

# Stonegate Primary School and Little Acorns Pre-School



## Staff discipline, conduct and grievance

This policy was adopted in March 2021

This policy was reviewed in February 2023

To be next reviewed in February 2023

## Disciplinary Policy

**This has been adapted and adopted from the ESCC Model Policy.**

The County Council has clear expectations when it comes to the conduct and behaviour of its employees. Most of the time these are adhered to but on occasion the conduct of employees falls below the required standard.

The aim of this policy is to formulate arrangements which will ensure a fair, effective and consistent method of dealing with all disciplinary matters throughout the County Council.

### Key points

- The principle features of this disciplinary policy have been defined in accordance with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary Procedures.
- Each employee has a responsibility to be familiar with the rules and standards of conduct which relate to his/her area of work and with the County Council's standards (see [staff handbook and School's Code of Conduct Policy](#)) This policy applies to all County Council employees including schools, see 1.1 for details.
- This policy is supported by a series of toolkit documents which form the procedural guidance for managers to undertake investigations and arrange disciplinary actions.
- The focus of any action taken under this policy, including formal sanctions, will normally be to bring about the required improvement, not merely to punish.

### 1. Definitions and principles

1.1. This policy applies to all County Council employees, subject to the list of exclusions below. This policy applies to schools based employees where the Governing Body has adopted this policy, including any amendments made by the Governing Body of the school. Throughout this policy, reference to the 'County Council' therefore includes schools. Faith schools and/or church aided schools may wish to addend further examples of misconduct that relate to their particular faith or religious beliefs.

1.1.1. In the case of Newly Qualified Teachers please refer to the [East Sussex NQT Induction Handbook](#) and the document [NQT induction: Guidance on Managing Poor Performance](#).

1.1.2. For all other staff in their probationary period, this disciplinary policy does not apply and any instances of misconduct should be dealt with under the [Supported Introduction to Employment Policy](#).

1.1.3. Employees on Teachers' terms and conditions with less than 1 year's continuous service with the County Council may still be subject to a shortened disciplinary/dismissal procedure using the principles set out in the [Supported Introduction to Employment Policy](#).

1.1.4. Where a manager believes that an employee's performance is a matter of capability, the [Performance Improvement Policy](#) should be used.

1.1.5. In cases of sickness absence, the [Attendance Management Procedure](#) should be used.

1.2. Managers, in operating the procedure, will apply the County Council's commitment to equality of opportunity, by treating all employees fairly and without discrimination and considering reasonable adjustments where appropriate.

- 1.3. No disciplinary hearing will be held until the case has been fully investigated by the Investigating Officer.
- 1.4. An employee shall have the right under this policy to:
  - be notified in writing of the reasons for the disciplinary action being considered;
  - be advised of the nature of the evidence against them;
  - have their response to any allegations heard in good faith and without being prejudged;
  - be accompanied at any formal stage by a trade union representative or work place colleague not acting in a professional capacity (see [Section 3](#));
  - appeal against any disciplinary action which results in a formal warning or dismissal.
- 1.5. Disciplinary action shall not be taken against any employee for pursuing reasonable action concerned with preventing, or reducing risks, to the health & safety of other employees, or any acts covered by the [Whistleblowing Policy](#). However, action will be taken against employees who make malicious claims under the [Whistleblowing Policy](#).
- 1.6. Some roles within the County Council may have further frameworks or standards that are specific to those roles or professions, such as Teachers and Social Workers. While issues of discipline may be considered within the remit of this policy, consideration should also be given to any other guidance on the standards required of a particular profession.

## **2. The right to be accompanied**

- 2.1. In all cases where action is to be taken under the formal stages of the [Disciplinary Policy](#), the employee has the right to be accompanied by a trade union representative or by a work place colleague not acting in a professional capacity. It is the responsibility of each employee to arrange their own companion.
- 2.2. There may be exceptional circumstances where this is not possible, such as immediate suspension for alleged gross misconduct.
- 2.3. The companion should be allowed to address a hearing to put forward and sum up the employee's response to the allegation(s) and confer with the employee during a hearing. They do not, however, have the right to answer questions on the employee's behalf, address a hearing if the employee does not wish it or prevent the employer from explaining their case.

