



Disciplinary Procedure

Preamble

- a) This procedure is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures (September 2000).
- b) The CityWest Homes Disciplinary Procedure will be used when necessary and as a last resort. Where possible informal and / or formal counselling or other good management practice should be used to resolve matters prior to any disciplinary action being taken. It is in everyone's interest that disciplinary matters are brought to the attention of the individual at the earliest opportunity.
- c) This code applies to all employees of CityWest Homes Ltd, except the Chief Executive.
- d) Advice and guidance in terms of good practice should be sought from the Human Resources Manager.

1. Purpose

The purpose of this procedure is to:

- a) Help and encourage employees to achieve and maintain standards of conduct, attendance and job performance.
- b) Provide a fair and consistent way of dealing with disciplinary matters.
- c) Ensure that any employee, against whom any allegation of misconduct is made, has the benefit of fair investigation, hearing representation and a formal decision.

2. Principles

- a) The seriousness of the misconduct will determine the level at which the disciplinary procedure will be invoked.
- b) An employee will not normally be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice.
- c) The procedure also sets out the employee's rights under the formal procedure, including an explanation of any disciplinary action and the right to appeal.
- d) No disciplinary action will be taken against an employee until the case has been fully investigated.

- e) The Adjudicating Officer will be outside the line management of the employee who has had allegations made against them, where possible.
- f) An employee has the right to have their representations heard and to be accompanied and represented by either a Trade Union representative or a work colleague at any stage of the disciplinary procedure.

Once notification is received of a representative, he / she will be copied in on all relevant correspondence.

- g) The employee will be clearly informed of their rights in writing in advance of any stage of the procedure.
- h) Where an audit investigation has been conducted which highlights concerns about the conduct of an employee, a disciplinary investigation procedure must take place.
- i) The Procedure applies to misconduct at work. However, there may be exceptional circumstances where conduct outside work could invoke this procedure.

3. Collective Agreement

The Disciplinary Procedure is a collective agreement between CityWest Homes and the recognised trade unions and any proposed changes will be subject to joint negotiation and are subject to consultation and agreement where possible. The procedure is provided to every employee when they join CityWest Homes and should be read carefully and retained.

Managers of CityWest Homes have a duty to ensure that all staff are aware of the rules and standards expected in the workplace.

4. Confidentiality

It is essential that as far as is possible confidentiality and privacy is maintained at all times during the disciplinary process. This applies to all correspondence, report and other documents as well as interviews and hearings.

5. Possible Disciplinary Proceedings against an elected Trade Union Representative

The Disciplinary Procedure will not be invoked against a trade union representative until the circumstances of the case have first been notified to a regional branch official of the trade union concerned (or a nominated representative) and the Human Resources Manager. This will also apply to former accredited trade union representatives up to 6 months after ceasing their union duties.

6. Suspension

- a) The Human Resources Manager must be consulted in all cases of possible suspension. Suspension from work during the investigation should only apply in exceptional circumstances.
 - The allegation being investigated may constitute gross misconduct

OR

- The employee's presence at work may hinder the disciplinary investigation
OR
 - There are clear doubts as to the suitability of the employee remaining at work during the investigation e.g. the alleged misconduct could be repeated
- b) The decision to suspend an employee from his / her duties at work may only be taken by a Director (or specified posts shown in *Appendix 1*).
- c) Suspension from work is not disciplinary action in itself. The reason(s) for suspension should be confirmed in writing and this letter should be handed to the employee at the time of the suspension. The letter must state that the employee:
- Must not enter CityWest Homes offices / premises, principally their place of work.
 - Must not contact any client or members of staff other than through the Disciplinary Investigating Officer. Contact with members of staff who may act as witnesses should be arranged through your representative or the Disciplinary Investigating Officer.
 - Must be available for interviews as required.
- d) Suspension from work shall be on full pay unless, in very exceptional circumstances, it is considered that suspension without pay is justified. Where the allegation is not substantiated and the employee's pay has been suspended, full reimbursement of any pay withheld will be made. Please see Appendix 2 when suspending staff.
- e) If the suspension is lifted, the employee's return to work must be managed in such a way as to ensure a proper re-induction back into the workplace and to his/her duties. The decision to lift the suspension should be confirmed in writing.
- f) Where anonymous allegations are made against an employee, careful consideration must be given to these before any action is taken. Where the Service Manager (third tier manager or above) is unable to conclude that there is any substance to the allegations, no formal action will be taken under the code. Where there is sufficient evidence to conclude that there has been a breach of the disciplinary rules an investigation will be undertaken. The manager will inform the Human Resources Manager of the details of the allegations. The Service Manager will consider if the case warrants suspension, in consultation with the Human Resources Manager and the relevant Director.

