

## **DISCIPLINARY POLICY AND PROCEDURE**

### **1. PURPOSE AND SCOPE**

- 1.1 Blackburn College expects exceptional standards of behaviour, conduct and attendance from all its employees. The purpose of this Disciplinary Policy and Procedure is to:
  - Help and encourage employees to achieve and maintain the required standards of conduct;
  - Provide a framework for dealing with instances where employees are alleged not to have met the required standards of conduct;
  - Ensure consistent and fair treatment for all in relation to disciplinary action.
- 1.2 Issues of underperformance should be addressed in line with the College Managing Performance Capability Procedure.
- 1.3 This procedure applies to all employees other than “Senior Post Holders” as defined in the College’s Articles of Governance.

### **2. GENERAL PRINCIPLES**

- 2.1 The following principles will apply to the application of this policy and procedure:
  - Disciplinary matters will be dealt with consistently and in a timely manner;
  - No disciplinary action will be taken against an employee until the College has fully investigated the circumstances of the alleged misconduct;
  - The employee will be advised of the nature of the alleged misconduct and will be given the opportunity to state their case in response before any decisions are made;
  - An individual may be suspended at any stage during the procedure in accordance with section 5.
  - At all formal stages of this procedure the employee is entitled to be accompanied or represented by a work colleague or Trade Union Representative;
  - If an employee fails, without good reason, to attend a disciplinary hearing, which the College has instructed them to attend, the hearing will take place, and a decision made in their absence.
  - No formal disciplinary sanction will be imposed without a disciplinary hearing / meeting.
  - An employee will have the right to appeal against any formal disciplinary sanction imposed;

- All parties involved in these procedures must ensure that they maintain the confidentiality of the process within and outside the College. Disclosure of information by any of the parties involved might occur where this is required under law or where there is a circumstance involving duty of care which requires disclosure, e.g. where a manager has concerns for the well-being of the employee or others. In situations where disclosure may be required, the decision to disclose will be made by the Principal and Chief Executive or nominated deputy.

### **3. STAGES OF THE PROCEDURE**

Normally the procedure will be followed in the order of the stages set out in sections 3 below. However, misconduct of a serious nature may be brought into the procedure at any stage if any earlier stage would not be severe enough or appropriate to deal with it. For example there may be occasions when misconduct is considered not to be so serious to justify dismissal, but serious enough to warrant only one written warning which will be both the first and final written warning.

#### **3.1 Informal Stage**

- 3.1.1 Minor lapses from the required standards of conduct will usually be dealt with informally by the employee's line manager as early as possible with the intention of gaining sustained improvement in the employee's conduct.
- 3.1.2 A one-to-one confidential discussion between the line manager and the employee should consider:
- The nature of the concerns;
  - The employees views and / or any mitigating circumstances that may be affecting their conduct;
  - The expected standards of conduct and improvements required;
  - Any support required;
  - Timescales for improvement and review dates;
  - The potential consequences of not achieving the required improvements in conduct.

Based on this discussion the line manager may issue the employee with an informal oral warning.

- 3.1.3 Brief confidential notes will be kept by the manager to record the discussions and any agreed informal action. The outcomes of any discussions should be confirmed in writing to the employee (email correspondence is acceptable). These notes will be retained for 6 months. Should the case warrant consideration of formal disciplinary action within this 6 month period the notes may form part of a formal investigation.
- 3.1.4 It is important for both parties to understand that informal action is not formal disciplinary action and employees are not entitled to representation at this stage, although the employee may seek advice from their trade union representative.
- 3.1.5 Following a satisfactory outcome the matter will be considered resolved. However, where an issue has been discussed with an employee informally and if:
- The issue has not been resolved and the problem persists; or

- The required improvements in conduct are not achieved; or
- Further information becomes available during discussions which make the matter sufficiently serious;

The formal procedure should be invoked.

### **3.2. Formal Stages**

Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the manager considers informal action to be inappropriate, formal action will be initiated.

An investigation of the facts will be conducted as outlined in section 3.2.1 to determine whether there is a disciplinary case to answer.

Where an investigation indicates that there may have been an act of misconduct the employee will be required to attend a formal disciplinary hearing at which they will be given the opportunity to respond and state their case.