## **3. Accredited representatives of trade unions**

- 3.1. Disciplinary action against an accredited union representative can lead to a dispute if it is seen as an attack on the functions of a trade union. Therefore, although the same standards shall apply to trade union representatives as other employees, formal action under this procedure will not be taken against accredited representatives without a senior trade union representative or full-time official being notified, subject to obtaining the employee's agreement.

## **4. Support available to employees during the process**

- 4.1. At any time during the process an employee may wish to access the staff counselling service offered as part of the Employee Assistance Programme. Details are available on the intranet and the Webshop.
- 4.2. The County Council's recognised trade unions may also provide advice and support to their members.

## **5. The relationship between disciplinary procedures and grievances**

- 5.1. Where an employee raises a grievance during a disciplinary process, the disciplinary process may or may not be temporarily suspended to deal with the grievance. Where the two are related, it may be more appropriate to deal with them together. Each case will be considered on its merits to ensure that the County Council is acting reasonably.

## **6. Confidentiality**

- 6.1. All parties involved in a disciplinary matter shall ensure that the details remain confidential and are not shared with other staff or stakeholders such as service users or pupils' parents. The exception to this is where an employee subject to the disciplinary process may need to talk to other staff as part of producing a response to the allegations or talk to their work place colleague regarding the process. Where this is necessary, this must be done with discretion to ensure confidential information is only shared with relevant parties and the Investigating Officer must be notified.
- 6.2. The press and members of the public shall be excluded from any hearing arranged in accordance with this procedure. All parties involved in a disciplinary matter shall ensure that the details remain confidential except that any party shall have the right of reply if the other makes details public.
- 6.3. Any breach of confidentiality by any party could be a disciplinary matter in itself.

## **Disciplinary Procedures**

### **7. Investigation**

- 7.1. A suite of resources to support managers in undertaking investigations and associated disciplinary procedures can be found in the disciplinary toolkit available on the intranet and the Webshop.
- 7.2. In recognition of both employee and management time and the unsettling nature these circumstances can have on all parties, it is important that the investigation process is concluded as quickly as possible. Should the employee be unable to attend an investigation meeting, it will be rescheduled once, normally no later than within 5 working days of the original date. Where the employee is unable to attend, the meeting may proceed in their absence though alternative options should be considered such as accepting a written statement from the employee.
- 7.3. The Investigating Officer will decide, based on the evidence they have compiled during the investigation, as to whether:
  - there is sufficient evidence to support the allegations and formal action should be taken;
  - formal disciplinary action is not appropriate and informal action is taken (e.g. standard setting);
  - there is not sufficient evidence to pursue disciplinary action (in which case a suspended employee would return to work as soon as possible).

### **8. Suspension**

- 8.1. If the matter being investigated is serious the employee may be suspended by the Investigating Officer at any time during a disciplinary process. This will normally be done in consultation with HR.

- 8.2. Suspension is a neutral act which in no way implies that the allegations are proven.
- 8.3. It should be used where it would be inappropriate for the employee to remain at work, where their presence may inhibit a proper investigation and/or when it is necessary to safeguard both the organisation and the employee from further allegations. Consideration should be given to alternatives to suspension, such as the employee working in a different role whilst the investigation takes place.
- 8.4. Suspension should be for as short a time as possible and should be kept under regular review.
- 8.5. The suspension will normally last until an investigation has been concluded or any disciplinary hearing is held. Where possible, the employee will be informed of their suspension in person. The employee will receive confirmation in writing including the reason(s) for the suspension.
- 8.6. Suspension will normally be on full pay (or average earnings calculated over a 13 week period where required). Employees who fall sick during the suspension will be subject to the [Attendance Management Policy and Procedure](#), and will be paid sick pay in line with the entitlements described in the Council's Sickness Absence and Pay document. Employees should therefore ensure that any sickness is reported as described in the Attendance Management procedure, and may be required to be examined by the County Council's Occupational Health Adviser/Physician. Their sickness will not necessarily lead to a delay of the disciplinary process.
- 8.7. During the period of suspension, the employee will be allocated an off-line manager who will facilitate communication between the employee and the County Council.