7. Procedure for Formal Investigation

- a) The Service Manager of the employee who has had allegations made against them will appoint an Investigating Officer who is in a position to act impartially.
- b) The Service Manager will also identify a potential Adjudicating Officer for the assessment of the case. The Investigating Officer should gather all the relevant facts as soon as is practical after the allegations are referred for investigation. Statements should be taken from witnesses at the earliest opportunity, physical evidence should be preserved and / or photographed if

reasonable to do so. The Human Resources Manager may support the Investigating Officer whilst the investigation is taking place.

Notification of allegations and investigation interview

Except when there are extenuating reasons to the contrary (e.g. serious criminal investigation) the employee should be notified in writing about the allegations and the decision to instigate a disciplinary investigation as soon as possible. Where practicable, the employee should be notified in writing at least one day in advance of the interview with the Investigating Officer (*see Appendix 3*).

Record of the Interview

The Investigating Officer will arrange for notes of interviews to be taken. This will be a summary note rather than verbatim notes. The notes of the interview should ideally be signed and dated by the employee and included as an appendix to the investigation report. These notes are a management document and will be used as such whether signed or unsigned. Every effort will be made by the Investigating Officer to ensure that agreement is reached on the content and that the notes are signed.

Tape Recording the Proceedings

It is not normal practice of CityWest Homes for an Investigating Officer to tape record an interview with an employee. Where necessary the employee should be notified beforehand and given the opportunity to refuse. Where the employee requests that the proceedings be tape recorded this request should not be refused, unless there is a justifiable reason. Where the interview is tape recorded a transcript will be provided to the employee with the investigation report / or a copy of the recording.

Investigation Report

The Investigating Officer is responsible for producing an investigation report for the Adjudicating Officer. The report will give the details of the allegations, the findings and recommendations and whether they may constitute alleged gross or other misconduct. The report should append the notes of the disciplinary investigation interview(s), written statements from the employee and any witnesses as well as any other relevant documents.

The Investigating Officer will recommend to the Adjudicating Officer whether the case is worthy of pursuit or not. If the Investigating Officer concludes that from the information obtained the allegations of misconduct have been substantiated then he / she should recommend that a formal disciplinary hearing be convened.

If the Investigating Officer considers that there is no case to answer, he / she will recommend that no action should be taken. The Adjudicating Officer will determine if a disciplinary hearing should be held.

The employee must be notified within 5 working days of the Adjudicating Officer's decision on whether the matter will proceed to a disciplinary hearing.

Appendix 4 gives examples of gross misconduct or other misconduct.

8. Disciplinary Hearing

Convening a Disciplinary Hearing

The employee must be given at least 10 working days' notice in writing (unless a shorter period is mutually agreed) of the date, time and location of the disciplinary hearing. The letter will also notify the employee of any witnesses to be called by the Investigating Officer to give evidence at the disciplinary hearing. The employee will be advised in the letter that they may also call witnesses. If these witnesses are still employees of CityWest Homes their attendance should be co-ordinated through the Adjudicating Officer. The employee must be provided with two copies of the Investigating Officer's report at least 7 working days prior to the disciplinary hearing.

