

CLARION

ACADEMY TRUST

Disciplinary, Dismissal and Appeal Committee Hearings Procedure

Formally adopted by the Trust following consultation with Trade Unions of:-	Clarion Academy Trust
On:-	23.11.2020
Chair of Trustees:-	Peter Fraser
Last updated:-	N/A

Procedure

- The Committee should elect a Chairman who should then introduce those present and explain the purpose of the hearing. The Chairman must state clearly the issue(s) for consideration at the hearing.
- The Headteacher/Head of School, or their adviser, should outline the case against the employee, calling on any witnesses and documentation available.
- For each witness called by the Headteacher/Head of School, the employee (or their companion) should be given the opportunity to ask questions and the members of the Committee and their adviser should be given the opportunity to ask questions. The Headteacher/Head of School, or their adviser, then has the opportunity to re-examine the witness.
- On the conclusion of the Headteacher/Head of School's presentation, the employee, or their companion, should be given the opportunity to ask questions.
- The members of the Committee and their adviser should be given the opportunity to ask questions of the Headteacher/Head of School.
- The employee, or their companion, should then outline their case, calling on witnesses and documentation if these are available.
- For each witness called by the employee, the Headteacher/Head of School (or their adviser) should be given the opportunity to ask questions and the members of the Committee and their adviser should be given the opportunity to ask questions. The employee or their companion, then has the opportunity to re-examine the witness.
- On the conclusion of the employee's presentation, the Headteacher/Head of School, or their adviser, should be given the opportunity to ask questions.
- The members of the Committee and their adviser should be given the opportunity to ask questions.
- The employee, or their companion, should be given the opportunity to call on their witnesses again.
- The Headteacher/Head of School, or their adviser, should make a closing statement.
- The employee, or their companion, should make a closing statement.
- The Chairman should call an adjournment to enable the members of the Committee to discuss the case with their adviser and reach a decision.
- Should the members of the Committee require further information or clarification, both parties to the hearing should be recalled.
- The Chairman should reconvene the hearing with both parties present to inform the employee and their companion of the decision of the Committee and the right of appeal, if applicable.
- The Chairman may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for an adjournment may be granted at the discretion of the Committee.

- If the Committee determines that the employee should be dismissed with notice, the Chairman should confirm this in writing within five working days to the employee and explain the right of appeal. (Note – for Appeal hearings there will be no further right of appeal beyond the hearing).
- The Governors on the Committee will maintain confidentiality and there will be no discussion about the case with others, including other members of the Governing Board.
- The school processes personal data collected during the disciplinary hearing process in accordance with its data protection policy. In particular, data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.