## **9. After the investigation has concluded**

- 9.1. Whatever the findings of the investigation, a record of the process followed and the outcomes reached will be placed on the employee's file.
- 9.2. If the Investigating Officer determines that there is not sufficient evidence to support an allegation of misconduct, no further disciplinary action should be taken and if the employee was suspended they should return to work as soon as possible.
- 9.3. If the Investigating Officer decides there is sufficient evidence to support the allegations then they should consider one of the following three actions:
  - a) The misconduct is minor and informal action (e.g. standard setting) is sufficient.
  - b) Issue a written warning with agreement of the staff member.
  - c) The misconduct potentially warrants a disciplinary hearing.

Gross misconduct will always fit in the third category and if proven will normally result in dismissal without notice (see [Appendix 1](#) for a list of example actions that may be considered gross misconduct).

## **10. Disciplinary hearing**

- 10.1. A model procedure for conducting a hearing can be found in the disciplinary toolkit available on the intranet and the Webshop.
- 10.2. The consideration for the chairperson is whether they believe the allegation(s) to be true 'on the balance of probability'. The term 'beyond a reasonable doubt' is a test applied in a criminal court and would not be considered at a disciplinary hearing.
- 10.3. Invitations and associated paperwork (such as a management statement of case) will normally be sent at least 10 working days before the hearing.

- 10.4. Any written response to the statement of case from the employee should be received at least 5 working days in advance of a hearing.
- 10.5. The outcome of the hearing will be confirmed in writing to the employee, normally within 5 working days. This outcome letter will give details of their right to appeal.
- 10.6. Where an employee indicates the date of the hearing is unsuitable, the following table gives indicative actions we will normally take:

Reason	Action
The employee's representative is unable to attend.	Reschedule for a date no more than 5 working days from the original date.
The employee is absent for sickness reasons.	Reschedule for a date no more than 1 month from the original date. If the employee remains absent, consideration will be given for the hearing to take place in their absence; a written submission would be permitted.

## 11. Possible formal sanctions

- 11.1. There is a range of sanctions available to the chairperson or, in some circumstances, the Investigating Officer. The list below gives some examples but is not exhaustive:
- *First written warning;*
  - *Intermediate written warning;*
  - *Final written warning;*
  - *Withdrawal of benefits such as flexi-time or internet access;*
  - *Demotion to a lower graded post (see 11.4);*
  - *Transfer to an alternative post;*
  - *Dismissal.*
- 11.2. Written warnings remain live for a period of time after they are issued. During this time, they may be referred to in instances of continued/further misconduct and may be considered as part of redundancy selection criteria. After this time elapses, they will remain on the employee's file as part of their record of work history.
- *First written warnings will normally remain live for 12 months;*
  - *Intermediate written warnings will normally remain live for 12 months;*
  - *Final written warnings will normally remain live for 18 months.*
- 11.3. Employees may be given the opportunity to accept a written warning at any level as an alternative to a hearing. If they decline this offer, a hearing will be convened.
- 11.4. Demotion to a lower graded post will normally only be confirmed with the agreement of the employee and this will normally be as an alternative to dismissal.
- 11.5. In accordance with the [Scheme of Personnel Delegations](#), managers at Assistant Director level or above have the authority to dismiss. In schools this will normally be the Headteacher. In cases of an employee's first breach of discipline, dismissal will normally only be used where the breach is deemed to be gross misconduct.