Deferring the Disciplinary Hearing

- a) A request by the employee or Adjudicating Officer to defer the disciplinary hearing to another date should not be unreasonably refused. Every effort must be made to attend the disciplinary hearing unless there are exceptional circumstances.
- b) It is possible to proceed with the hearing in the absence of the employee. The responsibility for making this decision ultimately lies with the Adjudicating Officer. The employee must be informed that if he / she fails to attend without good reason, the hearing may go ahead and a decision will be reached in his / her absence.

Calling Witnesses to a Disciplinary Hearing

- a) The Adjudicating Officer should be notified of any witnesses the employee intends to call at least 2 working days prior to the disciplinary hearing.
- b) Where the employee wishes to submit any documentation for consideration at the hearing this must be received by the Adjudicating Officer no later than 2 working days prior to the disciplinary hearing. Any relevant documentation submitted to the Adjudicating Officer should be available to all parties.
- c) Generally where an employee wishes to call a witness, it is their own responsibility to make the necessary arrangements, including seeking the prior permission of the witness. Paid time off to attend a disciplinary hearing within their normal working day will be granted to all members of staff who are called as witnesses.

9. Conduct of the Disciplinary Hearing

Appendix 6 gives the stages of the disciplinary hearing that must be followed by the Adjudicating Officer and the employee/representative.

In all cases of potential gross misconduct or where the case may result in dismissal the Human Resources Manager or an appropriate substitute who is suitably qualified must be present at the disciplinary hearing, their role being to give advice on the conduct of the proceedings and any procedural issues. However, the Human Resources Manager (or his / her substitute) will not have any input in the decision regarding the employee's blameworthiness since this is the responsibility of the Adjudicating Officer.

a) **Record of the Disciplinary Hearing**

Summary notes of the hearing must be made and sent out to the employee. The Adjudicating Officer should ensure that the notes of the hearing are accurate and clear and precise as possible, as they could be used in any subsequent appeal hearing or any possible employment tribunal. Any dispute about the accuracy of the notes will be resolved by the Adjudicating Officer.

It is not the normal practice of CityWest Homes for the disciplinary hearing to be tape recorded but this should not be unreasonably refused if requested by the employee.

b) **Disciplinary Action**

- i. Where the employee accepts that they are blameworthy of the allegations or if the employee is found to be blameworthy after all the evidence is heard, the Adjudicating Officer must have the full regard to the employee's disciplinary record, together with any mitigating circumstances the employee has raised, when making their decision. Appendix 5 sets out the types of disciplinary action which may be taken when an employee either accepts blameworthiness or is found to be blameworthy.
- ii. The Adjudicating Officer must confirm the decision of the disciplinary hearing to the employee. Where possible the employee should be informed of the decision in person and have the decision confirmed in writing within 5 working days. The letter must state that the employee will have a right of appeal and that a record of the hearing will be provided.

c) **Types of Disciplinary Action**

This action includes:

- formal oral warning
- reprimand and formal written warning
- severe reprimand and final written warning
- demotion for specified or unspecified period
- dismissal with / without notice

The seriousness of the misconduct and the level of the disciplinary action will determine how long the record will remain active on the personal file. Appendix 5 details the time limits on disciplinary action. Once the time limit for the disciplinary action expires the previous disciplinary records will be disregarded for future cases of misconduct other than in exceptional circumstances.

d) **Employee not Blameworthy**

Where the employee is not found to be blameworthy he / she will be advised that all details of the alleged misconduct will be removed from the personal file. This will be confirmed in letter with the outcome of the disciplinary hearing.