#### **3.2.1 Investigation**

- I. Disciplinary action will not be undertaken until the necessary facts have been established. An Investigation Team will be appointed by the Head of Human Resources to conduct a disciplinary investigation.
- II. The investigation team will comprise of an Investigating Officer, normally an individual paid on the management scale, and a Human Resources representative who will assist in ensuring that matters are handled fairly, reasonably and in compliance with current legislation and College procedure.
- III. The employee will be informed in writing of the allegations and that an investigation will be undertaken as soon as practicable. The Investigation Officer where appropriate may choose to have an informal meeting with the employee to advise that an investigation is underway.
- IV. The length of the investigation will depend on the nature and number of allegations being investigated. However, the investigation should be concluded as soon as reasonably possible whilst allowing sufficient time to interview all relevant parties / witnesses and evaluate all available evidence.
- V. As part of the investigation the employee will be invited to attend an investigatory interview. The purpose of the investigatory interview is to gain the employee's response to the allegations and their version of events, and for the employee to identify any witnesses they feel are relevant to the case. The investigatory interview is not a disciplinary hearing and the Investigation Team do not have the authority to issue any form of formal warning.
- VI. Notes will be taken during the investigatory interview and they will be sent to the employee to review and sign. If the employee wishes to make any amendments they can do so either by discussion with the Investigation Team or by forwarding their comments which will be appended to the notes.
- VII. With the view of expediting matters the employee will be given a deadline by which they must return the signed notes and any comments to the Investigation Team. Where the employee does not do so within the required time the investigation will proceed based on the unsigned notes.
- VIII. The investigation may also include meeting with appropriate persons who may have witnessed the alleged misconduct or may be able to provide contextual information. Any statements included as evidence will be signed and dated where possible.

- IX. There may be exceptional circumstances where the identity of witnesses (including the individual who first raised the allegation) will not be revealed as part of the investigation report i.e. where that individual may be put at risk.
- X. The employee will be advised in writing should any additional allegations arise during an investigation.
- XI. The Investigation Team will prepare a report summarising the nature of the allegation or complaint, the process of the investigation and the findings and determine whether there is a prime facia case to answer and if the matter should be dealt with formally.
- XII. The outcomes of an investigation which is recommended to the Disciplinary Officer may be:
  - I. There is no case to answer and therefore no disciplinary action is taken;
  - II. The matter is dealt with informally;
  - III. There is a disciplinary case to answer and a disciplinary hearing is to be arranged.
- XIII. The report will be submitted to the Head of Human Resources, or nominated deputy, to forward onto an appropriate Disciplinary Officer to make a final decision as to whether a hearing should take place.

### **3.3 Disciplinary Hearing**

- I. Where a decision is made to convene a disciplinary hearing, the hearing will be attended by:
  - The Disciplinary Panel: which will comprise of a senior manager (Disciplinary Officer) authorised to undertake disciplinary action in accordance with this procedure (see appendix 1), who will be assisted by a Human Resources representative;
  - The Investigation Team: who will present the Management case. In exceptional circumstances the management case may be presented by an alternative manager or Human Resources representative;
  - The employee and their chosen representative.
- II. Employees will be given a minimum of five working days' notice in writing of the requirement to attend a disciplinary hearing, to include:
  - Details of the allegation or complaint;
  - The date, time and place of the hearing;
  - The right of the employee to be represented or accompanied;
  - Details of the Disciplinary Panel and who will present the management case;
  - Any documentation that will be referred to in the hearing in the form of the investigation report.
- III. The employee will be invited to submit to the Disciplinary Panel any documentary evidence they wish to have considered, not less than three working days before the date of the hearing, where reasonably practicable, to allow for an exchange of documents between the parties. The employee may make a request for witnesses to attend the hearing to the Disciplinary Officer. The Disciplinary Officer has the discretion to grant any such request if they are satisfied the evidence is relevant to the case and will not ordinarily turn down reasonable requests for a witness to attend. The Disciplinary Officer may as an alternative request that witnesses submit a statement for consideration rather than attend e.g. in instances where an individual is making statements of character rather than has witnessed any incident(s) which formed the basis of the disciplinary case being considered. Any