## 12. Referrals to other agencies

- 12.1. The County Council may be required to refer the outcomes of disciplinary procedures to the relevant professional body or other agency. A professional body may choose to make further enquiries and make a determination concerning the future of the individual in that profession. Other agencies, such as the police or those with safeguarding responsibilities, may also choose to undertake their own investigations.

12.2. It is the responsibility of the employee to understand and adhere to all ongoing registration processes and standards associated with their profession.

### **13. The right to appeal**

13.1. An employee has the right to appeal against either a decision or a sanction given at a disciplinary hearing. The appeal must be submitted in writing within 10 working days of the original hearing and must specify what the appeal is against: the decision, the sanction or both. Full details setting out the grounds for appeal must be provided.

13.2. Whether all evidence is required to be reheard (including, for example, witness statements) will be decided on a case by case basis.

13.3. Appeals will normally be chaired by someone who was not party to the first hearing and is more senior to the original chairperson. Appeals against dismissal will be heard by senior manager at Assistant Director level or above. To ensure their impartiality, the senior manager will have had no prior involvement with the case. In schools, the appeal will be heard by a panel of Governors.

13.4. Having considered the appeal, the outcome will be:

- *to uphold the original decision;*
- *to withdraw the original decision;*
- *to replace the original decision with an alternative;*
- *to reinstate or re-engage an employee who was dismissed.*

13.5. Confirmation of the outcome of the appeal will be sent in writing to the employee, normally within 5 working days.

13.6. The decision at the end of the appeal is final.

## **Examples of Misconduct**

### **Gross misconduct**

The term 'gross misconduct' can be used to describe a situation where trust between the employer and employee has irrevocably broken down. The following list, although by no means exhaustive, provides some examples of gross misconduct, which may result in dismissal without notice:

- Assaults and/or Violence towards a fellow employee, service user or member of the public. This includes fighting, physical or serious verbal abuse.
- The development of any inappropriate relationship with a service user or pupil, including sexual approaches or responses, or any admitted offence or police caution relating to serious or sexual abuse of a service user or pupil.
- Corrupt practices, such as receipt of money or goods and accepting or offering bribes.
- Unauthorised or improper use of County Council materials, equipment or facilities, including computer systems and internet access.
- Any deliberate attempt to defraud the County Council, its employees or the public, including falsification of records, time sheets or expenses.
- Being untruthful and/or engaging in deception in matters of importance.
- Consuming or being under the influence of alcohol or any illegal substance at work.
- Negligent behaviour which seriously threatens the health and safety of a person or has the potential to cause unacceptable loss, damage or injury.

- Malicious damage to the property or the reputation of the County Council, clients, other employees or members of the public, including unauthorised disclosure of information.
- Discrimination, harassment or victimisation which is contradictory to the Equality Act 2010.
- Engaging in politically restricted activities when holding a politically restricted post.
- Conduct which brings, or has the potential to bring, the County Council into disrepute, including criminal offences which make the employee unsuitable for continued employment with the County Council.
- Theft or dishonesty, including unauthorised or unlawful possession of property (including intellectual) belonging to the County Council, clients or the public.
- Repeated acts of misconduct.

### **Other misconduct**

The following non-exhaustive list shows examples of other misconduct that could lead to formal disciplinary warnings:

- Unsatisfactory timekeeping;
- Breaches of confidentiality (deliberate or negligent breaches may be gross misconduct);
- Failure to comply with reasonable work related requirements or management instructions or lack of care in fulfilling the duties of the post;
- Acting in a manner that could reasonably be regarded as rude, impolite or contemptuous (behaviour which causes offence may be gross misconduct);
- Conduct that adversely affects either the reputation of the County Council or confidence in the employee.

### **Staff Conduct Policy**

The expectations for staff can be found in 2 other separate policies – **Staff Behaviour Policy** (Updated September 2020) and the **Staff Handbook** (Update September 2020).