10. Appeal

An employee may appeal against disciplinary action. Any employee who wishes to appeal against any disciplinary action must do so in writing to the Chief Executive, CityWest Homes within 10 working days of receipt of the decision of the disciplinary

hearing stating their grounds of appeal, which must be based on one or more of the following criteria:

- The severity of the disciplinary action; and / or
- The finding of the disciplinary hearing on a point of fact; and / or
- A failure to adhere to agreed procedure.

a) **Appeal Hearing**

- i. The Appeal hearing should take place within 15 working days of receiving the appeal unless agreement has been reached between the employee and the Chief Executive to do otherwise. The hearing will be heard by the Chief Executive, a nominated representative or if appropriate the Employment and Development Committee, with advice from the Human Resources Manager.
- ii. If required, employees who report directly to the Chief Executive of CityWest Homes will have their appeal heard by the Employment and Development Committee with advice from the Human Resources Manager. This Committee will take the role of the Chief Executive in the process outlined below.
- iii. The Chief Executive will write to the employee to confirm the date of the appeal 10 working days prior to the Appeal Hearing. The letter will also specify that if the appellant wishes to call witnesses the Chief Executive must be notified in writing at least 3 working days prior to the Appeal Hearing. If these witnesses are managers in CityWest Homes then 5 days' notice should be given to the Chief Executive who will endeavour to arrange their attendance.

In addition, the letter will state that if the employee wishes to submit their documentation this must be provided to the relevant Officer at least 3 working days prior to the Appeal Hearing.

b) **Conduct of the Appeal**

Appendix 7 gives the order of proceedings at an Appeal Hearing.

c) **Determination of the Case**

The Appeal hearing will only consider the grounds of appeal and the evidence in support or rebuttal of those grounds. The Appeal hearing shall not normally reconsider the case in its entirety although this is not precluded.

- i. Where formal disciplinary action is confirmed at the conclusion of the Hearing this decision will be entered in the employee's personal file.
- ii. Where the appeal is upheld and the disciplinary action is rejected all reference to the action will be removed from the employee's personal file and confirmed in writing.
- iii. The appellant will receive a letter confirming the decision of the Chief Executive.
- iv. The Chief Executive's decision is final.

11. Staff Designated to Invoke the Disciplinary Procedure

- a) CityWest Homes has delegated to Service Managers (third tier manager or above) the responsibility for invoking the Disciplinary Procedure.
- b) CityWest Homes has identified the minimum levels of management authorised to take action under the Disciplinary Procedure (*see Appendix 5*).

**SPECIFIED POSTS WITH THE SAME AUTHORITY
AS A DIRECTOR IN THIS PROCEDURE**

- Lessee Services Manager
- Senior Customer Services Manager
- Estate Director – Lillington and Longmoore

MODEL LETTER

**DISCIPLINARY INVESTIGATION
SUSPENSION**

STRICTLY CONFIDENTIAL & PERSONAL
BY HAND

Dear

I write to confirm that you are suspended from your post of **designation** with immediate effect pending the outcome of an investigation under CityWest Homes Disciplinary Procedure (a copy of which is attached).

It has come to my attention that there are serious allegations which, if substantiated could constitute ***misconduct/gross misconduct** under CityWest Homes Disciplinary Procedure. It is alleged that **insert details of allegation**.

If the allegation(s) are substantiated you may be called to a disciplinary hearing to answer charges of ***misconduct / gross misconduct**. This may lead to dismissal from CityWest Homes service.

Your immediate suspension from work is not disciplinary action, or an implication of culpability. It is a holding action pending the outcome of the formal disciplinary investigation. You will have the opportunity to respond to the allegation(s) at a disciplinary investigation interview at which you may be accompanied by a trade union representative or work colleague.

You will receive full pay during the period of suspension.

During the period of suspension you must remain in contact with the Disciplinary Investigating Officer and be available to attend any interviews called within 24 hours' notice.

During your suspension you should not visit CityWest Homes premises unless expressly required to attend a meeting under the CityWest Homes Disciplinary Procedure. In addition you should not contact any clients or members of staff other than through you're your representative or Disciplinary Investigation Officer. You should provide me with your identification pass and any other CityWest Homes property such as keys to office equipment.

Yours sincerely

MODEL LETTER

DISCIPLINARY INVESTIGATION

DISCIPLINARY INTERVIEW

STRICTLY CONFIDENTIAL & PERSONAL
SENT BY RECORDED DELIVERY

Dear

Further to the letter sent by XXX dated XXX I am writing to advise you that I have been appointed to act as Investigating Officer under the CityWest Homes Disciplinary Procedure.

