

APPEAL HEARING STRUCTURE

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

In attendance:

- Members hearing the Appeal
- Human Resources Adviser
- Legal adviser to the Panel
- Note taker
- Manager presenting case
- 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 using supportive evidence, documentation and witnesses. *(20 mins)*
3. **MEMBERS HEARING THE APPEAL** will ask any points regarding the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE** may ask points of clarification of Appellant or witnesses. If either side does not wish to check any points with the witnesses, they may leave the hearing at this stage.
5. **THE MANAGER** will then present their case, explaining why the original decision was considered appropriate. *(20 mins)*
6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Manager and their witnesses.
7. **THE APPELLANT** (or their representative) may ask for points of clarification from the Manager or their witnesses.
8. **APPELLANT'S CONCLUDING REMARKS** (if any) *(5 mins)*
9. **MANAGER'S CONCLUDING REMARKS** (if any) *(5 mins)*
10. **AFTER AN ADJOURNMENT** if the Members are able to come to a decision within a reasonable timescale the Chair of the Sub Committee hearing the Appeal will give the decision. If the decision is likely to take some time the parties will be offered the option of being notified of the decision the following working day by the Human Resources Adviser. In any event, 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 should consider the following –
 - i. Has any new evidence been presented which was not heard by the Chair / Deciding Manager?
 - ii. Was the decision procedurally correct?
3. If the Appeal is on the grounds of 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. Appeals against the disciplinary action will only be considered on one or more of the following reasons:
 1. The PROCEDURE – the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.
 2. The FACTS, - Failure to take account of material evidence.
 3. The DECISION, The decision did not justify the level of disciplinary sanction imposed. The Panel will decide if the decision was a decision a reasonable employer could reasonable make.