### **Grievance and Workplace Conflict Policy**

**This has been adapted and adopted from the ESCC Model Policy.**

The aim of this policy is to identify what might give rise to a grievance, where to address things that are not grievances and establish a fair, effective and consistent way of dealing with grievances.

### **Key Points**

- The principle features of this policy have been defined in accordance with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.



- This policy applies to all County Council employees, including school-based employees where the Governing Body has adopted this policy (subject to changes which may have been adopted by the Governing Body of the school). Throughout this policy, reference to the 'County Council' therefore includes schools.
- Informal routes and mediation should always be pursued in the first instance.

## 1. Definitions and principles

- 1.1. The County Council recognises that most issues can and should be resolved informally wherever possible; a quiet word or an honest conversation is often the best solution. Where an employee feels they have genuine cause for complaint they can raise a grievance. This policy sets out the County Council's approach to handling such grievances.
- 1.2. The County Council has a commitment to using mediation to resolve disputes. Grievances will normally only be escalated to a formal stage if mediation has been fully explored. Details about the County Council's Workplace Mediation Service can be found on the intranet and the Webshop.
- 1.3. Typical areas which may give rise to a grievance include (note that this list is not exhaustive):
- *concerns about Health and Safety or the working environment;*
  - *bullying or harassment;*
  - *Discrimination on the grounds of a protected characteristic (as defined in the Equality Act 2010).*
- 1.4. There are also some situations where raising a grievance is not normally the appropriate channel, typically where there is a separate policy or procedure such as the non-exhaustive list of examples in the table below:

Scenario	Appropriate channel
Appeals against job grading	See the <a href="#">Job Grading Policy</a>
Responses to disciplinary procedures	See the <a href="#">Disciplinary Policy</a>
Responses to performance management procedures	See the <a href="#">Performance Management Policy</a>
Responses to proposals for restructuring	See the <a href="#">Managing Change Policy</a>
Whistleblowing	See the <a href="#">Whistleblowing Policy</a>
Statutory adjustments to pay (e.g. income tax, national insurance)	The Payroll Team or the tax office
Matters relating to strategic County Council policy	Corporate Complaints Procedure
Matters covered by national bodies over which the County Council has no discretion or authority	Matters related to nationally agreed terms and conditions of employment would be better raised with Trade Unions
Former County Council employees	Corporate Complaints Procedure

- 1.5. Complainants should not be discriminated against or victimised for having brought a complaint and confidentiality should be maintained at all times, including after any procedures have concluded.

- 1.6. Collective grievances This policy applies equally to collective grievances. Larger groups will normally be expected to nominate or identify representatives to speak for the group. These may or may not be official Trade Union representatives. None of the parties involved in the dispute will take action to implement decisions relating to the dispute until this procedure has been completed. In cases where staff are employed on teachers' terms and conditions, the Burgundy Book shall apply.
- 1.7. Recurrent grievances If a chairperson considers that an issue has already been addressed by an earlier grievance procedure within a reasonable period of time, they are entitled to decide not to consider it again.

## **2. Support and the right to representation**

- 2.1. Employees may wish to access the staff counselling service offered as part of the Employee Assistance Programme. Details are available on the intranet and the Webshop. Trade unions may also provide advice and support to their members.
- 2.2. Employees have a right to be accompanied at all formal stages by a trade union representative or by a work place colleague not acting in a professional capacity. It is the responsibility of each employee to arrange their own companion.
- 2.3. The companion will be allowed to put forward and sum up the employee's grievance and confer with the employee during a formal meeting. They do not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.