It has been alleged that you have **insert details of the allegation** which could constitute ***misconduct / gross misconduct** under the CityWest Homes Disciplinary Procedure. If proven this would breach the following areas of the disciplinary procedure:

During the investigation, other matters may arise and the nature of these allegations may change.

As part of my investigation you are required to attend an interview _____ on _____ at _____. The interview will be held in _____

You are entitled to be accompanied by a trade union representative or work colleague.

The purpose of the interview is to find out the facts relating to the above allegation(s).

Yours sincerely

****delete as appropriate***

DISCIPLINARY RULES

1. **Application** – CityWest Homes disciplinary rules apply to all employees except the Chief Executive regardless of length of service. Their purpose is to make employees aware of the standard of conduct required by CityWest Homes and to indicate the likely consequences resulting from any particular misconduct. These rules are generally applicable to employees, although because of the nature of certain jobs there may be additional specific rules and standards in that area. Whereas these rules apply to conduct at work it is recognised that in exceptional circumstances conduct outside work could make an employee's continued employment untenable. Therefore these rules may apply to conduct outside work.
2. **Amendment of the Rules** – CityWest Homes may from time to time amend these rules but will not do so without joint consultation and where possible agreement.
3. **Gross Misconduct** – This is defined as misconduct or negligence for which the penalty of dismissal is justified at the first offence. Such dismissals will only take place where the Adjudicating Officer has had regard to all relevant factors and mitigating circumstances. It is recognised that the examples of gross misconduct may vary considerably in their seriousness but, by breaching any of these rules, employees put themselves at risk of immediate dismissal from CityWest Homes service. It is recognised that there may be situations which would normally lead to dismissal without notice that may warrant less severe action. Conversely there may in addition be other acts of a similar gravity which are not specified in the examples below but which may be considered as acts of gross misconduct. Also there may be specific misconducts over a period of time which when viewed cumulatively could constitute gross misconduct. If an individual is dismissed due to gross misconduct any outstanding leave will be paid in accordance with the statutory minimum entitlement (20 days including bank holidays).
4. **Examples of Rules which could constitute Gross Misconduct** – CityWest Homes recognises the following as examples of gross misconduct:
 - 4.1 Stealing from CityWest Homes, its employees or the public.
 - 4.2 Assault on another employee or a member of the public.
 - 4.3 Deliberate damage to, failure to account for or neglect of the property, assets, cash, investments etc. of CityWest Homes or of any client, agent or contractor to the organisation.
 - 4.4 Falsification for financial gain of any document record, e.g. timesheets, bonus sheets, overtime and subsistence claims, season ticket loan form, invoices, accounts etc.
 - 4.5 Falsification of qualifications which are a stated requirement of employment or which results in financial gain.
 - 4.6 Sexual misconduct at work.
 - 4.7 Harassment on the grounds of the employee's gender, race, religion, sexual orientation, age or disability.

