

Leamington Vineyard Learning Centre

Staff Discipline Policy

Introduction

In accordance with the provisions of Sections 35 and 36 of the Education Act 2002, school leadership bodies have overall responsibility for all dismissals. In the case of LVLC, this refers to LVC's Board of Trustees. However, other than in exceptional circumstances, LVC's Leadership should delegate the authority to take staff dismissals to the Principal. The Principal may involve other members of LVC's Leadership in dismissal processes, for example in hearing representations at a dismissal hearing but the initial decision should normally be the Principal's. (A Panel of members of LVC's Leadership would of course hear any subsequent appeal)

This disciplinary procedure does not replace the normal interchange between Principal/manager and employee, and recognises in most instances minor breaches of discipline can and should be dealt with informally and promptly by the Principal (or another appropriate line manager), without use of the formal disciplinary procedure. The use of supervision, coaching, counselling and informal reprimand can be effective in improving conduct. Nothing in this procedure removes the right of a manager to give an employee an informal reprimand outside the formal disciplinary procedure when the employee is believed to have committed a minor infringement.

This disciplinary procedure will be used when there is an allegation of a serious breach of discipline or where a series of minor breaches of discipline have occurred. An employee will not be dismissed for the first breach of discipline, except in cases of gross misconduct.

It is a fundamental principle at disciplinary and appeal hearings that the employee will be advised in writing, in advance, of the nature of the allegations against him or her and will be given the opportunity to state his or her case before any decision is made at the hearing.

The disciplinary sanctions identified within the procedure are not necessarily sequential and may be implemented at any level if the employee's alleged misconduct warrants such action.

An employee will have the right to appeal against any disciplinary sanction imposed at a formal disciplinary hearing.

Objective and Scope

LVLC's procedures are designed to clarify the rights and responsibilities of LVLC and employees and to promote fairness and order in any disciplinary action.

The policy and procedure applies to all employees of LVLC. This policy and procedure does not form part of any employees' contract of employment.

LVLC reserves the right to invoke any stage of the disciplinary procedures according to the severity of any unsatisfactory conduct regardless of any management warnings.

Actions taken by employees outside working hours may also fall within the scope of this policy if there is an impact on the employee's ability and/or suitability to do his/her job, or the actions may bring LVLC and/or the employee into disrepute.

Where an employee is subject to more than one allegation relating to their conduct, these issues may be dealt with together, if appropriate.

Depending on the circumstances, other policies may be followed in place of, or in parallel with, the Disciplinary Procedure. For example, issues relating to staff capability, absence and/or incapability

due to ill health will not normally be addressed under this policy (exceptions may be where LVLC believe the absence is not for a genuine reason).

Disciplinary Rules

The normally accepted rules of behaviour, which apply in society as a whole, will apply equally in the work situation. Any breach of an employee's Terms and Conditions of Employment, any conduct, which LVLC considers unsatisfactory or prejudicial to its interests, or any failure to meet the required standards of work, may render an employee liable to disciplinary action.

The lists below are not exhaustive and only serve as a guide to matters that LVLC may deem to be a breach of general discipline or gross misconduct (depending upon the nature, circumstances and severity of the incident).

It is accepted that to differentiate between general and serious breaches of discipline is difficult, therefore each case must be treated on its own merits. Since the examples are only guidelines, discretion will be exercised by LVLC in categorising breaches of discipline having regard to all the circumstances under which the breach of discipline occurred.

Examples of Misconduct

- Poor timekeeping (ie. lateness / leaving early) and attendance standards;
- Work not of the required standard (where capability is not in question);
- Disruptive behaviour;
- Minor breaches of policies.

