciplinary action nor is it a presumption of guilt. It should be noted that this is a neutral action, separate to any disciplinary procedure.

5.9.2 If there is an allegation which is considered to affect the wellbeing of students, the Designated Safeguarding Lead should be informed and should confirm whether suspension is necessary.

5.9.3 Suspension will be on usual contractual pay, terms and conditions. Suspension should only take place in certain circumstances, for example, where relationships have broken down, or where there could be risks to individuals or property or responsibilities to others, or to allow any investigation

to go on unhindered. Re-deployment should be considered as an alternative to full suspension, wherever possible. An employee cannot be suspended without authorisation from Headteacher, Deputy Headteacher and in some cases the Designated Safeguarding Lead (see 5.9.2).

5.9.4 The employee will be advised to contact a representative and asked to attend a meeting at which suspension may occur. The appropriate suspending manager will confirm the suspension in writing immediately. Confirmation will include:

- Reason for suspension and the fact that it should not be construed as disciplinary Action
- Duration of suspension – should be up to 10 working days in the first instance and will not exceed 56 calendar days unless there are exceptional circumstances
- Restrictions regarding access to the Trust premises during suspension
- The fact that the employee should not discuss the case with their colleagues
- Agreed arrangements for contact with the Headteacher/Deputy Headteacher or another agreed point of contact during the period of the suspension
- Proposed arrangements for handling the matter
- The fact that such suspension is on usual contractual pay
- The fact that the contract of employment still applies – including conditions relating to secondary employment
- The requirement to remain contactable between 0900 and 1700 Monday – Friday to facilitate the investigative process and to attend pre-arranged meetings. The requirement to advise both the investigating manager and the representative of any holidays.
- Whether any pre-booked annual leave is authorised during the suspension period.

5.9.5 The Headteacher/Deputy Headteacher should inform the Chair of Governors and the Academy HR Advisor as soon as practicable of the suspension. Wherever possible, the case should be discussed with the Trust HR Advisor in advance of any suspension occurring. In addition the suspending manager/Deputy Headteacher should inform IT services team that a member of staff has been suspended.

5.9.6 The respective line manager may be appointed the appropriate point of contact for the employee within the Trust if the employee so wishes and will ensure that this point of contact is aware of the situation and maintains appropriate contact with the employee throughout the period of the suspension. The point of contact should be aware that suspension from duty is often a stressful situation for the individual to be in, and that it may therefore be appropriate to offer counselling through employee's GP. It will also be appropriate in situations where a suspended member of staff has a partner, spouse or family member employed by the Trust for support to be offered to them also. Wherever possible, this point of contact will not be involved in conducting the investigation or deciding on any related disciplinary action.

5.9.7 During the suspension the employee should not instigate contact with colleagues at work, or colleagues at home to discuss the case, except in some cases where it may be necessary for the employee to visit the workplace to prepare a case or as described above. In such cases, arrangements will be agreed between the Headteacher/Deputy Headteacher, the appropriate line manager and where appropriate union representative.

5.9.8 An individual will not usually be suspended from duty for longer than 56 calendar days. Should the complexity of the investigation – or any other exceptional circumstances – prolong the period of suspension beyond this, the individual should be fully informed of the situation and every effort be made to complete the investigation as soon after this time-scale as possible. The individual has the right to ask for a full explanation if their period of suspension extends beyond 56 days.

5.9.9 The suspension should be reviewed as the investigation progresses to determine whether or not it remains appropriate. This should take place after the first 2 weeks and fortnightly thereafter to review its appropriateness. The appropriate union colleague should also be informed.

**6. Investigation**

6.1 The date of receipt of an allegation or complaint will be recorded. This includes when an allegation or complaint becomes construed as a disciplinary matter. The appointed investigation officer(s) will be selected to enable the investigation to commence no later than 5 working days after receipt of the allegation as a guide. In certain circumstances, due to the nature of the allegation(s), it may be appropriate to appoint an impartial investigator. It is important that an investigation of the facts of the case is undertaken before any disciplinary action is taken. Every attempt will be made to conclude an investigation as quickly as is reasonably possible - particularly in the case of an individual who is suspended whilst the investigation is carried out - although the need for thorough consideration of all the relevant facts is paramount.

