

# **Disciplinary Policy & Procedure**



# Version Control

This document is intended for:

- Council staff only    School-based staff only    Council & School-based staff

Version	Key Changes	Approved By

This document may be reviewed and amended at any time and without consultation in response to legal requirements or in response to an organisational requirement and where the changes do not reflect a fundamental change or affect the spirit or intent of the document.

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# 1. Policy Statement

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The conduct, attitudes and behaviours expected of staff are detailed in the Council's Competency Framework and the Code of Conduct, which aims to shape and define the culture of the Council to provide excellent services to the public. Employees are also expected to conduct themselves within the law, within any code of practice or ethics associated with their profession or trade as well as within generally accepted standards of behaviour. Examples of acts of misconduct and gross misconduct are attached in [appendix 1](#).

The Council is committed to supporting staff to achieve acceptable standards of conduct. Where an employee fails to display acceptable standards of conduct (in or outside of the workplace), attitude or behaviour, the manager in compliance with this policy will take appropriate action.

No formal action under this procedure will be taken against an employee until an investigation has taken place.

This policy and procedure has been developed in line with the ACAS Code of Practice.

# 2. Scope

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This policy applies to all employees of the Council with the following exceptions:

- Those covered under separate procedures, namely the Head of Paid Service, the Monitoring Officer, the s.151 Officer, Head of Democratic Services and those who are defined by Regulations (which may be amended from time to time) as a Chief Officer or Deputy Chief Officer, as referenced in the applicable procedures.
- School based employees under the delegated powers of the Governing Body are subject to a separate procedure.

# 3. General Principles

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## **Limits of Authority**

It is the responsibility of all supervisors, line managers and senior managers to uphold acceptable standards of conduct and behaviour in the workplace and to tackle misconduct appropriately.

It is however, recognised that there are certain limits of authority when dealing with the formal stages of disciplinary matters. Further information on the limits of authority is available in the Manager's Guide.

## **Definition**

This policy deals with misconduct and does not apply to cases involving sickness absence, proposed redundancies, poor performance or probationary periods for which there are dedicated policies.

This Policy & Procedure does not form part of any employee's contract of employment.

## **Right to be Accompanied**

At every stage of the procedure, the employee will have the right to seek advice from a Trade Union Representative or workplace colleague (hereafter referred to as a 'companion'). The employee may be accompanied at all formal meetings held in line with this policy. The employee must tell the Organisational Development Division (OD) who their chosen companion is, in good time before any formal meeting.

A companion is allowed reasonable time off their duties without loss of pay but employees are not obliged to act as a companion if they do not wish to do so.

If the employee's companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the Council may ask the employee to arrange alternative representation.

## **Criminal Offences and Misconduct outside the Workplace**

Where an employee's conduct outside of work is the subject of a criminal investigation, charge or conviction, or where actions may bring the Council into disrepute, in line with the Council's Code of Conduct, consideration will be given as to whether the matter is relevant to the employee's employment. In such cases, the allegations will be investigated in line with this procedure.

The Council will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Council may have to take a decision based on the available evidence.

## **Failure to Attend a Meeting**

The Council's aim is to proceed with all disciplinary matters without undue delay. The employee must make every effort to attend a meeting in line with this procedure. There may be certain circumstances where it would be reasonable to re-arrange a meeting at the earliest possible opportunity. In cases where a companion cannot attend on a proposed date, the employee can suggest an alternative time and date within five working days after the original date. In some cases and in line with appropriate advice the disciplinary process, including any hearing, may proceed in the absence of the employee.

## **Sickness Absence**

Managers should refer to the Attendance Management Policy when managing sickness absence. In cases where an employee is absent from work due to sickness during any part of a disciplinary process, it will not be assumed that the employee is precluded from attending meetings or that the disciplinary process should be put on hold. This will be decided on a case-by-case basis having regard to the need to conclude the process in a timely manner. The employee may be referred to Occupational Health for a determination on whether they are fit to attend meetings in

line with this procedure. Reasonable adjustments will be considered and accommodated where possible, as recommended by Occupational Health.

