

Policy Title:	Formal Meeting Procedure
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Member of Staff Responsible:	Chief Executive Officer
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Review:	Bi-annually

Change Record		
Version	Date	Description
1.1	18/05/26	Clarification of Presenter and Presenting Manger roles. Changes to Section 11, Appendix 2
1.2		
1.3		
1.4		

**Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care;
all policies are developed and formulated with this in mind**

Formal Meeting Procedure

1. Introduction

This Formal Meeting Procedure (Appendix 1) will apply to formal meetings, hearings and appeals that are held under the Trust's Disciplinary, Grievance and Capability policies and procedures.

All parties must be committed to adhering to the timescales set out in the associated policies and procedures and endeavour to avoid undue delay. Any changes to the timescales must be agreed by the parties.

Appropriate levels of authority are set out in the Trust's 'Decision Making Structure' (Appendix 2)

2. Interpretation

Colleague – an employee of the Trust subject to/or raising a formal process.

Companion – a fellow colleague or trade union representative or official.

Witness – a person who has provided a statement giving a first-hand account of information which directly relates to the case.

Investigating Manager – the person who conducts the investigation, is not involved in the incident in any way and will not oversee any subsequent proceedings.

Presenter – the person presenting information which is relevant to the case. This may be the Investigating Manager or the Deciding Manager.

Deciding Manager – in the case of grievances raised by staff, the Chief Executive Officer is the Deciding Manager for central staff under formal procedures. The Headteacher is the Deciding Manager under formal procedures for school based staff. The Chair of Trustees is the Deciding Manager if the grievance is made against the Chief Executive Officer. The Chair of Governors is the Deciding Manager if the grievance is made against the Headteacher.

Panel – the committee hearing the case.

Specialist Adviser – a person with relevant specialist knowledge or expertise to support the Formal Meeting such as Human Resources, ICT or Health & Safety Specialist. NB the Specialist Adviser has no decision making authority and is advisory only.

Presenting Manager (Appeal) – the person who was the Chair of the Governors' Panel or Chair of the Trust Panel (for Central staff) who conducted the first Formal Meeting.

Trustees' Panel (Appeal) – the committee hearing the appeal.

3. General Principles

The Deciding Manager or Panel hearing the case will make the arrangements for the Formal Meeting. This will include writing to the colleague, arranging the accommodation and making arrangements for a minute taker. Formal Meeting minutes must be shared and an opportunity to amend or comment will be given to the colleague.

The Deciding Manager/members of the Panel will have the authority, skill and experience necessary to fairly consider the facts and make a decision. The Deciding Manager or Panel may be supported by a Specialist Adviser.

4. Arranging the Formal Meeting

A letter inviting the colleague to attend a Formal Meeting and any evidence which will be relied upon must be sent in writing at least **10 working days** before the meeting.

The invitation will contain sufficient information about the alleged misconduct or poor performance concerns and its possible consequences to enable the colleague to prepare to answer the case at the Formal Meeting and will include any written evidence, (such as witness statements, evidence from the informal approach or investigation).

The invitation will also give details of the time and venue for the meeting and advise the colleague of who will be present and their right to be accompanied.

Colleagues must provide copies of any relevant evidence they intend to rely on, at least **3 working days** before the Formal Meeting.

5. Attendees at the Formal Meeting

The **Presenter** will present the allegation(s), the information gathered during the investigation and will answer clarification questions at the Formal Meeting as required. Any investigation report and written statements will be provided as evidence. The Presenter may submit relevant documentation as an alternative to attending the Formal Meeting, however the Presenter must be available to respond to questions relating to the information presented.

Witnesses will not be called to attend the Formal Meeting as standard unless requested to do so, however the colleague has the right to request that a witness(s) attend the Formal Meeting.

Colleagues will be expected to present any character witness evidence in writing rather than require the witness to attend the meeting. Witnesses whose evidence is not challenged will not be called. Where a witness is required to attend, the Deciding Manager or Panel hearing the case will invite them in writing.

6. Non attendance at Formal Meeting

If the colleague or their companion is unavailable to attend, they may propose a new date no more than **five working days** from the date of the original meeting.