Examples of Gross Misconduct

- Behaviour prejudicial to the good name or interests of LVLC or which may bring the employee or LVLC into disrepute;
- Unauthorised and unreasonable absence from the place of work;
- Wilful refusal to carry out a reasonable instruction or series of reasonable instructions;
- Breach of confidentiality;
- Breach of trust and confidence;
- Theft, misuse or abuse of the property of LVLC or any other employee;
- Being under the influence of alcohol on LVLC's premises, in working time, or at a LVLC event;
- Fraudulent practices;
- Falsification of any LVLC records;
- Assault or violent or threatening behaviour towards people or property on LVLC's premises or at a LVLC related event;
- Gross negligence or insubordination;
- Covertly recording hearings, meetings or colleagues;
- Serious breach of health and safety procedures or regulations;
- Making any sexual or other inappropriate contact with any students regardless of their age;
- Using, handling or possessing illegal drugs or substances irrespective of whether it is on the LVLC's premises, in working time, at a LVLC event or whilst acting on behalf of LVLC;
- Discrimination, harassment or victimisation on the grounds of protected characteristics as defined in the Equality Act of 2010;
- Bullying, harassment or victimisation, whether verbal, written, photographic, pictorial or physical, whether inside or outside of the workplace;
- Inappropriate use of LVLC's Information Technology systems and passwords including email or internet abuse or misuse;
- Using social media, whether inside or outside of working time, to post derogatory or offensive comments about LVLC, work colleagues, or third parties with which LVLC has an operational relationship;
- Any misappropriation of files or documents belonging to LVLC of any kind, or making copies, duplicates or excerpts of these for private or any other purpose(s) unrelated to an employee's employment and without consent;
- Material breach of contract or of LVLC's policies and procedures;

- Criminal offences, including those committed outside the workplace, which impact on the employee's ability or suitability to do his or her job.

It is noted that allegations relating to the safeguarding of children will be treated in accordance with LVLC's Managing Allegations policy, and in conjunction with WSCB's (Warwickshire Safeguarding Children's Board) guidance and advice.

Computers and allied equipment and software (eg. emails) are the property of LVLC; therefore examination of such equipment or software can take place without permission of the individual.

- If there are suspicions that an employee is misusing LVLC's equipment (eg. by accessing or downloading inappropriate material), the Principal will carry out an initial assessment of the circumstances, without alerting the employee at this stage.
- Where suspicions are that the misuse of equipment relates to the accessing or downloading of inappropriate material, the LADO must be informed without delay. They will determine whether the matter should be referred to the Police.

In the case of financial irregularity, internal audit will determine whether the matter should be referred to the police.

Roles and Responsibilities

There are several distinct roles to be taken during disciplinary proceedings. It is essential that they are clearly defined and that the person carrying out the role is clearly identified.

The Commissioning Manager

The Commissioning Manager, normally the Principal or the Chair of LVC's Leadership, will decide whether an allegation is sufficiently serious to warrant a formal investigation under this procedure. If so, s/he will appoint an Investigating Officer to carry out an investigation.

If the Principal faces an allegation or has had any prior involvement in the matter under investigation, including as a witness, the role of Commissioning Manager will be assumed by the a member of LVC's Leadership.

The Investigating Officer

The Investigating Officer will normally be an appropriate member of LVLC's Leadership Team or other manager. Care will be taken to ensure that the Investigating Officer is able to carry out the investigation impartially. If the Principal conducts the investigation, the role of Commissioning Manager must be assumed by a member of LVC's Leadership rather than the Principal, and any disciplinary hearing conducted by a Panel of other members of the Leadership. If appropriate, advice should be sought about appointing an Investigating Officer from outside LVLC.

The Person or Panel who conducts the Hearing

Where dismissal is a possible outcome, the case will normally be heard by a Panel of three members of LVC's Leadership. According to statutory guidance, this will also apply in the following circumstances:

- where the Principal is unwilling to perform the function and was appointed to the Headship of LVLC before 1 April 2004;
- where the Principal has been directly involved in the case, either as Investigating Officer or witness;
- where the Leadership of a school with a religious character has agreed policies and procedures that provide for a member of the Leadership to be involved in the interests of preserving the school's religious character;
- where the Principal is suspended or subject to disciplinary or capability procedures;
- where the Authority has made formal representations to the Chair of the Leadership on the grounds of serious concerns about the performance of the Principal.

It may be necessary to co-opt panel members from the leadership of other schools where it is not possible to form a Panel from LVLC's own Leadership.

In all other cases the Principal, including where they fulfil the role of Commissioning Manager, may hear the case.

The Presenting Officer

The case will normally be presented at the hearing by either the Commissioning Manager or the Investigating Officer. The Commissioning Manager may jointly present the case with the Investigating Officer. It is ultimately for the Commissioning Manager to determine which person(s) shall present the case on behalf of LVLC.

The Investigation

Alleged instances of misconduct should be acted upon promptly.

