

**Creating Tomorrow Trust
Capability Policy - Draft**



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Introduction:

This policy is recommended for adoption by Governing Bodies of all academies and support staff employed by Creating Tomorrow Multi Academy Trust.

The Governing Body is responsible for ensuring that a fair, consistent and objective procedure exists for matters relating to employee capability.

This policy has been developed in consultation with the recognised trade unions. Where the Governing Body wishes to deviate from this policy or adopt any other policy, the Governing Body will arrange consultation with recognised trade unions.

Scope:

This policy applies to all Trust staff (including Headteachers) except for:

- ◆ Newly qualified teachers during their period of induction (unless there are serious concerns in which case the Capability Procedure may be applied)
- ◆ Support staff during a probationary period under a Probationary Policy adopted by the Trust

This policy is to be used when an employee fails to perform his/her duties to the required standard. This may be due to an issue related to that employee's skill, aptitude, health or other physical or mental quality.

This policy may be used when the reason for the performance issue relates to ill-health or a medical condition, but the employee is still in work.

This policy will not to be used for:

- ◆ Sickness absence, which is handled under the Attendance Management Policy and Procedure
- ◆ Misconduct, which is handled under the Disciplinary Policy and Procedure

Terms and Definitions:

Manager - In this policy the term 'manager' means the line manager, Headteacher, or the person who has been nominated by the Headteacher to take actions or make decisions in relation to sickness absence.

Performance Improvement Plan (PIP) an informal document (Appendix A) which may be used as a template for discussion with the employee and issued by the manager. It contains, in detail:

- ◆ A description of the areas of performance that are causing concern
- ◆ An explanation of the standards that are required
- ◆ The steps to be taken to make the necessary improvements
- ◆ The support to be provided
- ◆ Timescales for targets to be met

Improvement Notice

A formal letter issued at a formal stage of the capability procedure. It will:

- ◆ State the improvements in performance that are required
- ◆ State the Improvement Period (*see below*)
- ◆ State that if the required standards are not achieved by the end of the Improvement Period, and sustained for 12 months, a Second Formal Performance Review will follow. An Improvement Notice is normally accompanied by a PIP.

Final Improvement Notice

A formal letter issued at a formal stage of the capability procedure. It will:

- ◆ State the improvements in performance that are required
- ◆ State the Improvement Period (*see below*)
- ◆ State that if the required standards are not achieved by the end of the Improvement Period, and sustained for 18 months, a Capability Hearing may follow which could result in dismissal. A Final Improvement Notice is normally accompanied by a PIP.

Improvement Period

The amount of time the employee is given to achieve the required improvements. This will be set by the Decision Maker and will normally be between 4 and 8 school weeks. When deciding the Improvement Period, the Decision Maker will consider what is a realistic timescale given the severity of the concerns, the complexities of the job, the targets set, the advice, support and monitoring provided and the method(s) of evaluation.

School weeks

Means calendar weeks, but not including weeks for the whole of which the school is closed to pupils.

Roles and Responsibilities:

Informal Stage

The role of the manager is to identify any concerns with performance and to discuss them with the individual concerned. The manager normally has responsibility for the informal stage of the procedure.

Formal Stages

The role of the Decision Makers is to identify ongoing concerns with performance that have not been resolved at the informal stage of the procedure.

Decision Makers at Formal Stages

Meeting	Employee whose performance is in question	Decision Maker
First, and Second Formal Performance Reviews	Headteacher	Governor (normally Chair of Governors.)
	Other senior employee (e.g., deputy / assistant head, school business manager)	Headteacher
	All other employees	Line manager or the Headteacher
Appeal against Improvement Notice or Final Improvement Notice	Headteacher	Committee* of governors not previously involved
	Other senior employee (e.g. deputy / assistant head, school business manager)	Committee* of governors not previously involved
	All other employees	Headteacher or Committee* of governors not previously involved
Capability Hearing	Headteacher	Committee* of governors not previously involved
	Other senior employee (e.g. deputy / assistant head, school business manager)	Committee* of governors
	All other employees	Headteacher (if not previously involved) or Committee* of governors
Appeal against dismissal	All	Committee* of governors not previously involved

* In accordance with the School Staffing Regulations a committee may consist of one or more governors.

Where there is a committee of more than one governor, they will make all reasonable efforts to reach a unanimous decision. If a unanimous decision cannot be reached:

- ◆ in a committee consisting of an even number of governors, the Chair of the Committee will have the casting vote
- ◆ in a committee consisting of an odd number of governors, a majority decision can be taken.

Principles:

Support

The purpose of a capability procedure is to help and encourage employees to achieve and maintain an acceptable standard of performance.