If the colleague does not attend the Formal Meeting without good reason, it should be re-arranged but the colleague will be advised that if they do not attend the rearranged meeting, a decision may be made in their absence. They may submit a written statement to be taken into consideration.

Where a colleague is persistently unable or unwilling to attend the meeting the Deciding Manager or Panel hearing the case should make a decision on the evidence available.

7. Non attendance at Formal Meeting – due to sickness absence

The Deciding Manager or Panel hearing the case and colleagues (and their companions) should make every effort to attend the meeting. The Deciding Manager or Panel hearing the case will respond sensitively when a delay is required as it may arise for a reason related to a colleague's disability or

emergency involving dependants. Where a colleague cannot attend due to sickness they must provide a fit note from their GP to certify their absence.

Where colleagues are absent due to sickness, the managing attendance at work procedure will apply as normal. Where possible another manager will be identified as a contact in school whilst the formal process is taking place.

As appropriate arrangements will be made for the colleague to see Occupational Health as soon as possible for assessment of their health generally and whether or not they are fit to participate in these procedures. Under these arrangements due regard will be had for what is said by Occupational Health and any information the colleague may wish to provide from their GP. Being absent from work due to sickness will not automatically stop the disciplinary procedure progressing.

8. Conduct of the Formal Meeting

The Deciding Manager or Panel hearing the case should introduce those present and clarify the roles. They should explain the purpose of the meeting, how it will be conducted and check that the colleague received the documentation in advance of the meeting. The Deciding Manager or Panel hearing the case should also check that the colleague is aware of the potential outcomes of the meeting.

In relation to disciplinary or capability procedures, the Presenting Manager will present the allegations or poor performance issues and identify the factual findings of any investigation. The Colleague or their companion may ask questions of the Presenting Manager. The Panel will ask questions to clarify any points.

For **grievance meetings** the Deciding Manager or Panel will ask the colleague or companion to identify grounds for raising a grievance or making an appeal.

For **appeal meetings** the Trustees' Panel will ask the colleague or companion to identify grounds for raising a grievance or making an appeal.

The colleague (or their companion) then has the opportunity to state their case and present evidence, including calling of the witness(s) where appropriate. They will be given the opportunity to ask questions to clarify points and may be asked questions by the Presenting Manager and the Deciding Manager or Panel.

At any point during the hearing, the colleague or their companion may request an adjournment in order to consult with each other.

After questioning is completed, the Deciding Manager or Panel will ask the colleague if there is anything further that they want to add. Before adjourning the Formal Meeting the Deciding Manager or Panel will invite the Presenting Manager and then the colleague to summarise the main points of the discussion.

The Formal Meeting will then be adjourned. This is an opportunity for the Deciding Manager or Panel hearing the case to consider the facts or instigate further investigation into the matter before coming to their decision.

The Specialist Adviser may remain to provide advice to the Deciding Manager or Panel.

9. Outcome

The Deciding Manager or Panel hearing the case will either recall the colleague to the meeting or write to the colleague confirming their decision and if necessary, their right of appeal. The outcome of the Formal Meeting will be confirmed in writing as soon as possible and in any case within **10 working days**.

10. Appeal Timescales

Within 5 working days of written notification of formal action, the colleague must notify the Trustees' Panel (Appeal) via the Trust Governance Professional of their intention to appeal including grounds, in accordance with the relevant formal procedure e.g Disciplinary Procedure.

Colleagues will be given at least 10 working days notice of the Appeal Meeting.

Colleagues must provide copies of any relevant evidence they intend to rely on, at least **3 working days** before the Appeal Meeting.

11. Appeal Meetings

In the case of Appeal Meetings the Formal Meeting process (Appendix 1) will apply to include the following necessary changes.

The Presenter (Appeal) will be the Deciding Manager or a representative of the Panel from the first formal meeting. In the case of the latter, the representations may call the Presenter from the formal meeting to act as witness in the Appeal.

The Trustees' Panel (Appeal) will be made up of people who have the appropriate level of authority and have not attended the first formal meeting. The Appeal Panel have the authority to overturn the decision made at the earlier meeting.