Following a complaint or allegation, it may be clear that a formal investigation is required. In some cases, a preliminary assessment of the available evidence will be appropriate to determine whether the allegation could have occurred. Once a decision has been made that a formal investigation is needed, the employee should be informed in writing of the nature of the complaint.

The Investigating Officer will investigate the matter thoroughly and impartially. This will include interviewing the employee. The employee will be informed of their right to be accompanied by their accredited Professional Association/Trade Union Representative, or a work colleague and no one else. The employee will be given a copy of the record of their investigatory meeting to sign, and the provision to make any amendments. Amendments should be clearly stated on the record of the meeting. This document will form part of the evidence presented at any subsequent hearing.

The investigation should be completed as quickly as is reasonably possible in the circumstances.

In cases involving sexual misconduct or harassment, it may be appropriate to appoint an investigator of the same gender as the complainant, who could be from outside LVLC, to assist with any investigation.

Witnesses

A 'witness' is someone who is not the subject of the allegation, but can provide an account of the alleged incident(s).

During the investigation factual witness statements will be taken from all relevant witnesses, which must be signed and dated. A witness who is not a LVLC employee may provide a witness statement (not a testimonial) but would not usually attend the disciplinary hearing. If allegations result in a disciplinary hearing, student names will be redacted from witness statements. If, on the rare occasion, no signature can be obtained the statement may still be presented. Only information that is directly relevant to the allegation(s) will be included. The questions that witnesses were asked should be included in the statements to demonstrate that the witnesses have not been led by the interviewer. When statements are taken, the dates and any names quoted should be written out in full and the date of the interview should be included.

A witness should be informed that:

- Any evidence provided may be included in their statement, so they should not disclose information that is irrelevant or prejudicial; he/she will be given one opportunity to review and amend their statement. If this involves substantial changes to the facts both versions of the statement will be included in the investigation report.
- His/her statement may be presented at any subsequent disciplinary hearing and s/he may be called to give evidence at the hearing and to be cross examined by the employee or their representative.
- A copy of his/her statement will be provided to the employee once it has been signed and agreed if, following the investigation, a formal disciplinary hearing is held.

Testimonials regarding an employee's character will not be accepted as witness statements, nor may witnesses be called to attend a hearing for this purpose.

It may not be necessary for witnesses be present at a disciplinary hearing to answer questions as the Disciplinary Panel may take statements as read. Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case in advance of the hearing which has been exchanged with all parties in accordance with the normal rules for exchanging paperwork.

If the employee who is the subject of the disciplinary procedure wishes to call witnesses from LVLC, requests must be made in writing in good time through the Commissioning Manager. The employee must provide the Commissioning Manager with the names of any witnesses they intend to call not later than 4 working days before the hearing.

Witnesses who are employees of LVLC and are called by the request of the Investigating Manager may be instructed to attend a disciplinary hearing by the Commissioning Manager to attend on behalf of LVLC. Witnesses called by the request of the employee who is the subject of the disciplinary procedure may decide for themselves whether or not they wish to attend the disciplinary hearing.

Statements from Students

This is a delicate area where the search for truth needs to be conducted in such a way as to avoid causing emotional harm to the student whose evidence is required.

As a general principle, children should not be interviewed more than once. If a child has already been interviewed by the Police or by a social care agency in the course of an investigation into the same or similar allegations, the interview statements should be requested from the other agency and used in LVLC's investigation.

Care needs to be taken to ensure that the student does not, as far as possible, feel intimidated by the process. This is particularly true for a student who might themselves have been the subject of the alleged misconduct. Where a formal investigation is underway, the parent/carer of the student should always be informed and invited to attend the interview with their child. The parent/carer should be told that an incident is being investigated and that the student's evidence may be used if it proves necessary to hold a formal disciplinary hearing. The student will not be required to attend the hearing to give evidence in person. Statements must be taken as soon as possible after the alleged incident has occurred when recollections are likely to be clearest in order to minimise the opportunity for collusion and rumour.

Where the Investigating Officer is not well-known to the student, for example, if they are from outside LVLC, consideration should be given to asking LVLC's Designated Safeguarding Officer to carry out this part of the investigation. The student should feel able to speak frankly and, as far as is possible, in a situation that is not intimidating.

In any event, when interviewing students, the Investigating Officer should be accompanied by a second adult, whose role is to ensure that a complete and accurate record is taken.