In cases where an employee reports sick on the day of a formal meeting only, the meeting will usually be rescheduled however, failure to attend a further meeting may result in the meeting being held in the absence of the employee.

### **Children and Vulnerable People**

The Council has guidelines and protocols for dealing with issues that relate to children and vulnerable people and reference must be made to the relevant procedures when considering disciplinary action in such cases.

### **Organised Events and Social Gatherings**

The Disciplinary Policy & Procedure extends to social gatherings of employees after work or for an organised event. As such, improper conduct or other unacceptable behaviour will be considered in line with this policy.

### **Grievances Raised During a Disciplinary Process**

Where an employee raises a grievance during a disciplinary process, where appropriate, both the grievance and disciplinary issues will be dealt with concurrently dependent upon the circumstances of the case.

### **Record Keeping**

Records of all proceedings in line with this Policy will be kept on the employee's personal file. All records will be kept confidential and will be retained in accordance with the Disciplinary Policy & Procedure, the Council's Retention Guidelines and statutory requirements.

## **4. Expectations & Responsibilities**

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<b>Employee</b>	<b><i>Employee's will:</i></b> <ul style="list-style-type: none"><li>• Ensure they are fully aware of the conduct and behaviour expected of them during the course of their duties and outside of the workplace.</li><li>• Familiarise themselves with the Disciplinary Policy &amp; Procedure.</li><li>• Maintain confidentiality when involved in Disciplinary matters.</li><li>• Ensure that their companion is available to attend any appropriate meetings.</li><li>• Cooperate in investigations and meetings as necessary whether they are the subject of allegations of misconduct or called as a witness; and should treat all individuals involved in the process with dignity and respect.</li></ul>
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<p><b>Organisational Development</b></p>	<p><b><i>Organisational Development will:</i></b></p> <ul style="list-style-type: none"> <li>• In conjunction with Investigating and Disciplining Officers, ensure that this policy is applied fairly and consistently throughout any formal process.</li> <li>• Be present at each formal meeting as set out in this procedure.</li> <li>• Provide advice and guidance on the application of the policy and procedure throughout the Investigation and any subsequent Disciplining Hearing; any employment law issues; and matters of consistency.</li> <li>• Provide advice on the way an investigation report is presented to ensure it addresses all necessary issues and provide any advice on any decision making in relation to investigation or disciplinary hearing.</li> <li>• Ask questions during any formal meeting to assist proceedings.</li> <li>• Treat all individuals involved in the process with dignity and respect.</li> <li>• Maintain confidentiality when involved in Disciplinary matters.</li> </ul>
<p><b>Trade Union/ Workplace Companions</b></p>	<p><b><i>Trade Unions and Workplace Companions will:</i></b></p> <ul style="list-style-type: none"> <li>• Promote appropriate conduct in the workplace.</li> <li>• Advise and support their members who are involved in disciplinary proceedings.</li> <li>• Co-operate with investigations and attendance at meetings as appropriate.</li> <li>• Treat all individuals involved in the process with dignity and respect.</li> <li>• Maintain confidentiality when involved in Disciplinary matters.</li> <li>• Make every effort to attend scheduled meetings in line with the Disciplinary Policy &amp; Procedure when they have agreed to accompany an employee involved in investigations and disciplinary hearings.</li> <li>• The role of the Trade Union is outlined in the ACAS Code of Practice (add link)</li> </ul>

## 5. Disciplinary Procedure

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A member of the Organisational Development Division will always be available for advice and guidance and in all cases will be present throughout the formal process.

In conjunction with OD advice, managers must determine whether supportive action or formal action is the most appropriate course of action when dealing with issues of misconduct.

### **Supportive Action**

Supervisors and managers should have regular discussions with employees about any areas of concern in relation to attitude, behaviour and conduct at work. An

employee may expect to receive informal advice and guidance on areas of improvement as part of the normal working relationship. Similarly, in cases other than gross or serious misconduct, any concerns relating to conduct should usually be discussed with the employee to explore options other than invoking formal proceedings. Where appropriate, a note of any such informal discussions may be held on the employee's file until the matter has sufficiently improved but it will not form part of the employee's disciplinary record.