## **3. Raising a grievance**

- 3.1. Although every situation will be different, an overview of a model grievance process can be found at [Appendix 1](#).
- 3.2. Employees should discuss any concerns with their line manager informally in the first instance. If the employee's grievance is about their line manager then they should discuss their concerns with a more senior manager.
- 3.3. The manager should consider holding an informal discussion to explore and resolve the concerns raised.
- 3.4. The manager will investigate the issue as appropriate. This may involve a number of meetings both with the employee and any other relevant parties in order to establish facts and gather required information.
- 3.5. Formal grievances should be raised in writing and must address all of the following:
  - a summary of the issues from the employee's perspective;
  - evidence supporting their view (if any is available);
  - details of the steps they have already taken to address the situation;
  - what they consider will rectify the situation and the role that both parties will play in that.

Any grievance submission that does not satisfy all of the above points cannot be taken forward.

Note that language which may be considered insulting or abusive should not be used unless it is a quotation.

- 3.6. Where an employee wishes to provide additional written evidence in support of their case prior to it being considered at a formal meeting, this should be provided at least 5 working days before the date of the meeting. Any evidence from the employer will also be provided at least 5 working days in advance.

#### **4. Advice to managers in responding**

- 4.1. Managers should contact the Advisory Team in the first instance. It is important that records are kept of all grievances, including those dealt with informally.
- 4.2. Managers can also seek advice about holding difficult conversations, managing stress and confidential counselling (for them or their employees) from the County Council's Employee Assistance Programme, details of which can be found on the intranet and the Webshop.

#### **5. Resolving a grievance**

- 5.1. The County Council's default approach to resolving grievances is to use mediation. All formal grievance submissions will be reviewed by the Advisory Team to determine whether mediation should be explored. If so, the mediator will look to make the appropriate arrangements as soon as possible.
- 5.2. Mediation works by encouraging the parties to speak to each other and reach a mutually acceptable agreement. It gives them a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. Further details about the mediation process can be found on the intranet and the Webshop.
- 5.3. If it is decided not to use mediation, the matter will be progressed to Stage One of the process. It should be noted that Stage One will take a flexible approach to best suit the specific nature of the issue. In addition to the submission of information from the individual, Stage One may include, but not be limited to: appropriate investigation by an appointed officer (including if necessary from an external source) which may not require further meetings with the individual; a series of meetings or discussions, both with the individual and any relevant other parties; a single formal meeting, or a bespoke combination or all or some of the above. The exact format of the process will be determined by the investigating manager and agreed with the individual. Should any change to the planned approach be required after the start of the process, the investigating manager will agree this with the individual. Should an employee raise a legitimate concern in respect of the appointment of the investigating officer, it may be reasonable for an alternative officer to be appointed.
- 5.4. The format of any meeting undertaken at Stage One of the process will be determined by the investigating manager to ensure that it is appropriate to suit the particular circumstances of the grievance.

5.5. The table below sets out the normal expectation in terms of chairing a formal meeting

Stage	Corporate Departments	Schools
Stage One Meeting  Format to be determined by the investigating manager	Relevant senior manager	Headteacher
Stage Two Appeal Meeting  Please refer to Appendix 2 for the Model Stage Two Appeal meeting procedure	A senior manager at Assistant Director level or Chief Officer level. The senior manager will be at a higher level than the manager who heard the grievance at stage one. To ensure impartiality, they will have had no prior involvement in the case	Panel of Governors

5.6. At both a formal and appeal meeting, the onus will be on the employee to evidence their case that they have been treated unfairly.

5.7. The timescales for convening formal meetings (including appeals, see [Section 6](#)) are not precise but all parties should make every effort not to unduly delay the process.

5.8. Where an employee or their companion is unable to attend a meeting, it will normally be rescheduled on one occasion within 5 working days of the original date. If they are still unable to attend, the chairperson may decide it is appropriate for the employee to provide a written submission instead or for the case to be heard in their absence. It is recognised that raising a grievance is not a decision taken lightly and in light of this, in normal circumstances and whenever possible, the manager investigating and/or considering the grievance will meet with the employee at the end of stage one to share their findings and conclusion.

