APPEALS PROCEDURE
The Corporation’s APPEALS PANEL

Context:

The role of the Corporation’s Appeal Panel is to act as the final stage of the College processes –

(1) which lead to a management decision to dismiss on disciplinary, capability, ill-health, or redundancy grounds; or

(2) which consider unresolved Grievances against the Principal (see Grievance Procedure in the Staff Handbook); or

(3) in other circumstances in which the Corporation has agreed that there should be a right of appeal to the Panel.

The role of the Panel is to examine the management decision, and to decide whether that decision is sound and within the relevant management powers. The Panel does not itself have a rehearing function. However, the Appeal Panel can decide whether the matter should be remitted back to those responsible for the original decision or not.

In the disciplinary context, only if significant new evidence is produced, or there is evidence that a major flaw in procedure has taken place, which makes the disciplinary procedure fundamentally unsound, should a management level rehearing take place.

Documentation:

A written statement of the reasons for the appeal against the management decision, or of the grievance against the Principal, should be provided when the appeal is lodged with the Clerk.

In the disciplinary context the Panel will have before them the appeals documentation previously circulated (see Notes for Guidance). These will include comments on the process, witness statements, written submissions, evidence from any investigation that has taken place, records of any disciplinary interviews that have taken place.

In the context of other matters coming to the Panel, any relevant documentation should be before the Panel.
No further documentation will be accepted at or immediately prior to the Panel hearing, without good reason for its late presentation. The late presentation and the reason or lack of reason may be a factor which the Appeal Panel may take account of in reaching its decision.

**Procedure at the Panel Hearing**

1. The Chairman of the Panel will call in both parties, introduce the Panel, and outline the function of the Panel. The Chairman will remind both parties and the Panel that the proceedings shall remain confidential until a final decision has been taken.

2. The management representative will present the management case in the presence of the employee and her/his friend and may call witnesses.

3. The employee (or her/his colleague/trade union representative) will have the opportunity to ask questions of the management representative on the evidence given by her/him and any witnesses who she/he may call.

4. The Panel may ask questions of the management representative and witnesses.

5. The employee (or her/his colleague/trade union representative) will put the case in the presence of the management representative and call such witnesses as she/he wishes.

6. The management representative will have the opportunity to ask questions of the employee and her/his witnesses.

7. The Panel may ask questions of the employee, her/his colleague/trade union representative and witnesses.

8. The management representative and then the employee (or her/his colleague/trade union representative) will have an opportunity to sum up their cases if they so wish.

9. The Chairman will then ask the management representative and the employee (and her/his colleague/trade union representative) to withdraw.

10. The Panel will consider the case in private, only recalling the management representative and the employee and her/his colleague/trade union representative to clear points of uncertainty on evidence already given. If a recall is necessary, then both parties are to return.

11. The Panel may announce its decision to the parties personally, and will confirm its decision in writing within 5 working days.
12 Whilst this procedure is intended to apply generally to any matter referred to the Panel, the Panel may vary aspects if it considers this to be appropriate for the fair, orderly and impartial consideration of the matters in issue.

APPEALS PROCEDURE:

NOTES FOR GUIDANCE

1 The purpose of this procedure is to ensure that the proceedings at appeals hearings are conducted in a fair, orderly, and impartial fashion offering both parties an opportunity to present their case.

2 Wherever possible no governor with prior involvement in the management decision process should be involved in hearing the appeal.

3 All parties will make every effort to ensure that Appeals are dealt with without undue delay.

4 Witnesses should only be present to give evidence and answer questions. They should not be present for instance when the parties are presenting their case.

5 The outcome of the appeal may be to uphold, vary or negate the decision that has given rise to the appeal, or to remit the matter to management for reconsideration.

6 The employee must submit written grounds for appeal, setting out all grounds of appeal, within 10 days of the date of the management decision to be appealed to the Clerk to the Corporation.

7 Parties to the hearing should also prepare a written statement of their case. Such submissions, together with other relevant documentation, will be circulated to all parties as soon as possible and at the latest 5 working days in advance of the hearing.

8 This internal College procedure specifically excludes lawyers from attending to assist either party subject to the following paragraph.

9 An employee facing a disciplinary charge which, if proved, could result in them losing the right to practice their chosen profession, may request the opportunity to have legal representation at the Appeal Panel stage. Such a request should be made in writing to the Clerk, summarising both the case for making the request and the intended grounds of appeal. Any such request will be considered by two members of the Remuneration and Employment Committee.

10 Where representation is granted this will automatically result in the College and the Panel also having a right to legal representation.