6.2 The employee under investigation and their representative will be kept informed of the progress of the investigation and will be given a contact for information (usually the appointed investigating officer) should they require it.

6.3 For issues that are of a minor nature and where the facts are not in dispute, investigation may take place within the disciplinary meeting. In such circumstances, the maximum disciplinary sanction is a first written warning.

6.4 All statements taken as part of the investigation should – unless circumstances are exceptional - be signed and dated by the individual concerned in order to ensure accuracy.

6.5 It is the role of the appointed investigating officer, who would not be involved in any subsequent disciplinary meeting – with advice from the Trust HR Advisor – to decide whether or not there is a prima facie case (i.e. on face value, there is a case) to answer and to agree appropriate action – which may include arranging training or recommending a disciplinary meeting. The outcome of this meeting will be notified to the individual in writing. A disciplinary meeting cannot be convened until this investigation has concluded except for a matter of a minor nature or where the facts are not in dispute.

6.6 All documentation that was collated as part of the investigation will be shared with the individual, their representative and the panel (unless it is mutually agreed that a particular document should be excluded or there are exceptional circumstances warranting its non-disclosure). However, disciplinary decision-making will be based on the evidence specifically referred to and presented within the meeting.

6.7 In extreme circumstances, e.g. bullying and harassment allegations, consideration will be given to anonymity. This will be discussed and agreed with the union colleague.

**7. Disciplinary Action**

5.3 The procedure is designed to be a series of progressive warnings to employees and to incorporate at each stage the opportunity to improve conduct.

- First Written Warning
- Final Written Warning
- Dismissal

However, it may be necessary in certain circumstances involving serious or gross misconduct, or where an employee is still within their probationary period for the procedure to be adapted and to move immediately to a Final Written Warning or to consider Dismissal. Managers may, in certain circumstances, wish to consider supplementary action/redeployment.

7.2 If the investigation suggests there is a case to answer, the employee will be sent:

- a summary of the allegations
- a copy of all documentation that was collated as part of the investigation (unless it is mutually agreed that a particular document should be excluded or there are exceptional circumstances warranting its non-disclosure), which should include the names of any witnesses to be called by management.
- notification of the time and date of any disciplinary meeting
- notification of the right to be accompanied

7.3 Where there is a possibility that the hearing will result in a final written warning or dismissal the above should be given to the employee, wherever possible, in advance of the scheduled meeting.

7.4 Names of witnesses to be called on behalf of the employee, and any documentation to be referred to at the meeting, should wherever possible be supplied to management at least 5 working days prior to the date of the meeting.

7.5 Attempts to find a date and time for the disciplinary meeting which is convenient for all parties will be made. If the date for the meeting turns out to be inconvenient then the employee or the employee's representative should notify the Trust HR Advisor in writing immediately and a new meeting will be arranged.

7.6 It is important that employees attend the disciplinary meeting. If an employee fails to attend a disciplinary meeting without reasonable excuse the disciplinary meeting may proceed in that employee's absence.

7.7 In the event of a decision to dismiss relating to the harm or risk of harm to children or vulnerable adults the Trust has an obligation and reserves the right to refer the employee to the Disclosure and Barring Service. This will only be actioned after the process has been concluded including an appeal stage should the employee invoke this right.

7.8 Cases involving the implementation of Disciplinary Action will be reported to the Trust on a termly basis unless a serious case requires referral to the Trust, for example where a Head teacher is involved.

## 8. Disciplinary Meeting

8.1 At the disciplinary meeting the employee will have the right to be accompanied by a union representative or colleague. The purpose of the meeting is to give the employee the opportunity to present their version of events and any points the employee would like the disciplinary panel/disciplining manager to take into account, including mitigating factors.

8.2 Where the allegations faced by the employee are serious and there is the possibility that a Final Written Warning or Dismissal may be appropriate (see below) a disciplinary panel of two or more will be appointed in which the Disciplining Manager /chair person should be, where possible the Deputy Headteacher, or Headteacher.

