

DISCIPLINARY POLICY

APPENDIX 2

PROCEDURE FOR DISCIPLINARY APPEALS AT HUMAN RESOURCES APPEALS COMMITTEE

Normally the conduct of a hearing will be as detailed below. However, if a departure from the procedure would assist in revealing the full facts this is not precluded at the discretion of the Chair.

Both sides should produce and distribute a Statement of Case to the appeals panel at least 5 working days prior to the date of the hearing.

Introduction

At the hearing, the Chair of the Appeals Committee will explain briefly the following procedure to appellant and their representative.

Employee's Case

The appellant or representative will present the case including any documentary and/or evidence from witnesses in the presence of the Council's representative. If the representative presents the case, the employee will be given the opportunity to add comments, as necessary.

The Council's representative will have the opportunity to ask questions of the appellant or representative and any witnesses on the evidence given.

The Appeals Committee will have the opportunity to ask questions of the appellant(s) or representative and any witnesses on the evidence given.

The Council's Case

The Council's representative who will usually be the disciplinary officer will present the case including any documentary evidence and/or evidence from witnesses in the presence of the appellant and representative.

The appellant or representative will have the opportunity to ask questions of the Council's representative and any witnesses present on the evidence given.

The Appeals Committee will have the opportunity to ask questions of the Council's representative and any witnesses on the evidence given.

General Questions

The Committee will have a final opportunity to ask any further questions of either parties in the presence of both parties.

Summing-up

The Council's representative and the appellant or representative will have the opportunity to sum-up their case if they wish. The appellant or representative will sum-up last and no new evidence will be introduced at this stage.

DISCIPLINARY POLICY

Decision

The Council's representative and the appellant and representative will withdraw to enable the Committee hearing the appeal to consider the matter. The person advising the Committee will remain.

The Committee will consider the matter in private, only recalling the Council's representative and the appellant or representative to clear points of uncertainty on evidence already given. If a recall is necessary, both parties will return even if only one party may be concerned with the point giving rise to doubt.

Both parties will be asked to return when a decision has been reached.

The Chair of the Committee will announce the decision and inform the appellant and representative that it will be confirmed in writing within 5 working days.

Adjournments

The Chair of the Committee has the discretion to adjourn the hearing at any time he/she feels appropriate.

Either party may request an adjournment. They must give the reason(s) for their request and inform the Chair of the Committee of the length of adjournment required. The Chair of the Committee has the discretion to allow or deny any request.