### **Formal Action**

Formal action will be taken where there is a clear breach of the Council's policy and procedures and/or accepted standards of conduct or behaviour.

### **Suspension from Duty**

Suspension from duty may take two forms; temporary removal from the workplace or formal suspension.

### **Temporary Removal from the Workplace**

Temporary removal from the workplace can occur where a line manager requests that an employee refrains from working where there has been an initial allegation, workplace conflict or their continued presence may be disruptive or detrimental to the working environment. This must be authorised by a senior manager (Team Manager or above) and should not exceed two working days. Temporary redeployment to an alternative role on a short-term basis may be used as an alternative.

### **Formal Suspension**

In some cases an employee may need to be formally suspended from work and the Council's Suspension Protocol will apply. Formal suspension may be considered in the following circumstances:

- The matter is potentially gross misconduct;
- The presence of the individual at work may prejudice the investigation;
- The alleged conduct represents a potential risk to other staff and/or service users.

In all cases, reasonable alternatives to suspension will be considered such as redeploying the employee to a suitable post on a temporary basis or restricting certain activities pending an investigation in order to avoid both the financial impact and the effect on service provision during a period of sustained suspension. Suspensions will be subject to regular review throughout the period and managers will determine at each review whether it remains an appropriate course of action.

Suspension is not a disciplinary sanction and does not imply that a decision has already been made about the allegations. Suspension arrangements will be confirmed in writing. While suspended, employees should not visit the Council's premises or contact any service users, suppliers, contractors or colleagues, unless the employee has been authorised to do so by their manager. A dedicated Support Officer appointed by the Manager will offer support for the employee throughout the suspension.

The decision to suspend will normally be communicated to the employee face to face. Employees are not entitled to be accompanied by a Trade Union Representative or workplace companion at the suspension meeting. Consideration will be given to the

attendance of a trade union or workplace representative but they will not be routinely invited unless the Council requests the employee to provide some initial response to the allegations.

**Suspensions will be with full pay except in the cases where an employee has reported sick. In cases where an employee reports sick during a suspension, the occupational sick pay scheme will be applied and upon production of the appropriate medical certificates, the employee will be paid in line with sickness entitlements in accordance with their Terms and Conditions of employment.**

## **6. Undertaking an Investigation**

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The purpose of an investigation is for the Council to establish a fair and balanced view of the facts relating to any disciplinary allegation, before deciding whether to proceed to a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. An Investigating Officer will be appointed who will usually be a line manager or, depending on the circumstances, a senior nominated officer from within the same Department who will look into the issue(s) in question, interview and take statements from relevant individuals and/or review relevant documents. Witnesses may be requested to attend relevant meetings in relation to the process and their statements will usually be passed to the employee in question and their representative.

The Investigating Officer will invite the employee who is the subject of the disciplinary investigation to attend an Investigatory Meeting in writing, detailing the nature of the allegations. Although not a legal requirement, they will also be given the opportunity to be accompanied by a companion.

It is important to note that the investigation and any investigatory interviews are not in themselves disciplinary action. They are solely for the purposes of fact-finding.

At the conclusion of the investigation a decision will be made by the Investigating Officer whether the matter will proceed to a Disciplinary Hearing, taking into consideration all of the available facts and evidence. The employee will be notified as promptly as possible of this decision in writing.

Circumstances may arise in the workplace, which could lead to the Internal Audit Section carrying out an investigation. This situation may arise because of concerns or allegations about an employee that, for example, there has been a breach of the Contract Procedure Rules or the Financial Procedure Rules or financial irregularities. If Internal Audit undertake an investigation, their findings which will be submitted in writing to the employee's Manager to determine whether any further action is required in line with the Disciplinary Policy & Procedure.

### **Whistleblowing**

Concerns raised of a whistleblowing nature will be investigated initially in line with the Whistleblowing Policy.