The Trustees' Panel (Appeal) should pay particular attention to any new evidence that has been introduced, and ensure the colleague has the opportunity to comment on it.

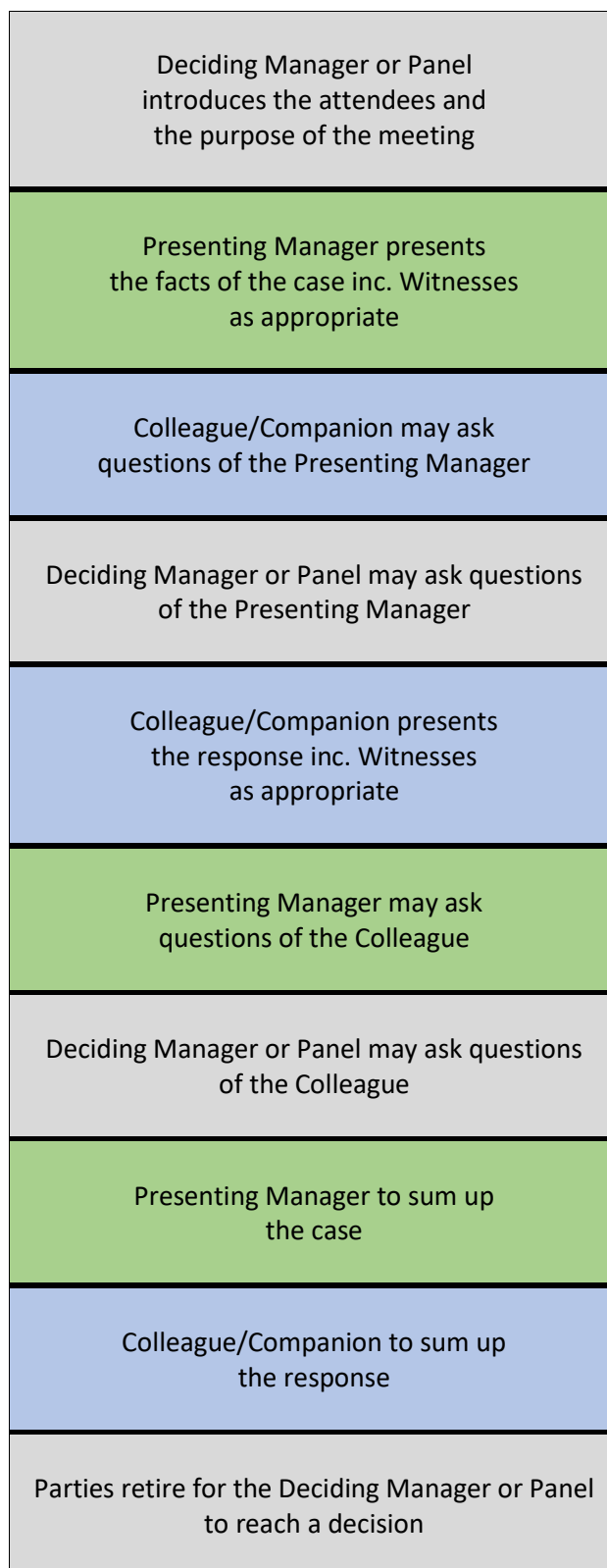
12. Appeal Outcome

The Trustees' Panel (Appeal) hearing the case will either recall the colleague to the meeting or write to the colleague confirming their decision and if necessary, their right of appeal.

The outcome of the Appeal Meeting will be confirmed in writing as soon as possible and in any case within **10 working days**.