The Investigating Officer, taking into account the age and capabilities of the students, will ask the students to write down an account of what happened. Where this is not practicable, the Investigating Officer will write down the student's account and check carefully that they have recorded accurately what the student has said. It will be helpful for the Investigating Officer to prepare questions in advance.

The Investigating Officer will seek clarification of what the student saw and experienced. Leading questions must be avoided, but it is important to record the student's account of what happened, where and when and who else might have been present during the incident under investigation

The student's account should, like any witness statement, indicate the time, date and place at which the account was written, the questions asked, plus the names and roles of all those present at the interview.

Students under 18 must never attend a disciplinary hearing.

Conclusion of the Investigation

When the investigation is complete, the Investigating Officer will submit a report to the Commissioning Manager presenting all the evidence, including signed statements from the witnesses. On receipt of the investigation report the Commissioning Manager will consider whether there is a case to answer.

If s/he concludes that the allegation is without foundation no further formal action will be taken and the employee will be informed of this in writing. Management advice may be issued in such circumstances, which may include, where appropriate, advice to reduce the risk of similar allegations being made in the future.

If the Commissioning Manager believes that there is a case to answer, s/he will arrange a disciplinary hearing.

Having considered the report and the nature of the allegation, it will be for the Commissioning Manager to decide what the possible outcomes of the hearing could be and the employee will be advised of this in the letter inviting them to the hearing.

Suspension

An employee may be suspended on full pay in the following circumstances:

- where there is an allegation which, if proven, may be deemed gross misconduct;
- for the protection of students, colleagues, property, or the employee;
- where it is believed that the continuing presence of the employee in the workplace could interfere with the conduct of the investigation, including the taking of statements;
- relationships have broken down;
- there are concerns regarding Health and Safety.

Suspension is a neutral act and does not imply that any decision about the veracity of the allegations has been made. The decision to suspend may be made by the Principal or LVC's Leadership but as it will have a serious impact on the employee, advice should first be sought.

Consideration should also be given to the following short term alternatives to suspension:

- Working from home;
- Paid leave of absence;
- Working in a different location;
- Working in a more closely supervised environment.

Where the allegation concerns the safeguarding of children, a risk assessment must be discussed with the LADO. Once this assessment has been made, a decision about suspension can be taken.

Wherever possible, a meeting with the employee (and his/her accredited Professional Association/Trade Union representative if relevant) should be held, at which the allegations and reasons for considering suspension will be discussed. Discussion should include the arrangements for keeping in contact with the employee. The decision will be confirmed in writing as soon as possible.

During suspension a named contact will be assigned to keep in touch with the employee.

Suspension will be reviewed periodically (normally every 4 weeks) by the Commissioning Manager to consider whether circumstances surrounding the suspension have changed. If circumstances require, the Commissioning Manager will make a recommendation that the suspension be lifted.

Where it is not possible to review the suspension within the normal review period (eg. where it falls during a period of closure such as the summer holidays) a longer period of review should be set and the reason for this is communicated in writing to the employee.

Where the reason(s) for suspension is considered to no longer be relevant, and no new information has come to light to otherwise justify such a measure, the review should be brought forward and steps taken to reintegrate the employee back into the workplace as soon as is reasonably practicable.

The Disciplinary Hearing

The Investigating Officer will convene the hearing by mutual agreement with all parties. The procedures to be followed at this stage of the process may be varied.

The member of staff must be given at least 5 working days' notice of a hearing and must be advised in writing of the date, time and location of the hearing, who will be involved, the nature of the complaint being made and of the right to have a Representative present. Copies of any supporting information, including statements already taken as part of an investigation, should accompany the letter and a copy of the disciplinary procedure must be provided. The names of witnesses should be included within the letter.

A LA representative will be invited to attend as advisers to the Principal or a Leadership Panel.

If the employee is unable to attend the hearing for acceptable reasons it will be rearranged, in discussion with the employee and their union/teacher professional association representative, for a second date taking account of the circumstances. If the employee is unable to attend the rearranged hearing it will normally proceed in his/her absence. Her/his representative will be given the opportunity to present the employees case on her/his behalf. It is good practice for all parties to seek agreement on a mutual date to avoid attendance difficulties.