8.3 The Trust HR Advisor will be present in an advisory capacity and can also advise on the constitution of the panel prior to the disciplinary meeting.

8.4 Wherever possible, the role of the Disciplining Manager will be undertaken by a more Senior Manager at progressive stages of the Disciplinary Procedure.

8.5 The employee may be informed of the outcome of the hearing verbally, but the outcome will be confirmed in writing within 2 calendar weeks.

8.6 Employees will be notified of the length of time during which their warning will remain current.

8.7 Unless circumstances are exceptional, warnings should cease to be "live" following the specified period of satisfactory conduct and should be disregarded for future disciplinary purposes. In exceptional circumstances, there may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force only to lapse very soon thereafter. Where a pattern emerges and there is evidence of similar offences, the employee's disciplinary record should be borne in mind in deciding how long any current warning should last. In such circumstances, it may be appropriate to extend the time scales indicated.

8.8 Warnings will generally remain “live” on an employee's record for the following periods of time;

First written warning – 26-52 weeks
Final written warning – 52 weeks

The outcome of the hearing will be recorded in a letter on the employee's personnel file. The letter will detail:

- The reason that the warning was issued together with a summary of the employee's and his / her representative's comments.
- The improvements required and the period over which they are expected.
- Any action necessary by management to assist achievement of improved conduct, for example, attendance on a training course.
- That any further act of misconduct or a failure to achieve the required level of conduct may result in further disciplinary action.
- The period of time the warning will remain on file.
- The fact that the employee chose to be accompanied at the hearing and by whom or, if appropriate, the fact that they chose not to be accompanied.
- A copy of this letter will be sent to both the individual and their representative if one was present at the hearing and the Trust HR Advisor.

**9. Gross Misconduct**

9.1 Gross misconduct occurs where a member of staff acts in a way which is incompatible with the faithful discharge of their duty to the employer. The misconduct must be gross or grave, seen in the light of all the circumstances of the case and so serious that it goes to the root of the contract of employment and makes the staff member’s continued employment incompatible with the best interests of the Trust.

The following standards are examples of those that, if not achieved, may lead to summary dismissal, following investigation for a first breach:

- Violent Conduct, physical or verbal, towards staff, students or any other stakeholder. Any serious insubordination or deliberate rudeness is unacceptable. Intimidating or threatening behaviour verbally therefore is outside this expectation, as is actual assault.
- Discrimination, in breach of the Equal Opportunities Policy, in relation to age, gender, race, religion/belief, sexual orientation or related to socio economic factors clearly undermines the dignity of the person and would be grounds for disciplinary action against the individual.
- Any serious breach of respect for Staff and Pupils.
- Improper relationships with pupils, colleagues or other Trust employees.
- Failure to declare a pecuniary interest including employment with a competitor or potential competitor without prior written consent of the Headteacher.
- Confidentiality: Subject to the Public Interest Disclosure Act 1998, the Academy expects all staff to maintain confidentiality and to adhere to the requirements of the staff code of conduct
- Honesty: Staff are expected to treat Trust and members of the public’s and fellow colleague’s property with honesty and respect. Behaviour including actual or attempted theft on Academy or associated premises, whether on or off duty, including unauthorised borrowing of any item of property provided by the Academy.
- Fraud including deliberate falsification of records is unacceptable. Any person who dishonestly makes a false representation to make a gain for himself or another or dishonestly fails to disclose to another person,

information which he is under a legal duty to disclose, or commits fraud by abuse of position, including any offence as defined in the Fraud Act 2006

- Negligence; this is particularly serious where it results or could result in injury or malicious damage to persons or damage to property.