Managers are encouraged to identify and address examples of under-performance as they occur. The capability procedure is not intended to replace the day-to-day support and supervision that is in place to support employees in their work. This policy should be invoked if support and advice offered through day-to-day supervision does not fully resolve the performance issues.

Supportive action will be fully explored as far as is reasonable and proportionate, before any formal procedure is invoked, unless there are exceptional circumstances. Supportive action will also be ongoing during the formal procedure.

Mechanisms to support the employee in reaching the agreed level of performance may include:

- ◆ mentoring
- ◆ training and development
- ◆ an agreed temporary removal of additional responsibilities,
- ◆ closer supervision by a senior colleague
- ◆ regular feedback sessions and the observation of other colleagues' practices within the school. (This is not an exhaustive list.)

Standards of Performance

Account should be taken of the following considerations:

- ◆ The required standard should be appropriate to the level of the job, and to the skills and experience reasonably expected of an individual in that position.
- ◆ For teaching staff, the relevant nationally recognised standards should be referred to.
- ◆ The manager will need to ensure that each member of staff has the guidance and support to enable them to perform their job to an acceptable standard.

External advice and support

Employees are strongly encouraged to seek the advice of their trade union from the earliest stage.

The employee should be made aware of any support available to them through confidential counselling services, for example:

- ◆ Any Employee Assistance Programme that the Trust employees may have access to
 - ◆ The Education Support Partnership
<https://www.educationsupportpartnership.org.uk/>
-

Telephone 08000 562561.

If an issue of capability arises, the manager will seek advice from their HR advisor. The manager will normally be supported at all formal meetings by a HR advisor.

Where a Headteacher's capability is in question, the Chair of Governors may also consult with Trust HR.

Rights of Representation at formal meetings

The employee has the right to be represented by a trade union representative or accompanied by a work colleague at all formal meetings.

To exercise the right to be accompanied, the employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case.

Where the employee is accompanied by a trade union representative or work colleague at a meeting, the companion will be allowed to:

- ◆ Address the meeting
- ◆ Put and sum up the employee's case
- ◆ Respond to views

However, the companion will not have the right to answer questions on the employee's behalf.

Failure to Attend Meetings and Rearrangements

Meetings will be planned to ensure that timings and locations are reasonable to both parties. Meetings will be held on a normal working day for the employee, (unless the employee agrees otherwise).

Meetings associated with any stage of the procedure will only be postponed once.

If the employee or their companion is unable to attend the meeting, one alternative date normally within 7 calendar days of the original meeting will be arranged.

If the employee, their trade union representative, or work colleague is unable to attend on the revised date, the meeting will take place as scheduled and the school will decide based on the evidence available.

If a meeting has proceeded without the employee present, the manager will write to the employee to confirm the outcome of the meeting and ask the employee to comment if they wish.

Notes of formal meetings

Notes will normally be taken at formal meetings. The note taker is arranged by the manager and will not have been involved in any other part of the formal process.

Copies of the notes will be circulated to all parties as soon after the meeting as is practicable.

Long-term Sickness

If the employee is signed off by their GP at the start of or during any stage of the Capability Procedure, the Attendance Management Procedure will commence.

An Occupational Health referral may be made; this may include seeking an opinion on the employee's fitness for attending meetings and continued employment.

The Headteacher/ Chair of Governors will decide whether to continue with this procedure, taking advice from a HR advisor. All the circumstances will be considered, including whether the employee has had the opportunity to improve during one or more Improvement Periods.

If this procedure is postponed whilst the employee is off sick, it will continue from the point at which it was stopped when the employee returns to work.

If this procedure continues whilst the employee is off sick, the employee will be given the opportunity to attend meetings in person, have a representative attend on their behalf, and/or provide written representations.

Deterioration in performance

The formal procedure may be invoked at the next stage if an employee's performance deteriorates:

- ◆ Within 6 months of the ending of an Informal Stage
- ◆ Within 12 months of the issuing of an Improvement Notice
- ◆ Within 18 months of the issuing of a Final Improvement Notice

These time periods may be extended if they employee is absent from work for more than 28 days, for the required standards to be consistently demonstrated.

Performance of Trade Union Officials

If the employee who is subject to this procedure is an official representative of a trade union, no action will be taken beyond the informal stage, until the circumstances have been discussed with a senior representative or paid official as nominated by the relevant trade union, after obtaining the employee's agreement to discuss the matter. In this event the Headteacher/ Chair of Governors will contact their HR advisor for advice.