5.9. The outcome of a grievance will be confirmed in writing to the employee, normally within 5 working days. Template letters are available on the intranet and the Webshop.

## 6. Appeals

6.1. If an employee is not satisfied that their grievance has been resolved at Stage One they have a right of appeal to Stage Two. There is no further right of appeal after Stage Two.

6.2. Appeals must be submitted in writing within 5 working days of receipt of the outcome of Stage One. Details of how to appeal will be provided to the employee as part of the written outcome of Stage One.

6.3. The written appeal must:

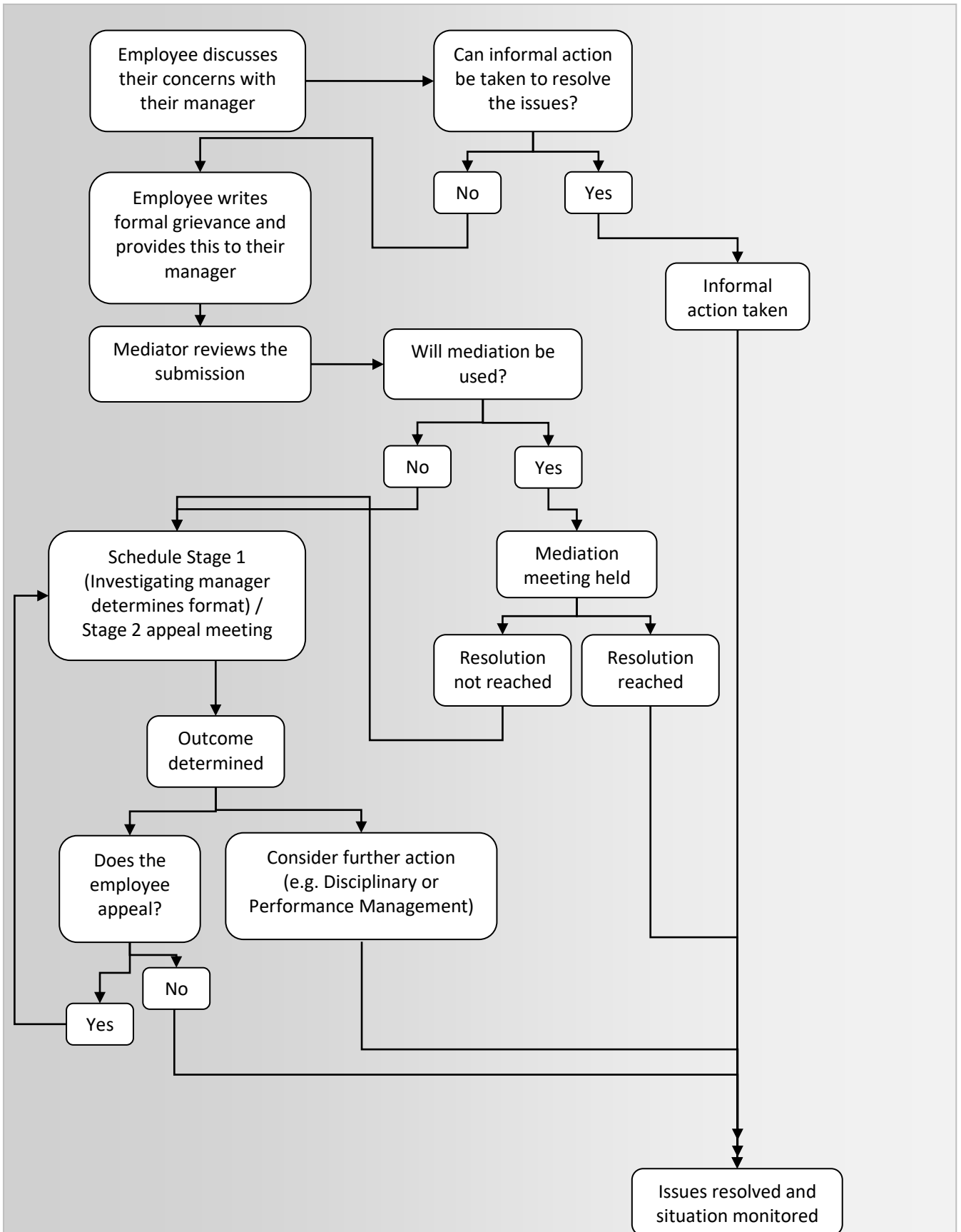
- include the original submission;
- describe in what way the issues have not been resolved;
- what the employee considers will resolve the situation;
- what role they will play in that resolution.