  Corruption: This includes failure to declare a pecuniary interest in contracts.
- Bribery - Giving or receiving a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith.' (Bribery Act 2010)
- Conduct Outside: Criminal offences outside employment, where the offence is relevant to the nature of the employment, affects the ability of an employee to carry out duties, is likely to bring the Academy into disrepute, or undermines the Academy and confidence which exists between employer and employee. Also, a failure to inform your manager if you are arrested. (NB it is a requirement to declare all enquiries, but action will only be taken by management if relevant to employment).
- Failure to undertake mandatory training that is a requirement for your role.
- Data Protection Act 1998; disclosure of confidential information will therefore be treated very seriously; for example:
  1. Personal information relating to other staff members
  2. The Trusts financial affairs including costings, budgets, turnover or other financial information and confidential policy documents
  3. Any Trust business plans and contract arrangements (whether or not in the case of documents they are marked as confidential)
- Being unfit for duty due to the influence of alcohol and/or non-prescribed drugs/illegal drugs. Any employee reporting for duty smelling of alcohol or showing signs of substance abuse (in the reasonable view of the individual's manager) will be suspended from duty.
- Breach of procedures and standing orders brought to the attention of employees eg. by notice of training, and which could lead to injury to persons, damage to property or damage to public confidence in the services the Trust provides. This also includes any breach of any other policies e.g. No Smoking, Health and Safety policies - especially where this may lead to injury to self, other persons or damage to property.
- Health & Safety: Failure to comply with statutory requirements of health and safety. There is a responsibility to report accidents involving yourself and others through appropriate procedures, and to pay due care and attention to the safety of yourself and others.
- Making or initiating public statements likely to lead to a lowering of public confidence in the Academy including seeking to use the media to raise issues which should properly be handled internally. Nothing in this statement is intended to restrict staff from raising legitimate concerns in the public interests although these must be raised in the first instance with the Headteacher/Deputy Headteacher who will provide advice.
- Social Networking: Inappropriate postings on social networking sites and especially where this leads to a lowering of public confidence in the Academy is unacceptable.
- Breaches of the Trust's Security Policy or misuse of I.T. facilities, for example:
  1. Excessive use of the Internet / E-mail for personal reasons where it impacts on an individual's day to day work and continues to do so.
  2. Inappropriate use of E-mail or the Internet – eg. for harassment or pornography.
  3. Obtaining and using an inappropriate level of password access (eg. by "hacking" into a computer).
  4. Using unauthorised applications software.

9.2 Summary dismissal; if an employee is summarily dismissed on grounds of gross misconduct they will not be entitled to payment for notice.

## 10. Appeals

10.1 Requesting an Appeal Meeting

Where a disciplinary warning has been issued, supplementary action has been taken, or an employee has been dismissed, the employee will have an entitlement to appeal against the decision. The member of staff must request such an appeal, in writing, stating the grounds of the appeal, to the Headteacher within 5 working days of notification of the disciplinary action (unless there are exceptional circumstances which

must be agreed by the Headteacher). Please note that where an employee involved in the disciplinary procedure has a disability or literacy difficulties, alternative arrangements can be agreed.

10.2 In the case of a First Written Warning the appeal should normally be heard within 28 working days of the receipt of the appeal letter, or as soon as reasonably practicable. In the case of an appeal against a Final Written Warning or Dismissal, due to the senior level of personnel and potentially Governing Body Members required to hear the appeal it may be difficult to arrange an appeal meeting within this timescale. In such cases an appeal meeting will wherever possible take place as soon as reasonably practicable after receipt of the appeal letter.

10.3 Normally and wherever possible the manager who will hear the appeal in the case of a First Written Warning will be heard by a manager who is immediately senior to the manager taking the disciplinary action, with the Trust HR Advisor present acting in an advisory capacity. In the case of a Final Written Warning, the appeal may be heard by the Headteacher/Deputy Headteacher with the support of the Trust HR Advisor acting in an advisory capacity, or by a Governor led panel if appropriate. In the case of an appeal against dismissal, a panel should consist of at least two Governors (where possible three), with an HR Advisor present in an advisory capacity. A Trust Director may be involved in the panel.

10.4 The members of the appeal panel shall not include any member of the Academy who has been directly involved in the circumstances leading to disciplinary action.

10.5 The appellant may be accompanied by a union representative or colleague acting in a personal capacity at the hearing.