Provision of information for a Teaching Post (references)

The Trust has a statutory obligation to provide, if asked to do so by a maintained school or academy to which the teacher has applied for a teaching post, written details of:

- ◆ Whether the teacher has been the subject of the formal stages of this procedure in the preceding two years, and
-

- ◆ The concerns which gave rise to this procedure, the duration of the proceedings and their outcome.

Redeployment

At any point during this procedure, redeployment to an alternative suitable vacancy may be discussed. The manager will determine what is suitable having regard to the employee's current role, areas of performance that are of concern, and the employee's skills, knowledge, and experience.

Redeployment would constitute a permanent change to the employee's contract. Salary protection/ safeguarding would not apply. Redeployment is subject to:

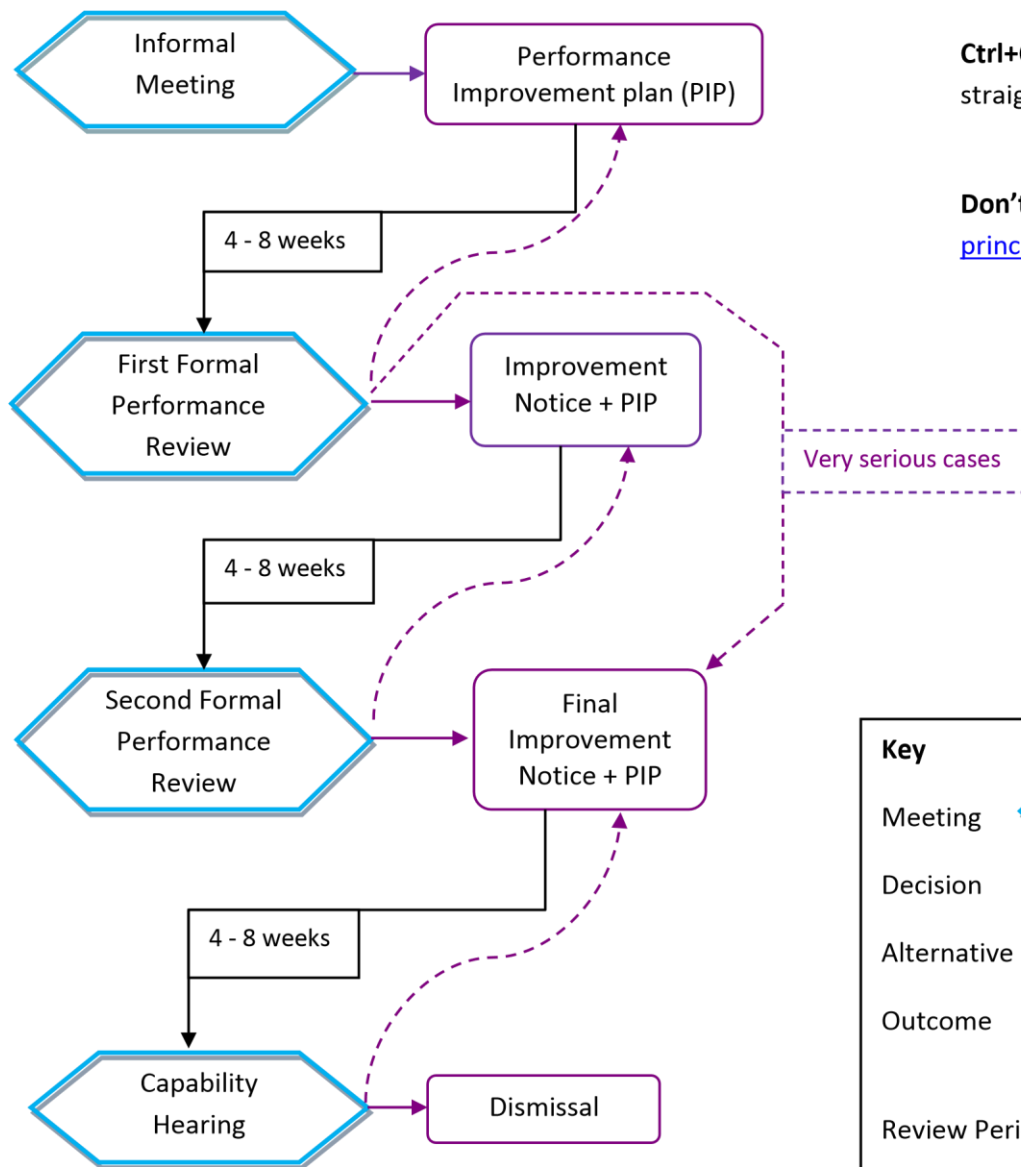
- ◆ A suitable vacancy existing within the school/Trust?
- ◆ There not being an employee at risk of redundancy within the school for whom the vacancy is also suitable (in which case the employee at risk of redundancy will be considered first)
- ◆ The agreement of the manager
- ◆ The agreement of the employee

If an employee is redeployed during the capability procedure, a PIP will be devised that is relevant to the new role. A period of monitoring and support will be set. If the required standards of performance in the new role are not met by the end of that period, the Capability Procedure may continue from where it had stopped.

