

**PROCEDURE TO BE FOLLOWED AT HEARING OF
AN APPEAL AGAINST PUNITIVE DISCIPLINARY ACTION**

1. There may be present at all times, the appellant, his/her representative and the department's representative.
2. Advisers to either the department's or appellant's side may be allowed to attend the hearing, provided the Personnel Appeals and Applied Conditions of Service Appeals Panel has advance notice.
3. The department's representative will put forward their case in the presence of the appellant's side and may call any witnesses required.
4. The appellant's side will have the opportunity to question any witnesses called by the department.
5. The members of the Personnel Appeals and Applied Conditions of Service Appeals Panel will then have the opportunity to ask questions of the department's witnesses.
6. The department's representative will have the opportunity to ask further questions of the witness, to clarify points arising from questions from the appellant's side and members of the Personnel Appeals and Applied Conditions of Service Appeals Panel
7. The appellant's side will put his/her case in the presence of the department's representatives and may call any witnesses required.
8. The department's representative will have the opportunity to ask questions of any witnesses called by the appellant or his/her representative.
9. The members of the Personnel Appeals and Applied Conditions of Service Appeals Panel will then have the opportunity to ask questions of the appellant's representative, the appellant and any witnesses called.
10. The appellant's side will have the opportunity to ask further questions of the witness, to make points of clarification arising from questions from the department's representative and members of the Personnel Appeals and Applied Conditions of Service Appeals Panel.
11. The department's representative, followed by the appellant's side, will have the opportunity, if they wish, to sum up their case **introducing no new material**.
12. The department's representative, the appellant's side and any advisers, if present, will then withdraw.

13. The Personnel Appeals and Applied Conditions of Service Appeals Panel, in the presence of the officer(s) appointed to assist the Committee, will then deliberate in private, only recalling if necessary the department's representatives, the appellant and his/her representative to clarify points of uncertainty on evidence already given. If recall is necessary, **both** parties have to return, even if only one of the parties is required to clarify any point.
14. The Personnel Appeals and Applied Conditions of Service Appeals Panel will recall the department's representative, the appellant and his/her representative and announce their decision on the appeal which will be confirmed in writing.
15. Under the Council's Scheme of Delegations to the Personnel Appeals and Applied Conditions of Service Appeals Panel, the Personnel Appeals and Applied Conditions of Service Appeals Panel is authorised to uphold or reject appeals against disciplinary action or to order the varying of the disciplinary action taken. The form of the decision to be announced by the Personnel Appeals and Applied Conditions of Service Appeals Panel will be one of the following as appropriate.
 - (a) **That the grounds of appeal have been substantiated and the appeal upheld.**
 - (b) **That the grounds of the appeal have been substantiated in part and the appeal is upheld to the extent that.....**
 - (c) **That the grounds of the appeal have not been substantiated and the appeal is not upheld.**

NOTE:

Where the grounds of an appeal against dismissal have been substantiated in part and the Personnel Appeals and Applied Conditions of Service Appeals Panel vary the disciplinary action previously taken to action other than dismissal, the appellant shall be deemed to have been reinstated to the employ of the Council with effect from the date of dismissal.