- witness will only attend for the section of the hearing where they are required to give evidence.
- IV. The purpose of the hearing is to provide the opportunity for the employee to respond to the allegations made under this procedure and to allow the Disciplinary Panel to consider the facts of the case before making a final decision. The format of the hearing is detailed in appendix 2.
  - V. The employee representative will have an opportunity to address the hearing, put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.
  - VI. Where the chosen companion is not available at the time proposed for the hearing, the employee has the right to request that the hearing be postponed and suggest an alternative time within five working days of the original hearing date, or in the case of an employee who teaches during term time, an extension to this time frame may be granted. If the chosen representative is unable to attend a re-arranged hearing within a suitable timeframe the employee is expected to make arrangements to be accompanied by an alternative representative.
  - VII. Employees must make all reasonable efforts to attend a disciplinary hearing. If the employee fails to attend a re-arranged hearing this will proceed in the employee's absence. Employees will be given the opportunity to put their case in writing for consideration by management, in their absence. Alternatively, an employee's representative may attend and present the case in their absence.
  - VIII. After the hearing, having fully considered the circumstances of the case, the Disciplinary Panel will decide if, on the balance of probabilities, the allegation(s) are proved and if so what level of disciplinary sanction, including and up to dismissal, is appropriate.
  - IX. The decision will normally be provided to the employee orally following adjournment. Written confirmation of the outcome of the hearing, with full reasoning for the decision, will be sent to the employee within a reasonable timeframe.
  - X. Where a warning is given, support will be identified to help the employee achieve the standard of conduct required, which may include a development plan, staff development etc.
  - XI. Records will be kept of the disciplinary outcome for the period of any warning or a minimum of 12 months in the case of a dismissal and / or any Safeguarding related misconduct matter.

### **3.4 Formal Levels of Disciplinary Action**

Levels of disciplinary action are as follows:

#### **Stage 1 - Formal Verbal Warning**

A Formal Verbal Warning will normally be issued if:

- The conduct of an employee has fallen below an acceptable standard and
- The employee has committed a minor offence.

This will be a 'live warning' a copy of which will remain on the employee's personal file for six months, after which it will be disregarded for disciplinary purposes, subject to no further misconduct during this period.

## **Stage 2 – Written Warning**

A Written Warning will normally be issued if:

- There is no improvement in conduct about which the employee has previously been warned or
- Another instance of misconduct has occurred during the currency of a previous warning or
- The employee's misconduct, although not considered to be serious enough to justify a Final Written Warning, is sufficiently serious to warrant a Formal Written Warning.

A Written Warning will be retained on the employee's personal file for 12 months, after which it will be disregarded for disciplinary purposes, subject to no further misconduct during this period.

## **Stage 3 – Final Written Warning**

A Final Written Warning will normally be issued if:

- A Written Warning has already been issued and another instance of misconduct has occurred while it is current or
- There is no improvement in the conduct about which the employee has previously been warned or
- The employee's misconduct, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant only one written warning (in effect both the first and final written warning).

A Final Written Warning will be retained on the employee's personal file, for 18 months, after which it will be disregarded for disciplinary purposes, subject to no further misconduct during this period.

## **Stage 4 – Dismissal**

Dismissal will normally occur if:

- There is no improvement in the conduct within the specified period which has been the subject of a Final Written Warning or
- Another instance of misconduct has occurred during the currency of a previous warning and a Final Written Warning has already been issued or
- An allegation of gross misconduct is found to be proven (see appendix 3 for examples of gross misconduct).
- The appointed independent College Medical Advisor recommends that the employee is no longer capable of undertaking their duties and is not fit for redeployment

Where an employee is dismissed they will receive a written statement to include:

- Reasons for dismissal;
- The date on which the employment contract will end;
- The appropriate period of notice or payment in lieu, if applicable;
- Any outstanding payments to be made;
- The right of appeal.

If, after investigation, an employee is found to have committed an act of gross misconduct, the normal consequence will be summary dismissal without any notice or pay in lieu of notice.

### **Alternatives to Dismissal**

Actions short of dismissal, as an alternative to dismissal, may be considered in exceptional circumstances and at the absolute discretion of the College. Alternatives to dismissal may include extending the period of the existing Final Written Warning, demotion to a lower graded role or loss of seniority. The alternatives are not exhaustive and the College reserves the right to take any action it considers reasonable and appropriate in the circumstances.

If issued with a warning, an employee will receive written confirmation within a reasonable timeframe. This letter will include:

- The nature of the misconduct;
- The disciplinary sanction awarded and duration of the warning;
- A summary of evidence considered;
- The improvement expected;
- The consequences of a failure to improve and sustain any improvement for at least the duration of the warning, including the possibility of further disciplinary action up to and including dismissal;
- Relevant details and timescales relating to the employee's right of appeal.