- 4.8 Corrupt practices including the soliciting of any bribe, gratuity, gift or fee in money or kind or the use or attempted use of the employee's official position for private advantage.
- 4.9 Unauthorised disclosure of confidential information and / or documents relating to the business of CityWest Homes or of people in the care or charge of CityWest Homes.
- 4.10 Serious breaches of safety regulations endangering self or others including deliberate damage to, neglect of, or misappropriation of, safety equipment.
- 4.11 Engaging in unauthorised employment or similar activity during hours when contracted to work for CityWest Homes or during periods of sick leave.
- 4.12 Conviction for a criminal offence which disqualifies the employee from undertaking contracted duties or makes continued employment unacceptable to CityWest Homes or to other employees.
- 4.13 Knowingly being an accessory to an act of gross misconduct or failing to report breaches of discipline involving dishonest practices.
- 4.14 The use of CityWest Homes information that is confidential by virtue of its relevance to personal or commercial interests for any purpose other than the properly authorised business of the organisation.
- 4.15 Serious breaches of security of CityWest Homes information technology systems.
- 4.16 Serious breaches of the telephone, internet and e-mail policy
- 4.17 Act(s) of fraud against any local authority (including Westminster) or other statutory body taking account the principle of spent convictions under the Rehabilitation of Offenders act 1974.
- 4.18 A false declaration on the application form which results in appointment to CityWest Homes.
- 4.19 Action which is likely to result in the loss of trust and confidence in the employee or which may bring CityWest Homes into disrepute.
- 4.20 Wilful negligence in the performance of duties or responsibilities.
- 4.21 Any actions that contravene anti-discrimination employment legislation.
- 4.22 Any other misconduct of a similar gravity.
- 5 **Misconduct** – The great majority of instances of other misconduct will not normally be sufficiently serious to warrant dismissal without previous warning (including a final written warning) but will nevertheless warrant disciplinary action of a lesser nature. However, on occasion, there may be acts which are so serious as to lead to dismissal at the first offence Examples of rules which constitute other misconduct:-
 - 5.1 Refusal or failure to obey legitimate instructions.
 - 5.2 Failure to observe CityWest Homes operational regulations and standing instructions of service areas.
 - 5.3 Wilful carelessness in the performance of duties and responsibilities.

- 5.4 Failure to account for properly, or to make a prompt and true return of, any money or property which comes into the employee's possession in the course of their duties.
- 5.5 Negligence in maintaining the security of CityWest Homes property, including information.
- 5.6 Failure to comply with CityWest Homes working hours' procedures and unauthorised absence from duty or lateness for duty without sufficient cause.
- 5.7 Insubordination.
- 5.8 Abuse of authority e.g. when an employee's conduct towards a colleague or a member of the public is oppressive or abusive and may be attempted or actual harassment.
- 5.9 Absenteeism and unauthorised absence from the workplace.
- 5.10 Swearing at or abuse or extreme discourtesy to a CityWest Homes employee or a member of the public.
- 5.11 Being under the influence of drink or drugs or any other substances producing significant impairments on performance / behaviour (other than medically prescribed).
- 5.12 Conduct at work likely to offend decency.
- 5.13 Sleeping on duty.
- 5.14 Falsehood e.g. when an employee knowingly or through neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for the purposes of CityWest Homes.
- 5.15 Raising a formal grievance against another employee without foundation
- 5.16 Misconduct in relation to official documents e.g. when an employee destroys or mutilates any record made, kept or required for the purposes of CityWest Homes, or alters or erases or adds to any entry in such a record or document without legitimate reason.
- 5.17 Being an accessory to a disciplinary offence e.g. when an employee connives at or is knowingly an accessory to any offence against discipline.
- 5.18 Neglect of health e.g. when an employee without sufficient cause neglects to carry out any instructions of CityWest Homes Occupational Health Advisor or while absent from duty because of sickness commits any act or adopts any conduct calculated to retard their return to duty.
- 5.19 Engaging in paid employment outside those hours when contracted to work for CityWest Homes without the express permission of your manager.
- 5.20 Refusal or failure to comply with the provisions of CityWest Homes No Smoking Policy.
- 5.21 Failure to comply with the provisions of any local Dress Code that may apply to particular employee groups.
- 5.22 Breaches of the telephone, e-mail and internet policy and other information technology systems.