- 6.4. The exact format of the appeal meeting will be determined by the chairperson but a [Model Procedure](#) can be found at [Appendix 2](#).
- 6.5. Where an employee or their companion is unable to attend an appeal meeting, it will normally be rescheduled on one occasion within 5 working days of the original date. If they are still unable to attend, the chairperson may decide it is appropriate for the employee to provide a written submission instead or for the case to be heard in their absence.
- 6.6. Employees have the same right to be accompanied at an appeal meeting as described in [Section 2](#).
- 6.7. The outcome of an appeal meeting will be confirmed in writing to the employee, normally within 5 working days. Template letters are available on the intranet and the Webshop.

## **7. The relationship between grievances and other procedures**

- 7.1. Where an employee raises a grievance during the course of a procedure under another policy (such as the [Disciplinary Policy](#), the [Managing Change Policy](#) or the [Performance Management Policy](#)), that other process may or may not be temporarily suspended to deal with the grievance. Where the two are related, it may be more appropriate to deal with them together. Each case will be considered on its merits to ensure that the County Council is acting reasonably.

# Overview of grievance process



## ***Model Stage 2 Appeal meeting procedure***

### **1. Introduction**

- 1.1. The chairperson will make introductions and outline the process to be followed to ensure that everyone present understands what is going to happen.
- 1.2. The chairperson will normally be advised by an advisor from HR who may take notes of the meeting which will then be available to all parties present. Sometimes, a dedicated note-taker may be present.

### **2. Presentation of the employee's case**

- 2.1. The employee or their companion presents their case, referring to any relevant documents and calling any witnesses as appropriate.
- 2.2. The manager and their advisor may question the employee or any of the witnesses on their evidence.
- 2.3. The chairperson and their advisor may also question any person present.
- 2.4. Each witness will join the appeal meeting to give evidence and leave after doing so, although they may be recalled at any time if necessary.

### **3. Presentation of the employer's case**

- 3.1. The manager will present their case highlighting key points, referring to any relevant documents and calling any witnesses as appropriate.
- 3.2. The employee and/or their companion may question the manager or any witnesses on their evidence
- 3.3. The chairperson and their advisor may also question any person present.
- 3.4. Each witness will join the appeal meeting to give evidence and leave after doing so, although they may be recalled at any time if necessary.

### **4. Summing up**

- 4.1. The employee or their companion summarises the main points of their case.
- 4.2. The manager summarises the main points of their case.
- 4.3. At this stage no new evidence may be introduced.
- 4.4. The appeal meeting is then adjourned and both parties leave the meeting.

### **5. The decision**

- 5.1. The chairperson will consider whether, on the balance of probability, the employee's case was proven in full, in part or not at all.
- 5.2. The chairperson should take into account any mitigating circumstances and if further clarification or information is required in order to reach a decision, all parties will be recalled and/or the appeal meeting adjourned until the information is provided.
- 5.3. Once the chairperson has reached a decision, all parties will be recalled to the appeal meeting and the chairperson will read out their decision, including the reasons for it. In complex cases, deliberation may take some time. If this occurs a decision should be made within 2 working days of the conclusion of the appeal meeting, and, in all situations the outcome of the appeal meeting should be confirmed in writing within 5 working days.