## 7. The Disciplinary Hearing

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Following any investigation, if the Council considers there are grounds for disciplinary action, the employee will be required to attend a Disciplinary Hearing. The employee must make every effort to attend the hearing. Failure to attend without good reason may lead to a decision being taken in the employee's absence.

The employee has the right to be accompanied by a companion at the Disciplinary Hearing.

The employee will be notified in writing a minimum of 5 working days in advance of the date, time and location of the Disciplinary Hearing and they will be given details of the nature of the complaint or issue, including whether the allegations may amount to gross misconduct, which could result in dismissal. All relevant information including the investigation report, witness statements, documentation and information related to the case will be issued prior to the Disciplinary Hearing. Specific arrangements will be made, where appropriate, to view sensitive or complex information that forms part of the evidence bundle (that cannot be copied or removed from the Council), at an identified location. In cases where an employee's trade union representative or workplace companion cannot attend on a proposed date, the employee can suggest an alternative time and date within five working days after the original date.

A Senior Officer from the same Department as the employee who is subject to the disciplinary process or where appropriate, another nominated Senior Officer **who has not been involved in the investigation** will usually conduct the Disciplinary Hearing (the "Disciplining Officer"). A member of the Organisational Development Division (who can be the same OD Representative who advised at the investigation stage) will also be present.

If an employee wishes to call relevant witnesses, they should notify the Disciplining Officer on receipt of the letter inviting them to the Disciplinary Hearing advising them of the names of the witnesses they intend to call. It is the responsibility of whoever is calling the witnesses to invite the witness to attend the disciplinary hearing however, the scheduling of attendance will be considered by the Disciplining Officer prior to the Hearing.

The Investigating Officer, who may call witnesses to attend the Hearing, will present the findings of the investigation at the Disciplinary Hearing. The employee and their representative will have the opportunity to present their case at the Disciplinary Hearing and respond to the allegations. At the conclusion of the Hearing both parties will be given the opportunity to sum up their case.

The Disciplinary Hearing may be adjourned if the Disciplining Officer considers that further investigation is required. The employee will be given a reasonable opportunity to consider any new information obtained before the disciplinary hearing is reconvened.

The Disciplining Officer will make their decision and the employee will be advised of the outcome. The decision may not always be made immediately after the

Disciplinary Hearing but it will be communicated in writing to the employee as soon as possible thereafter (and normally no later than 5 working days).

The Disciplinary procedure is detailed in the attached flowchart ([appendix 3](#)).

## 8. Levels of Warnings – Misconduct and Gross Misconduct

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Where an employee's misconduct is such as to warrant a disciplinary sanction, the Disciplining Officer will issue a warning to the employee. The sanction, which is issued, may be at any level of warning and will be dependent upon the circumstances, the seriousness of the offence and whether the matter is a first offence. Consideration will also be given to the reasonableness of the outcome and consistency with other recorded cases.

Detailed below are the outcomes that can be expected as a result of misconduct or gross misconduct.

### 1. **(First) Written Warning**

If the matter falls into the remit of misconduct as defined in this policy, or if the misconduct has escalated from prior supportive action, the employee will be issued with a first written warning. The written warning will remain live on the employee's file for a period of **9 months**. Whilst the warning will expire, a record of what has occurred will remain on the personal file in line with the Council's retention guidelines.

Repetition of this, or any other misconduct during the specified period will be subject to full consideration of the circumstances and, if appropriate, the next stage of the procedure will be implemented, which could result in a final written warning.

### 2. **Final Written Warning**

If the employee already has an active written warning or the employee's conduct is sufficiently serious then a final written warning will be issued. This final written warning will remain on the employee's file for a period of **12 months**. Whilst the warning will expire, a record of what has occurred will remain on the personal file in line with the Council's retention guidelines.

It should be noted that:

- repetition of the same, or any other misconduct during the specified period of the warning; and/or
- where a final written warning fails to bring about the required improvement, further disciplinary action may be taken which could result in dismissal.