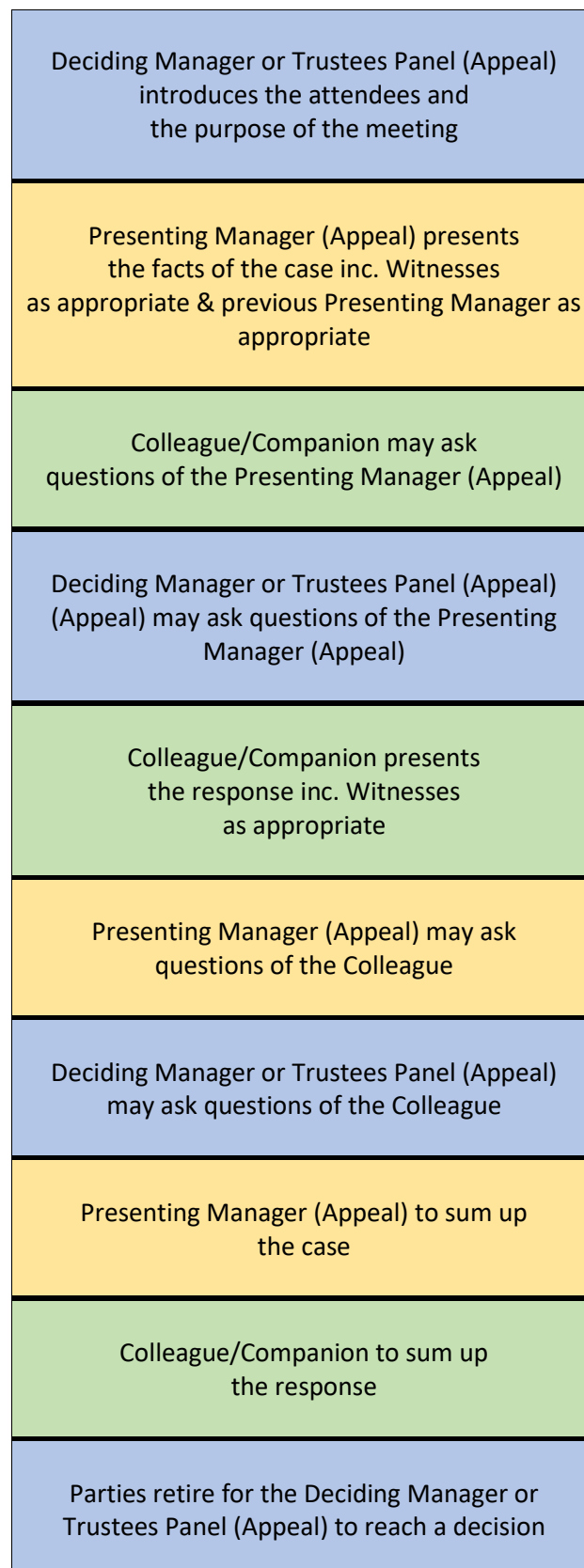
There is no further right of appeal.

**Formal Meeting Procedure – Agreed JCC TP Final
Conduct of the Meeting Flow Chart**



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Formal Appeal Meeting Procedure – Agreed JCC TP Final
Conduct of the Appeal Meeting Flow Chart



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Trust Decision-Making Structure

In line with Primitas Learning Partnership's scheme of delegation, responsibility for the management of disciplinary matters has been delegated to the Appropriate Leader which is as follows:

- *The Headteacher for colleagues within their Academy*
 - *The Governing Body if the concern is about the Headteacher*
 - *The Chief Executive Officer for colleagues within the Central Team*
 - *The Trust Board if the concern is about the Chief Executive Officer*
1. Concerns about staff conduct must be raised directly with the Appropriate Leader will decide if the matter can be dealt with informally or if it must be addressed through the formal disciplinary process.
 2. If the matter concerns a minor conduct issue by an Associate Staff Member, the Appropriate Leader will delegate informal procedures outlined in this Policy to a senior member of the leadership team.
 3. If the matter concerns a minor conduct issue by a Teaching Staff Member, the Appropriate Leader will delegate informal procedures outlined in this Policy to the Deputy Headteacher.
 4. If the matter cannot be resolved informally, or the matter is too serious, it must be referred to the Appropriate Leader who takes on the role of Deciding Manager and makes the decision to instigate formal disciplinary procedures and directs them once instigated.
 5. If any misconduct concerns the Headteacher, the matter must be referred directly to the Chair of Governors.
 6. If any misconduct concerns the Chief Executive Officer, the matter must be referred directly to the Chair of Trustees.