5.23 Any act of misconduct of a similar gravity.

Sanction	Designated Person	Time on Personnel File
Level 1		
Dismissal with notice / Dismissal without notice	Director (or specified posts)	Permanently
Demotion for specified or Unspecified period	Director (or specified posts)	18 months
Severe reprimand and final written warning	Director (or specified posts)	18 months <i>(could be extended period at discretion of Adjudicating Officer)</i>
Level 2		
Reprimand and formal written warning	Service Manager	12 months
Formal oral warning	Service Manager	6 months

THE DISCIPLINARY HEARING

1. The Adjudicating Officer reads aloud the allegation(s).
2. The Adjudicating Officer asks the employee if they wish to accept culpability or deny the allegation(s). If the employee does accept that they are blameworthy the Adjudicating Officer will proceed to point 19.
3. The Adjudicating Officer asks the Investigating Officer to outline the evidence against the employee.
4. The employee and / or the representative questions the Investigating Officer.
5. The Adjudicating Officer and / or the Human Resources Manager questions the Investigating Officer.
6. The Investigating Officer calls and questions witnesses.
7. The employee and / or the representative questions the Investigating Officer's witnesses.
8. The Adjudicating Officer and / or the Human Resources Manager questions the Investigating Officer's witnesses (each witness shall withdraw on completion of their evidence).
9. The employee and / or representative presents the employee's case.
10. The Investigating Officer questions the employee.
11. The Adjudicating Officer and / or the Human Resources Manager questions the employee.
12. The employee calls and questions witnesses.
13. The Investigating Officer questions the employee's witnesses.
14. The Adjudicating Officer and / or the Human Resources Manager question the employee's witnesses.
15. Each witness shall withdraw on completion of their evidence.
16. The Investigating Officer sums up their case.
17. The employee or representative sums up their case and states any mitigating circumstances.
18. All parties withdraw whilst the Adjudicating Officer considers his / her decision and the action to be taken.
19. The hearing is reconvened to hear the decision of the Adjudicating Officer and the disciplinary action, if any.

20. The decision and action will be confirmed in writing and the letter will also advise the employee that they have the right to appeal within 10 working days of receipt of the formal notification. The grounds of appeal must be based on:-
- a) the severity of the decision; *and / or*
 - b) the finding of the disciplinary hearing on a point of fact; *and / or*
 - c) a failure to adhere to the agreed procedure.

THE APPEAL HEARING

1. The Chief Executive reads aloud the grounds of appeal and asks the appellant or their representative whether they are correct. Where the grounds of appeal are unclear or not sufficiently specific, the Chief Executive may ask the appellant or their representative for clarification or amplification.
2. The Adjudicating Officer will present the management case and may be assisted by the Human Resources Manager representative who assisted at the disciplinary hearing. The Chief Executive asks the Adjudicating Officer to outline the evidence against the employee.
3. The employee and / or the representative questions the Adjudicating Officer.
4. The Chief Executive and / or the Human Resources Manager questions the Adjudicating Officer.
5. The Adjudicating Officer calls and questions witnesses.
6. The employee and / or the representative questions the Adjudicating Officer's witnesses.
7. The Chief Executive and / or the Human Resources Manager questions the Adjudicating Officer's witnesses. (each witness shall withdraw on completion of their evidence)
8. The employee and / or representative presents the employee's case.
9. The Adjudicating Officer questions the employee.
10. The Chief Executive and / or the Human Resources Manager questions the employee.
11. The employee calls and questions witnesses.
12. The Adjudicating Officer questions the employee's witnesses.
13. The Chief Executive and / or the Human Resources Manager question the employee's witnesses.
14. Each witness shall withdraw on completion of their evidence.
15. The Adjudicating Officer sums up their case.
16. The employee or representative sums up their case and states any mitigating circumstances.
17. All parties withdraw whilst the Chief Executive considers his / her decision and the action to be taken but they maybe recalled to supply further information or clarify points already made. Where this recall proves necessary, both parties shall be represented during further enquiries.
18. The hearing is reconvened to hear the decision of the Chief Executive and he / she may confirm, reject or amend the disciplinary action which is the subject of the

appeal. The Chief Executive is not able to impose more severe disciplinary action than that which is the subject of the appeal. The decision will be announced to both parties and confirmed in writing to the appellant within 10 working days of receipt of the formal notification.

Note

Where formal disciplinary action is confirmed by the Chief Executive, it shall be entered in the appellant's personal record. Where formal disciplinary action is not upheld all reference to it shall be expunged from all personal records.