### 3. **Dismissal or other Sanction**

An employee may be dismissed for further misconduct where there is an active final written warning on record or for gross misconduct irrespective of whether there are active warnings on the employee's record. In the case of gross misconduct, the employee will normally be summarily dismissed without notice or pay in lieu of notice.

Where dismissal is decided as an appropriate form of action, any mitigating circumstances will be taken into account by the Disciplining Officer. In certain cases, action short of dismissal may be considered, such as a transfer to another post or place of work. This action should only be taken following consultation with the Organisational Development Division.

All cases of disciplinary action must be formally recorded and the outcome, with the right of appeal (detailed below), confirmed in writing to the employee.

A list of examples of acts that constitute serious or gross misconduct is attached ([Appendix 1](#)).

## **9. Appeals against Disciplinary Action**

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Employees are entitled to appeal against any formal disciplinary action in line with the Council's Appeals Procedure ([Appendix 3](#)) within five working days of receipt of the written confirmation of the disciplinary outcome decision. Appeals short of dismissal will be made to a senior manager who has not been involved in the case. Appeals against a dismissal will be heard by the Council's Appeals Committee, which usually consists of three appointed Council Members. In all cases, the employee will be expected to clearly state the grounds for appeal and provide a statement of case for consideration by the Appeals Panel in accordance with the Appeals Procedure. There will be no further right of internal appeal following the conclusion of the Appeals Procedure.

There are three possible outcomes as a result of an appeal:

- The decision of the Disciplinary Hearing is upheld.
- The decision of the Disciplinary Hearing is overturned and substituted with some other sanction (excluding a more severe sanction).
- The decision of the Disciplinary Hearing is overturned.

For further information, please refer to the Appeals Procedures in [Appendix 3](#) of this policy.

## **10. General Information**

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As a result of an investigation process, the Council may be required to make a referral to a regulatory body such as the Disclosure and Barring Service, Social Care Wales or other professional bodies. If a referral is required, the employee concerned will be notified of this in writing.

# Appendix 1: Examples of Standards and Conduct

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## Gross Misconduct

Gross misconduct is a serious breach of contract, which, in the opinion of the Council, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the Council and the employee. In such cases, the employee will be dismissed without notice (summary dismissal). The following list of offences is not to be regarded as exhaustive and is intended as a guide only.

Examples of matters that are normally regarded as gross misconduct include:

- Serious breach of the Council's Code of Conduct.
- Acts of theft or other offences of dishonesty including acceptance of improper hospitality, fees or rewards.
- Gross negligence or dereliction of duty including improper treatment of clients/customers or serious breach of a professional code of practice.
- Serious breach of health and safety rules.
- Bullying and harassment of staff.
- Physical violence, fighting or physical assault.
- Discrimination against colleagues, contractors, members of the public or service users.
- Falsification of qualifications, records or personal information which are a stated requirement of employment or which results in financial or personal gain.
- Falsification of the Council's recording, data or information systems.
- Deliberate damage to or misuse of, the Council's information, property or equipment; or a breach of the Information Security Policy including unauthorised entry into the Council's computer system(s). This includes unauthorised copying of software or downloading copyright, threatening, obscene or libellous material and misuse of the Council's internet provision.
- Failure to disclose suspected malpractice or knowledge of abuse/neglect/harm of a child or vulnerable person.
- Contravention of the Council's Alcohol and Drugs Policy.
- Committing an act outside work, or being convicted of a criminal offence, which in the opinion of the Council may affect its reputation or its relationships with staff, service users or members of the public, or otherwise affects the employee's suitability for continued employment.
- Inappropriate use of social networking sites, which may bring the Council into disrepute. This includes misuse of such sites outside of working time.
- Engaging in employment whilst medically declared unfit to do so which is in direct conflict with your employment with the Council or undertaking unauthorised paid or unpaid employment.
- Any act which may result in an action against the Council for negligence or breach of the duty of care.
- Unauthorised use, processing or disclosure of personal data contrary to the Council's Data Protection Policy.
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information is kept secure.
- Repeated or serious failure to obey instructions, or any other serious act of insubordination.