10.6 The following documentation will be provided at least 7 calendar days prior to the appeal date:

- The documentation supporting the management case – which will include a summary of the facts considered at the hearing and the reason(s) for issuing the warning.
- Any documentation supporting the employee's case.

10.7 In the event that, since the disciplinary decision was taken, new evidence or information has come to light, it is a requirement that the appeal panel are made aware of this information - and the fact that it was not available at the disciplinary meeting - at least 7 calendar days prior to the meeting. New information should not be introduced at or immediately prior to the appeal meeting.

10.8 Purpose of the Appeal Meeting

The function of an appeal meeting is to ensure that decisions of managers on disciplinary matters (which give rise to appeals) have been taken in accordance with the Trust's agreed disciplinary procedures, and that, following a thorough investigation and consideration of the circumstances of the case; the decisions were reasonable and fair. Appeal meetings are not re-hearings, but rather an opportunity to review the decision made at a disciplinary meeting, it is therefore inappropriate in most circumstances to re-call witnesses at appeal meetings.

The appeal committee is not a court of law. It is intended to provide an objective appraisal of the way in which the disciplinary decision was made. When an appeal meeting has taken place at the appropriate level, the outcome is final and no further appeal is available.

## 11. Procedure for Hearing a Disciplinary Appeal

11.1 At the appeal meeting, the following procedure shall be followed:
The appellant or their representative will summarise the reasons for their dissatisfaction with the disciplinary decision. The disciplining manager will be present during this summary and will have the opportunity to ask questions of the appellant and their representative. The appeal panel will also have the opportunity to ask questions of the appellant and their representative.

11.2 The Disciplining Manager will summarise the management case, presenting the facts considered at the disciplinary hearing and the reasons for issuing the disciplinary warning / dismissal. They will focus on the issues raised as a concern by the appellant or their representative. The appellant and their representative will be present during this summary, and will have the opportunity to ask questions of the Disciplining Manager. The appeal panel will also have the opportunity to ask questions of the Disciplining Manager.

11.3 The appellant or their representative and the Disciplining Manager will have the opportunity to sum up their case if they so wish. The appellant or their representative shall have the right to speak last. In their summing up, neither party may introduce any information that was not included in their original statement.

11.4 New evidence will not normally be admissible on the day. If either the Disciplining Manager or the appellant produces new evidence on the day, the panel may at their discretion, adjourn the appeal in order to consider whether the new evidence is admissible. The panel may at their discretion adjourn the appeal for any other reason.

11.5 The Disciplining Manager, the appellant, the appellant's representative and any witnesses will withdraw to allow the appeal panel to consider the facts of the case. The appeal panel may uphold or rescind the original disciplinary action, or it may issue a lesser or greater penalty as appropriate. It may also request that a full re-hearing be convened; in this case however, no further right of appeal will apply.

11.6 The decision of the appeal panel may be confirmed to the appellant verbally following the hearing, but will be confirmed to the appellant in writing within 2 calendar weeks of the appeal. This decision is final.

**12. Police Enquiries**

12.1 If an employee is arrested, charged or summoned for questioning in relation to any alleged offence, they must inform their manager in writing as soon as reasonably possible. This includes employees whose job involves driving, who must inform their manager in writing if charged with a driving offence. Failure to do so will be considered as misconduct and appropriate disciplinary action may be taken. Any action taken after notification will be dependent upon the relationship of the alleged offence to the duties undertaken. Advice can be obtained from the Trusts HR Advisor.

12.2 If an employee is subject to an investigation by the police for alleged offences, which are relevant to the nature of the employee's employment, the Trust will be entitled to pursue its own parallel enquiries but these will not hinder the police enquiry.

12.3 Investigation and disciplinary action under this procedure will not necessarily await or be dependent upon the outcome of police enquiries or legal proceedings. Where at the request of the Police an investigation is halted the timescale will commence at the resumption of the investigation.

12.4 Disciplinary action may be taken if the alleged conduct has, on the balance of probabilities, occurred and is relevant to the nature of the employee's employment, affects their ability to carry out their duties, is likely to bring the Academy into disrepute, or undermines the Trust and confidence between employer and employee.

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