

## Agenda Item 3

### APPEAL HEARING STRUCTURE

1. **Introduction of parties and explanation of structure.**

In attendance:

- Members hearing the Appeal
- Human Resources Advisor (advise panel)
- Legal Advisor (advise panel)
- Note taker
- Manager presenting case (who made the decision to dismiss)
- Human Resources Advisor (to deciding manager)
- Appellant
- Appellant's Representative (only one representative will be allowed to attend the hearing and this may be a Trade Union Representative or a work colleague).

2. **APPELLANT'S CASE** will be put first.

3. **MEMBERS HEARING THE APPEAL** will ask any points regarding the Appellant's case.

4. **THE MANAGER PRESENTING THE CASE** may ask points of clarification of Appellant.

5. **THE MANAGER** will then present his / her case, explaining why the decision was considered appropriate.

6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Presenting Manager.

7. **THE APPELLANT** (or his / her representative) may ask for points of clarification from the Manager.

8. **APPELLANT'S CONCLUDING REMARKS** (if any)

9. **MANAGER'S CONCLUDING REMARKS** (if any)

10. **AFTER AN ADJOURNMENT** if the Panel are able to come to a decision within a reasonable timescale, the Chair of the Appeal Panel will give the decision. If the decision is likely to take some time, the parties will be notified of the decision within an agreed timescale. The decision will be confirmed in writing to the Appellant.

## APPEALS UNDER THE DISCIPLINARY PROCEDURE

1. The function of the Appeal is to consider the evidence in the light of the submissions made by the Appellant, together with the Council's response and to decide upon the fairness and reasonableness of the decision. It is not a rehearing. It is a review process.
2. In reaching a decision, the Panel of Members should consider the following: -
  - (i) Has any new evidence been presented which was not heard by the Chair of the original Panel? New evidence will only be considered if it was not available to the deciding officer and is relevant to the matter.
  - (ii) Was the decision procedurally correct.
3. If the Appeal grounds are on procedural irregularities, the Panel must decide whether there were any such irregularities and, if so, whether these prejudiced the disciplinary decision to such an extent that a fair hearing was not possible.
4. IN ACCORDANCE WITH POLICY THE GROUNDS FOR APPEAL SHOULD BE RELATED TO THE FOLLOWING: -
  - The **PROCEDURE** – the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.
  - The **FACTS** – failure to take account of material evidence. New evidence will only be considered if it was not available to the Deciding Manager and is relevant to the matter.
  - The **DECISION** – the decision did not justify the level of disciplinary sanction imposed.

The Grounds of Appeal for the case are:

1. Procedure: The disciplinary process was marred by procedural irregularities that unfairly influenced the outcome.
2. Facts: The facts presented in the disciplinary process were either disregarded, misinterpreted, or deemed irrelevant.
3. Decision: The severity of the sanction imposed does not align with the alleged misconduct.