



## **PROCEDURE FOR HEARINGS OF APPEALS AGAINST DISMISSAL**

1. The appeal will be heard by the Council's Appeals Committee and advised by the Executive Head of Human Resources or their nominated representative who should have not been involved in previous disciplinary proceedings in connection with the current case.
2. An initial 'directions hearing' will be arranged to work out with both parties the appeal hearing arrangements. If there is any new information that would necessitate calling witnesses, together with dealing with any substantive procedural issues or disputes, it will be discussed within this meeting.

The directions hearing will consist of the Chair of the Appeals Committee, a representative of the Executive Head of Human Resources, the Committee Manager (Chair), the appellant (and representative) and the management representative (and adviser, if appropriate). The directions hearing will facilitate the resolution of procedural issues between the two parties, as well as identifying any witnesses to be called, and likely length of presentation of the cases.

The directions hearing would be time limited to no more than one hour for each party.

3. The appellant will be given notice in writing at least 10 working days in advance of the time and place of the appeal hearing. They may be accompanied by a trade union official or trade union representative or a work colleague. Copies of any relevant new documents will be made available 48 hours in advance of the hearing, though exceptionally could be submitted later, but prior to the hearing, on application to the Chair and at their discretion.
4. At the commencement of the hearing both sides will be given the opportunity to make a brief opening position statement.
5. The Council's representative will put the case as to why the appellant was dismissed, in the presence of the appellant (and their representative who may be a trade union official or trade union representative or a work colleague).
6. The appellant (or their representative) will have the opportunity to ask questions of the Council's representative and any witnesses whom they may call (as agreed at the directions hearing). The contents of any written

statement submitted as evidence where witnesses are not present will be open to challenge by the appellant (or their representative).

7. The members of the Appeals Committee will have the opportunity to ask questions of the Council's representative and their witnesses.
8. The appellant (or their representative) will put their case forward in the presence of the Council's representative and call such witnesses as agreed at the directions hearing.
9. The Council's representative will have the opportunity to ask questions of the appellant and their witnesses. The contents of any written statement submitted as evidence where witnesses are not present will be open to challenge by the Council's representative.
10. The Committee will have the opportunity to ask questions of the appellant and their witnesses.
11. The Council's representative and the appellant (or their trade union representative) will have the opportunity to sum up their case if they so wish.
12. The Council's representative and the appellant and their representative will withdraw.
13. The Committee and the member of Human Resources advising the Committee will deliberate in private, only recalling the Council's representative and the appellant to clear points of uncertainty. If recall is necessary both parties are to return. If the Committee decide that any information requires further investigation they may adjourn the hearing.
14. The Committee may uphold the appeal, reject the appeal, or substitute another penalty. If the appeal against dismissal is upheld without another penalty being substituted the employee will be reinstated **to their old post wherever practicable**. Also see paragraph 12.2.4 in the policy statement.
15. The Committee will confirm their decision in writing within five working days. (unless otherwise agreed between both parties and/or if additional time is required to consider any other factors).