### **Abuse of the Disciplinary Procedure**

Where an employee's record shows a pattern of abuse of the disciplinary policy, e.g. repeated misconduct occurring once a live warning has lapsed, the College may consider as an outcome to a disciplinary hearing, extending the duration of any warning from those indicated above, or escalating any new action against the employee, to the next stage of the policy (i.e. as if the prior live warning had not lapsed).

## **4. RIGHT OF APPEAL**

Employees have the right to appeal against any formal disciplinary penalty imposed. The appeals procedure is detailed in appendix 4

## **5. SUSPENSION**

5.1 Suspension is a neutral act and is not a disciplinary sanction or an assumption of guilt and as such suspension will be with pay. At any stage in the procedure, if appropriate, an employee may be suspended to provide the opportunity for a full investigation to be undertaken.

5.2 Careful consideration must be given, taking into account the individual circumstances of a case, before a decision to suspend is taken. Suspension will usually be considered in the following situations:

- When an allegation of a serious offence or gross misconduct is made against an employee;
- Where it is considered possible that the employee may influence witnesses or interfere with relevant evidence and the investigation;
- Where there is a clear concern that the employee, or others, may be placed at risk if the employee remains in College pending an investigation.

This list is not exhaustive.

- 5.3 Suspension can be carried out by the Principal and Chief Executive or a Senior Post Holder or a nominated member of the College's Executive. Employees will be given the opportunity to have someone present (a work colleague) with them at the suspension meeting. However, there is no official right of representation, and a failure to find a suitable representative quickly, will not prevent the suspension of an employee.
- 5.4 The fact and conditions of the suspension will be confirmed in a letter to the employee at the time of suspension. Whilst suspended, the employee will not be entitled to access any College premises or complete any College work activities; access to College IT systems and networks will be also be suspended.
- 5.5 The duration of the suspension will vary according to the situation but timescales will be as short as reasonably possible and reviewed on a regular basis. Regular contact will be made with the employee during any period of suspension and an individual manager will be identified as a contact point.
- 5.6 During the period of suspension, the employee will be required to cooperate fully with the investigation and be available to meet during normal office hours.
- 5.7 During the period of suspension the employee is to have no contact with any employee or student of the College (other than their union representative), or any third parties which they regularly come into contact with as part of their College work, unless agreed by the Investigation Team. If the employee is related to a student or an employee of the College, they should declare this to the Suspending Officer as it is recognised in these circumstances that contact is likely. However, are required not to discuss the case. The employee will be responsible for ensuring relatives they live with and who they disclose their circumstances to do not interfere in the investigation process and maintain confidentiality to prevent allegations of victimisation of any witnesses.
- 5.8 If the employee becomes ill, or wishes to take annual leave during the period of suspension, the normal procedures for reporting and authorising such leave will still be applicable.
- 5.9 In some circumstances, as an alternative to suspension, alternative working arrangements may be considered pending a full investigation, for example, temporary redeployment, additional supervision or the restriction of duties, as is deemed suitable in the circumstances.

## **6. CRIMINAL OFFENCES**

- 6.1 Criminal charges or convictions may result in disciplinary proceedings being taken against the employee up to and including summary dismissal. This will occur where, in the opinion of the College, the existence of the charge or conviction is such as to affect, or has the potential to affect:
  - The suitability of the employee for the position in which they are employed, or
  - The business or reputation of the College, or
  - The trust and confidence that the College has in the employee.
- 6.2 Where criminal proceedings are pending against an employee, the College will determine whether disciplinary action is appropriate. Where it is deemed appropriate, the disciplinary procedure will be carried out objectively and will not normally be delayed or deferred because of any such proceedings, unless advised to do so by the Police or other regulatory body.



## **7. MOVEMENT BETWEEN PROCEDURES**

If after commencing this procedure, the Investigation Team, in conjunction with the Head of Human Resources, considers that the case in question should have been dealt with under an alternative procedure the case may be transferred and dealt with accordingly. In some circumstances procedures may be run concurrently e.g. performance capability, sickness capability and disciplinary.

## **8. MONITORING AND REVIEWING**

The Disciplinary Policy and Procedure will be reviewed in line with legislative changes, case law or at no later than 3 years after the issue date.

