

## **Procedure**

The Chair of the Hearing/Appeal will introduce everybody and explain the following procedure to both sides: -

1. The **applicant** will state the nature of the case, referring to evidence gathered. He/she will be permitted to call witnesses and to produce relevant documentation.
2. The **respondent** will be given the opportunity to ask questions:
  - (a) of the **applicant** on the evidence given by him/her and
  - (b) of any of the witnesses the **applicant** has called on their evidence.
3. The Chair (and other panel members, if relevant) and the HR advisor will take the opportunity to ask questions.
4. The **respondent** will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.
5. The **applicant** will be given the opportunity to ask questions:
  - (a) of the **respondent** on the evidence given by him/her and
  - (b) of any of the witnesses the **respondent** has called on their evidence.
6. The Chair (and other panel members, if relevant) and the HR advisor will take the opportunity to ask questions.
7. If appropriate there will be a general discussion to establish all the facts and/or clear up any misunderstandings.
8. The **applicant** and **respondent** may summarise the main points of their case if they so wish. No new evidence or information may be included.
9. The Chair (or Appeal Panel) will adjourn to consider the case, with the HR advisor.
10. If the Chair wishes to clarify any points of evidence, both sides will be recalled.
11. The Chair will reconvene the hearing to deliver the decision of the panel. In Disciplinary Hearings where the Chair is considering action short of dismissal then the Chair should explain this but not deliver the sanction. In this situation only the **respondent** may put forward any other information to be considered and the Chair will adjourn to consider the sanction/mitigation.
12. The decision of the Chair (or of the Appeal Panel) will normally be given verbally at the end of the hearing and will subsequently be confirmed in writing to both parties. (Written confirmation should be made either by recorded delivery, registered mail or by hand).

Notes:

The following chart identifies the applicant and respondent under each procedure:

Procedure	Applicant	Respondent
Disciplinary hearing	Management	Employee
Disciplinary appeal	Employee	Management (chair of hearing)
Grievance hearing	Employee	Other employee or management
Grievance appeal	Employee	Management (chair of hearing)
Capability hearing	Management	Employee
Capability appeal	Employee	Management (chair of hearing)
Managing attendance hearing	Management	Employee
Managing attendance appeal	Employee	Management (chair of hearing)

An employee has the right to be accompanied to all hearings/appeals listed above by a fellow worker, a trade union representative, or an official employed by a trade union. Their companion may present their case on their behalf, but the employee must answer any questions addressed to them personally.

The companion should be allowed to address the hearing in order to:

- Present the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the hearing
- Confer with the employee during the hearing

They should be able to participate as fully as possible in the hearing, including asking witnesses questions. However, the companion cannot answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the management representative from explaining their case.

No other person, for example partner or relative, will be allowed to attend the Hearing.

Reasonable adjustments will be observed, in line with the Equality Act 2010.

The applicant and the respondent are responsible for calling their own witnesses. In disciplinary hearings the investigators will organise and call their own witnesses.

If employees need assistance organising or calling any of their witnesses, for example if they are experiencing difficulties in arranging witnesses to attend, they should contact the HR Advisor for assistance.

### **Appeal Hearings – Role of Support Officers:-**

HR Support Officer

During Appeal Hearings, the Chair of the original hearing will present the management case to the appeals panel. If they wish, the HR Advisor who advised them during that original Hearing may accompany them at the Appeal Hearing to offer support. At the Appeal the HR Support Officers role is to:-

- Support the original Chair at the Appeal by:-
- Taking notes,
- Finding/Identifying evidence in the bundle,
- Clarifying notes from the original hearing,
- Pointing out issues to the original Chair that might result in the original Chair requesting an adjournment

Trade Union Support Officer

During Appeal Hearings, the trade union representative may, if they wish, be accompanied by an additional Trade Union Officer to offer support. At the Appeal the Trade Union Support Officers role is to:-

- Support the trade union representative by:-
- Taking notes o Finding/Identifying evidence in the bundle
- Clarifying notes from the original hearing if appropriate
- Pointing out issues to the trade union representative that might result in the representative requesting an adjournment

At the Appeal Hearing the HR and Trade Union Support Officers' role is NOT to:-

- Take an active part in the Hearing
- Offer their opinion to the appeals panel