Difficulties that may arise during Disciplinary Hearings

Listed below are some examples, with suggestions on how they might be handled:

- Failure to attend by the employee
If no adequate reason is given, consider whether the case can be heard in the employee's absence.
- New evidence presented at the hearing
One of the parties presents new evidence at the start of or during the hearing. The Panel should accept new evidence only if there are compelling reasons that prevented the exchange of evidence in the normal timescale. If the evidence is admitted, depending on the complexity, then it might be necessary to allow an adjournment (possibly to another day) for the other party to consider and prepare a response.
- A witness reveals a crucial piece of evidence that is not known to anyone else present.
The Panel should adjourn the hearing in order to consider whether to admit the new evidence. If the new evidence is so significant as to affect the likely fairness of the outcome of the hearing, then the Panel may adjourn the hearing to another day in order to allow the Investigating Officer to extend his/her investigation and/or to enable the employee to prepare their response.

Criminal Activity

No internal disciplinary investigation should be initiated whilst the matter is being investigated by the Police/Internal Audit, without authorisation being given to do so.

Ill Health

Ill health relating to conduct

Before implementing disciplinary procedures, LVLC must consider whether ill health or disability factors may be contributing to the employee's conduct.

Ill health and absence during an investigation

Sickness absence will not necessarily prevent an employee from attending a meeting. Clarification may be requested from the employee's doctor and/or occupational health about whether s/he is fit to attend a meeting. An employee will be given up to 2 opportunities to attend an investigatory meeting. If this is not possible, the Investigating Officer may send the employee a list of questions to respond to by post or email. Should this prove to be unsuccessful, the investigation may need to be concluded without the employee's input. The employee should be advised of this on the second attempt to invite them to an investigatory interview. If the employee's absence results from a disability as defined in the Equality Act, appropriate adjustments to the timescales in the procedure should be considered.

Ill health and absence at a hearing

Employees should make every effort to attend the hearing. The Commissioning Manager may choose to arrange another date if the employee has given prior notice that they will be unable to attend a hearing due to ill health. In this circumstance there will only be one opportunity for the employee to request another date for the hearing. A second hearing date will be arranged through consultation with the employee and his/her representative, where there is one, this will be within a reasonable timescale not resulting in any significant delay to the convening of the hearing. Advice should be sought to ensure that appropriate account is taken of any disability. If the employee is still unable to attend they may provide a written statement to be considered at the hearing.

Disciplinary Action

If the Principal/panel hearing the allegation considers that there is no case to answer the employee will be informed at the earliest opportunity and it will be confirmed in writing within 5 working days of the decision being made. All reference to the disciplinary case will be removed from the employee's personal file.

If the Principal/panel believes, on the balance of probabilities that the alleged misconduct is substantiated the Principal/panel will decide the appropriate disciplinary action. The sanctions available are:

- **Oral Warning**

This may be issued for minor breaches of discipline which will be confirmed in writing and retained on the personal file for a period of 6 months.

- **First Written Warning**

For a breach of discipline amounting to misconduct or for a further minor breach of discipline after a formal oral warning has been given and remains live. A copy of a written warning will remain live on file for 1 year, after which the warning will be disregarded for disciplinary purposes.

- **Final Written Warning**

For a serious breach of discipline, for a breach of discipline amounting to gross misconduct but where a lesser penalty is appropriate in the circumstances, or where there has been failure to improve after a written warning has been given and remains live.

A copy of a final written warning will remain live on file for two years after which the warning will be disregarded for disciplinary purposes.

- **Dismissal**

For failure to improve or for an act(s) of further misconduct after a final written warning has been given and remains live, dismissal may be with notice or pay in lieu of notice. For an act(s) of gross misconduct, dismissal may be without notice.

The employee will be provided with written confirmation within 5 working days of the decision together with details of their right of appeal.

The Appeal Process

Any disciplinary action taken by the Principal or panel is subject to the employee's right of appeal to a Leadership Appeal Panel.

The employee must confirm in writing that he/she wishes to appeal against the decision within 5 working days of written notification of the decision setting out the grounds for the appeal. If an appeal is not received within 7 calendar days LVLC will assume the employee accepts the decision.

The Appeal hearing will take the form of a rehearing.

All paperwork must be reissued by each party in accordance with the prescribed timescales. The Panel should be provided with a copy of the letter convening the Appeal Hearing.