## **9. RELATED POLICIES/ PROCEDURES**

There are a number of other Human Resources policies which may be referred to in cases of managing attendance to gain further advice; these include, but are not limited to the following:

- Managing Performance - Capability Procedure
- Bullying and Harassment Policy
- Bullying and Harassment Procedure
- Managing Attendance Policy and Procedure
- Student Complaints Procedure
- Individual Grievance Procedure
- Employee Code of Conduct
- Code of Ethics
- Student Safeguarding Policy

## **10. STAKEHOLDER CONSULTATION**

This Policy and Procedure was consulted with the Policies and Procedures Committee and the Executive Team prior to approval.

## **11. MANAGEMENT RESPONSIBILITY**

The Head of Human Resources has ultimate responsibility for this policy.

## **12. EQUALITY IMPACT ASSESSMENT**

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

## **13. DISSEMINATION OF AND ACCESS TO THE PROCEDURE**

This policy and procedure has been through consultation with recognised trade unions and will be made available to all employees on the College's website.

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**LEVELS OF MANAGEMENT**

Within this procedure the levels of Management able to take disciplinary action, and with responsibility for appeals, is as follows:

<b>Sanction</b>	<b>Disciplinary power:</b>	<b>Appeal to:</b>
Stage 1 Verbal Warning	Manager / Head of School	CLT / Executive Member
Stage 2 Written Warning	CLT	Executive Member
Stage 3 Final Written Warning	CLT	Executive Member
Stage 4 Dismissal with notice	Executive Member	Principal and Chief Executive / Senior Post Holder Officer
Stage 4 Summary Dismissal	Senior Post Holder or by exception an Executive member nominated by the Principal and Chief Executive	Principal and Chief Executive / Senior Post Holder

## **SUGGESTED FORMAT OF THE DISCIPLINARY HEARING**

### **1. Introduction by Chair**

The disciplinary will be chaired by a manager able to take disciplinary action (as per appendix 1) who will be assisted by a Human Resources representative.

The chair will:

- Introduce those present;
- Explain the purpose of the hearing;
- Explain how the hearing will be conducted.

### **2. Management Case**

The Investigating Officer will present the Management Case, accompanied by a representative from Human Resources (usually the member of Human Resources who has assisted with the investigation).

The Investigation Team will call any witnesses to give evidence.

### **3. Questioning of the Management Team (and their Witnesses)**

The Chair, and their Human Resources representative, will have an opportunity to ask the investigation team (and their witnesses) any questions.

The employee, and their representative through the Chair, will have an opportunity to ask the Investigation Team (and their witnesses) any questions.

### **4. Employee case**

The employee, or their representative, will present their case including any mitigating circumstances. Only evidence submitted to the Disciplinary Panel in advance of the hearing, as per section 3.2 of the Policy and Procedure, will be considered.

The employee will call any witnesses to give evidence.

### **5. Questioning of the Employee (and their Witnesses)**

The Chair, and their Human Resources Advisor, will have an opportunity to ask the employee (and their witnesses) any questions.

The Investigation Team, through the Chair, will have an opportunity to ask the employee (and their witnesses) any questions.

### **6. Summing up**

The Investigation Team will sum up the management case.

The employee, or their representative, will sum up the employee case.

### **7. Adjournment**

The hearing will adjourn for the Disciplinary Panel to consider the evidence presented and decide if, on the balance of probabilities, the allegation(s) are proven, and if so what level of disciplinary sanction is appropriate.

## **8. Outcome**

The decision will normally be provided to the employee verbally following adjournment. However, if the Disciplinary Officer requires a longer period of time to consider the case, the decision will be relayed to the employee as soon as possible at a later date.

Written confirmation of the outcome of the hearing, with full reasoning for the decision, will be sent to the employee within a reasonable timeframe.

**GROSS MISCONDUCT**

The following examples are not exhaustive but indicative of conduct that the College considers may warrant disciplinary action up to and including summary dismissal in the case of gross misconduct:

- Theft or unauthorised possession of any property or facilities belonging to the College or to any employee or student.
- Serious damage deliberately sustained to College, employee or student property.
- Deliberate falsification of College records e.g. registers, reports, accounts, expense claims or self-certification forms.
- Bribery, corruption or actions which contravenes the Colleges Anti-Bribery Policy or Anti-Bribery Act 2011.
- Serious negligence / incompetence which causes unacceptable loss, damage or injury.
- If suspected to be under the influence of alcohol or drugs during working hours; have consumed illegal drugs; attending work and / or carrying out duties under the influence of alcohol or drugs.
- Violent, dangerous or intimidatory conduct.
- Serious Violation of the College's rules and procedures concerning health and safety at work.
- Sexual, racial or other harassment of another employee, student or visitor.
- Serious breach of Safeguarding provisions within the College
- Discriminatory conduct including Victimisation towards any employee, student or any other person the College deals with
- Making malicious accusations of another employee i.e. accusations not made in good faith
- A criminal offence (whether it is committed during or outside the employee's hours of work for the College) which has the potential to adversely affect the College's reputation, the employee's suitability for the type of work they are employed by the College to perform, or their acceptability to other employees or to students.
- Serious insubordination.
- Serious breach of trust or confidence.
- Intentional serious breach of College policy or regulations, or improper conduct in relation to job responsibilities.
- Fraudulent misuse of the College's property or name.
- Committing any act using or divulging any information which is contrary to or damages the interests or objectives of the College or likely to seriously damage the College's reputation or bring the College into disrepute.

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

## **APPEALS**

### **1. General Principles**

1.1 The employee can raise an appeal against a disciplinary sanction on the following grounds:

- The **procedure**: the policy and procedure have not been applied correctly;
- The **decision**: the evidence did not support the conclusion reached;
- The **penalty**: this was too severe given the circumstances of the case;
- **New evidence**: which has genuinely come to light since the first hearing and which may have a bearing on the outcome.

The employee should detail the grounds for their appeal in writing to the appropriate person (as per sections 2 and 3 below). The grounds of the appeal will effectively form the agenda for the Appeal Hearing and determine the parties to be present.

1.2 The disciplinary sanction imposed as a result of the original hearing will remain in force until it is modified as a result of the appeal.

### **2. Appeals Against Disciplinary Penalties, Other Than Dismissal**

2.1 An employee who wishes to appeal against a Formal Verbal Warning, a Formal Written Warning or a Formal Final Written Warning should write to the Head of Human Resources within five working days of the date of the decision which forms the subject of the appeal.

2.2 The Appeal Hearing will be heard by an appropriate Manager as set out in appendix 1. The Hearing will be held as soon as possible, and not later than ten working days after the notice to appeal has been received by the Head of Human Resources. In circumstances where the timeframe cannot be met, the employee will be informed and advised of the reasons.

### **3. Appeals Against Dismissal or Notice of Dismissal**

3.1 An employee who wishes to appeal against dismissal, or notice of dismissal, should write to the Head of Human Resources within five working days of the date of the decision which forms the subject of the appeal.

3.2 The Appeal Hearing will be heard by an appropriate party as set out in appendix 1. The Hearing will be held as soon as possible, and usually within fifteen working days after the notice to appeal has been received by the Head of Human Resources, in circumstances where the timeframe cannot be met, the employee will be informed and advised of the reasons.

### **4. Appeal hearing**

4.1 The employee will be given at least five working days' notice of the date, time and place for the appeal hearing (unless an earlier date has been mutually agreed). The employee will be entitled to be accompanied at the hearing by a trade union representative or a work colleague.

- 4.2 As per section 1.1 of this appendix, the grounds of the appeal will form the agenda for the hearing and determine the parties to be present. The suggested format for the Appeal Hearing is as follows:
- The Chair of the Appeal Panel will explain the purpose of the meeting, how it will be conducted and the action which may be taken by the panel as a result of the appeal hearing;
  - The employee will be asked to explain the grounds for their appeal;
  - The Disciplinary Officer will set out the reasons for any sanction and evidence considered;
  - The Appeal Panel will have particular regard for any new evidence that has been introduced and will allow the employee, or their representative, to comment on this. The Chair of the Appeal Panel will summarise the findings once all of the relevant issues have been thoroughly explored;
  - The meeting will be adjourned to allow the Appeals Panel to consider the decision.
- 4.3 The decision of the Appeals Panel will be notified to the employee in writing within five working days of the Appeal Hearing. The decision will be final and binding and there will be no further internal right of appeal.
- 4.4 Where an appeal against disciplinary action is upheld in full, reference to the disciplinary sanction shall be expunged from the employee's record and the employee so notified.
- 4.5 If the appeal is not upheld but the Appeal Panel considered the sanction to be inappropriate it may reduce the sanction or deem that it be operative for a shorter period.
- 4.6 Where an appeal against dismissal is upheld, the employee shall be paid in full for the period from the date of dismissal and continuity of service will be maintained.
- 4.7 Where an appeal against dismissal fails, the effective date of termination of employment will be the date on which the employee was originally dismissed.