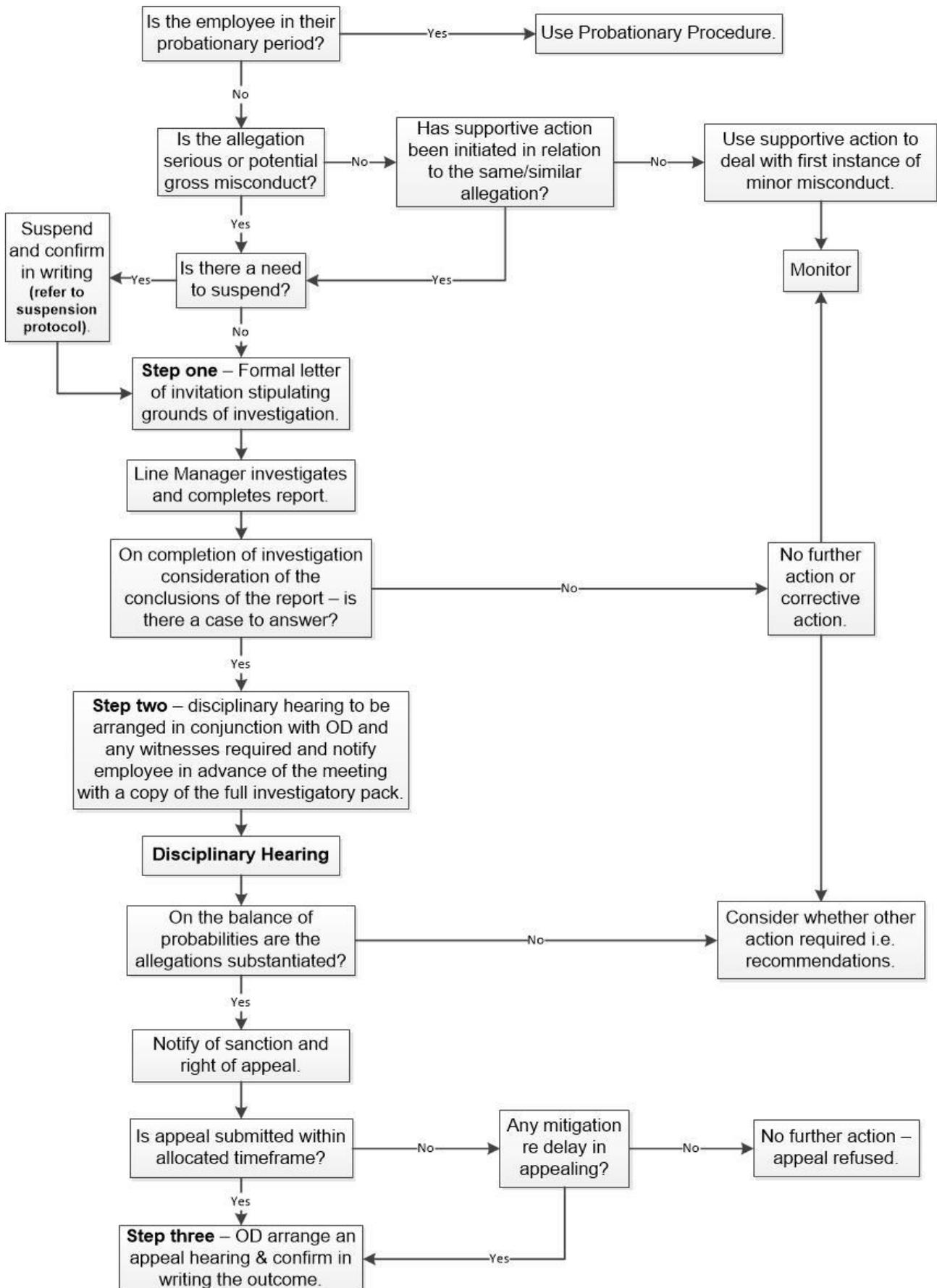
## **Misconduct**

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Council's Disciplinary Policy & Procedure:

- Failure to comply with a work rule, reasonable order, instruction or contractual requirement.
- Failure to comply with a health or safety requirement.
- Persistent late attendance and/or inadequate timekeeping, abuse of the Council's Flexible Working Hours Scheme such as regular clocking omissions, persistent failure to achieve contract hours, continued loss of key fob, or similar.
- Matters relating to unacceptable levels of attendance and failure to comply with the requirements of the Attendance Management Policy.
- Undertaking activities, whilst purporting to be absent due to sickness, which are likely to be incompatible with the reason for absence and/or which are unlikely to be conducive to recovery.
- Misuse of equipment, supplies and facilities provided by the Council.
- Providing false information orally or by the falsification of records or documents.
- Contravention of the Council's Equalities Policies.
- Failure to report or record any matter which it is the employee's duties to report or record, e.g. failure to disclose a pecuniary interest.
- Breach of the Council's Smoking Policy.
- Failure to comply with the legal requirements of the Driver's Handbook.

This list is intended as a guide and is not exhaustive.

## Appendix 2: Disciplinary Process Flowchart



## Appendix 3: Appeals Procedure

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### Preliminary Matters

- 1.1 All appeals in relation to disciplinary will be heard in line with this Procedure.
- 1.2 The Appeal will be heard as follows:
  - 1.2.1 Where the appeal is in relation to disciplinary action short of dismissal, a Senior Officer (chairperson) from an alternative service area, who will review the disciplinary decision will hear it. In all cases, the Senior Officer will not have been involved with the detail of the case, the original meeting or decision and where possible will be senior in authority to the person who took the disciplinary decision. In addition, an Organisational Development Representative from another operational team who has not previously advised or been involved in the case will attend the hearing to advise the Senior Officer (hereafter referred to as the 'Appeals Panel') and an officer will also be present to take minutes of the hearing.
  - 1.2.2 Where the appeal is in relation to dismissal, an Appeals Panel consisting of three elected members, will review the decision taken to dismiss.
  - 1.2.3 The Appeals Panel will be chaired by a Chair of a Scrutiny Committee and in all cases Committee Members will not have been involved with the detail of the case, the original meeting or decision. In addition, the Head of Legal & Corporate Compliance or their nominated representative will attend the hearing and act as Advisor to the Appeals Committee. An officer will also be present to take minutes of the hearing.
- 1.3 An Appellant (employee), or their representative, wishing to lodge an appeal must notify the **Head of Organisational Development, in writing**, of their intention to do so within **5 working days of receipt of the written confirmation** of the disciplinary outcome. This correspondence should state the grounds on which the Appellant is appealing.
- 1.4 The Appeal will be heard without unreasonable delay and every effort will be made to ensure that it will be held within **20 working days** from receipt of the appellant's written notification.
- 1.5 **Written acknowledgement** of the appeal as submitted will be provided and the Appellant and Respondent (management) will be advised of the following:
  - Timeframe in which to submit their **'written statement of case'** in line with this Procedure.
  - Notice of the time, date and venue of the Hearing at least 5 working days in advance.

- 1.6 The parties involved in the Hearing will submit their '**written statement of case**' to the Council's Organisational Development Division by no later than **10 working days** from the date of the original **written confirmation** that the appellant intends to appeal. The statements of case should include the following:
- The Appellant's statement should outline the reasons for the appeal, any evidence on which they intend to rely, witness statements and details of relevant witnesses to be called at the Hearing.
  - The Respondent's statement will outline the original facts and details presented at the Disciplinary Hearing with supporting documentation and the reasons for the original decision, together with the details of relevant witnesses to be called at the Hearing.
- 1.7 The Appellant has the right to be represented by a Trade Union Representative or workplace companion and will be able to call witnesses to provide evidence **relevant to the case**. It is the Appellant's responsibility to make the necessary arrangements for their representative and/or relevant witnesses to attend the Hearing. Character witnesses will not be heard unless they are able to provide salient facts in relation to the case.
- 1.8 If the Appellant and/or their representative cannot attend on the proposed date with just cause, an alternative date and time can be suggested which is mutually acceptable and which should normally be within **5 working days** of the original date.
- 1.9 In the event of either party not complying with the pre-conditions relating to the Appeals Procedure prior to the Hearing, then save for acceptable or excusing circumstances, the Appeals Panel may consider the appeal based on the evidence available.