It is important to note that because the appeal is a rehearing, the decision letter and notes of the original disciplinary hearing should not be presented to the Appeal Panel by either party.

The appeal will be heard by a Panel of 3 members of LVC's Leadership not previously involved in the disciplinary hearing, who have no prior knowledge of the case. To be quorate the Appeal Panel must consist of at least the same number of members of the Leadership as at the previous hearing.

Where an appeal against dismissal is not upheld, the date of termination will be the date on which the employee was originally dismissed. During the appeal stage the employee will remain dismissed from LVLC. If an employee is reinstated following dismissal, s/he will be treated as being continuously employed for the whole period, including the period between dismissal and reinstatement.

The decision of the Appeal Panel will be final and must be reported to LVC's Leadership.

Disciplinary Records

While potential disciplinary action outlined in the formal warning will expire at the end of the specified period, a copy of the 'spent' disciplinary warning will be retained on the employee's personal file for reference but will usually be disregarded for future disciplinary purposes.

There may, however be exceptional occasions when the warning cannot be disregarded, such as where the 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 abuse, an employee's disciplinary record will be borne in mind in deciding how long any new warning will last.

In exceptional circumstances where an employee commits an act of potential gross misconduct, but having considered mitigating circumstances LVLC decides to issue a final written warning, this may be referred to at any time in the future should the employee commit a similar act, when deciding upon a sanction. This will be solely for the purpose of showing that the employee was aware of the severity of the act. This applies irrespective of whether the final written warning would otherwise be spent.

All schools are required to follow the statutory guidance in "Safeguarding Children and Safer Recruitment in Education" which came into force in January 2007. Paragraph 4.34 sets out the disclosure requirements when employment references are required and they include:

- details of any disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
- details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of those; and
- details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcomes of those concerns, eg. whether the allegations or concerns are investigated, the conclusion reached and how the matter was resolved.

Spent disciplinary sanctions must only be declared to a prospective employer if the reason for the sanction concerns safeguarding children. Sanctions for other reasons will not be declared to prospective employers after they are spent.

Records will be kept securely and only be made available to employees whose duties require access to this information.

Resignations and Settlement Agreements

Paragraphs 31, 73-78, 145-194 of “Keeping Children Safe in Education” set out specific requirements in relation to handling allegations concerning the safety and welfare of children and young people. In summary these are:

- Allegations concerning the safety and welfare of children must be investigated and heard even if the employee has resigned. The ex-employee will be given the same opportunity to participate in the investigation as he/she would have been as an employee, but LVLC must reach a conclusion whether or not the ex-employee co-operates in the proceedings.
- A “Settlement Agreement” is a legal device to terminate the employee’s contract in which an employer agrees not to pursue a disciplinary process and an employee agrees not to pursue any legal claim against the employer. Where there are allegations concerning the safety and welfare of children, a Settlement Agreement must not be used. A settlement agreement which prevents LVLC from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as LVLC would not be complying with its legal duty to make the referral.

Referrals to Statutory Bodies

Statutory requirements make it necessary for the Authority to draw the attention of the Disclosure and Barring Service (DBS) and National College for Teaching and Leadership to certain cases involving teachers and other school-based employees.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Right to be accompanied

An employee has the right to be accompanied and supported, during the investigation and at each formal stage of the procedure where action may be taken (including appeal), by a fellow employee or an accredited Professional Association/Trade Union Representative and no-one else.

The role of the Professional Association/Trade Union representative or work colleague is to:

- familiarise him/herself with the case;
- assist the employee in preparing for the case;
- confer with the employee before and after the hearing;
- present and sum up the employee’s case, as agreed with the employee;
- address the hearing and ask appropriate questions, as agreed with the employee;
- respond on the employee’s behalf to any view expressed at the hearing; and
- ask for adjournment if necessary.

The Professional Association/Trade Union representative or work colleague is not permitted to:

- answer questions on behalf of the employee;
- address the hearing if the employee indicates that he/she does not wish them to do so;
- prevent LVLC from explaining the case;
- prevent any other person at the hearing from making his/her contribution.

The employee should provide the name of their representative in advance. If the chosen representative is unavailable at the time of the hearing, the employee may request a postponement (once) to a time that is convenient to all parties within a reasonable timescale not normally exceeding 5 working days.

An employee will not be subject to any detriment by the employer for having acted as a companion in disciplinary proceedings.