## **The Hearing**

- 2.1 At the outset of the Hearing, those present will be introduced and the purpose of the hearing and how it will be conducted will be outlined. The Chairperson will also clarify the grounds for appeal and refer to the submitted statements of case.

As the Hearing will undertake a review of the decision, it is important to note that no new facts should normally be presented at the Hearing. In the case where new evidence has emerged since the original disciplinary decision was taken, this should be brought to the attention of the Appeals Panel at the start of the Hearing. It will be for the Appeals Panel to determine if the appeal should proceed or if it should be adjourned in order for further investigation.

During the proceedings, the Appeals Panel can determine to adjourn the case, as they consider appropriate in the circumstances.

- 2.2 The order of presentation would normally be the following:
- a) The Respondent Officer(s) will put the management case forward in the presence of the Appellant and their representative relying only on the documents that form part of the written statement of case and calling witnesses to provide **relevant evidence**.

- b) The Appellant and/or representative will have the opportunity to ask questions in relation to evidence submitted by the Respondent Officer(s) or any witnesses called. Witnesses will be brought into the Appeal Hearing at the time their evidence is to be heard and should withdraw on completion of the questioning unless specifically requested to remain.
- c) The Appeals Panel will have the opportunity to ask questions of the Respondent Officer(s) and any witnesses at the time they give their evidence.
- d) The Respondent Officer(s) will have the opportunity to re-examine witnesses on any matter referred to in the examination by the Appellant or their representative or members of the Appeals Panel.
- e) The Appellant and/or their representative will put the case in the presence of the Respondent Officer(s), relying only on the documents that form part of the written statement of case and calling witnesses to provide **relevant evidence**. The representative may put the employee's case, sum up and respond on the employee's behalf to any view expressed at the Hearing. The Appellant should respond personally to direct questions during the Hearing in order to be able to clarify the facts of the matter.
- f) The Respondent Officer(s) will have the opportunity to ask questions in relation to evidence submitted by the Appellant, their representative, and any witnesses called. Witnesses will be brought into the Appeal Hearing at the time their evidence is to be heard and should withdraw on completion of the questioning unless specifically requested to remain.
- g) The Appeals Panel will have the opportunity to ask questions of the Appellant, their representative and any witnesses at the time they give their evidence.
- h) The Appellant or representative will have the opportunity to re-examine witnesses on any matter referred to in the examination by the Respondent Officer(s) or members of the Appeals Panel.
- i) The Respondent Officer(s) will then have the opportunity to sum up their case if they so wish.
- j) The Appellant or their representative will have the opportunity to sum up their case if they so wish.
- k) The Appellant, their representative, and the Respondent Officer(s) and any remaining witnesses to withdraw.

## **Deliberation and Conclusion**

- 3.1 The Appeals Panel, together with any Advising Officer(s), will deliberate in private, only recalling the parties to clear any points of uncertainty upon evidence already given. If recall is necessary, both parties are to return, even if only one is concerned with the point given rise to doubt.
- 3.2 The Appeals Panel, in certain cases, could take the decision to adjourn the hearing in order that lines of enquiry are further investigated or matters clarified.
- 3.3 The Appeals Panel can announce the decision to the parties personally or reserve their decision. Confirmation of the decision, including the reason(s) for the decision, will normally be provided, **in writing**, within **3 working days** following the decision made by the Appeals Panel.
- 3.4 The Appeals Panel decision will be final and this procedure provides the final level of appeal available internally within Blaenau Gwent County Borough Council. There is no further level of internal appeal.

## Appendix 4: Appeals Procedure Flowchart

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