Misconduct or lack of co-operation

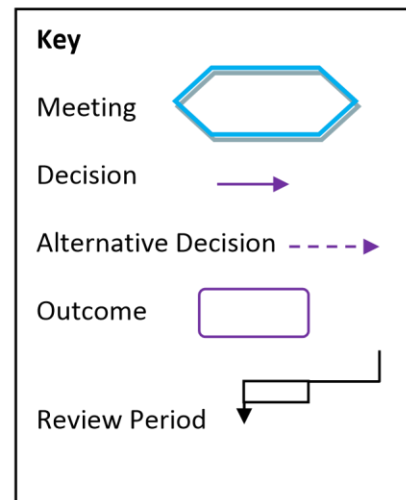
If, during this procedure, issues of misconduct occur (for example if the employee does not cooperate with this procedure) the Disciplinary Procedure will also be invoked and may run in parallel with this procedure.

Overview of Procedure:



Ctrl+Click on a step to jump straight to that part of the

Don't forget to read the [principles](#) of the policy too.



Procedure:

Informal Stage

Where performance concerns are not resolved through routine performance management, the manager will discuss this with the employee on a one-to-one basis. This is not a formal meeting, and it is not normally appropriate for third parties to be involved in this meeting.

The manager will:

- ◆ Explain the performance concerns to the employee
- ◆ Explain the standards that are required and what improvements the employee needs to make
- ◆ Discuss what support will be provided to the employee
- ◆ Explain how long the period of informal monitoring and support will be (normally between 4 and 8 school weeks), and how performance will be reviewed during that period
- ◆ Explain that, if the required standards are not met and sustained, the next step will be to move to the formal stages of the capability procedure

The manager will record what has been discussed, normally using a Performance Improvement Plan (PIP). A copy of this will be retained by both the manager and the employee.

The employee will also be referred to this Policy and encouraged to access any external support that may be available.

During the Informal Stage

Progress will be regularly discussed so the employee is in no doubt as to whether they are making the required improvements or not.

If during the period of informal monitoring and support the employee's performance deteriorates, the manager may decide to move immediately to the formal stages of this procedure, in which case they will make the employee aware of that decision before the first formal meeting is arranged

At the end of the Informal Stage

If the employee has made the required improvements, this will be recognised, the support ended, and the outcome recorded.

If the required improvements have not been met and sustained, the manager will decide whether to:

- ◆ Extend* the informal stage
 - ◆ Move to the formal stages
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*Extension may be appropriate if significant improvements have been made and the manager is confident that the required standards will be reached within the next 2 school weeks.

Before the manager invokes the formal stages, they will inform the employee that this is the intention and encourage the employee to seek advice from their trade union.

Arranging and Preparing for Formal Meetings

To arrange a formal meeting (or hearing) under this procedure, the employee will be sent a letter asking them to attend the meeting. The letter will:

- ◆ Give at least 7 calendar days' notice
- ◆ Outline the reason for the meeting
- ◆ Outline the possible outcomes
- ◆ State the persons who will be present
- ◆ Advise the employee of their right to be accompanied

At least 7 calendar days before the meeting, the manager will send the employee all documentation to be considered at the meeting, including, if possible, the draft PIP or a summary of the concerns to be addressed.

At least 3 calendar days prior to the meeting, the employee must provide the name of their companion/trade union representative and any further documents they wish to be considered at the meeting. This may include a summary of the employee's perspective on the concerns that have been raised and any reasons behind changes in performance.

First Formal Performance Review

A First Formal Performance Review may be arranged if:

- ◆ The employee has not met or sustained the required standards after the informal stage
- ◆ The employee's performance deteriorates during the informal stage
- ◆ In exceptional circumstances of very serious underperformance, the Headteacher/Chair of Governors considers an informal stage would not be appropriate

At the meeting

The Decision Maker will discuss with the employee the matters set out in Appendix B, ensuring the employee has the opportunity to make any representations they wish. The Decision Maker will decide whether the required standards of performance have been met.

If the required standards of performance have been met:

- ◆ The meeting will be ended and there will be no further action.
 - ◆ The employee will be advised that if standards are not sustained for the next six months, the procedure may restart at the First Formal Performance Review.
-

If the required standards of performance have not been met, the Decision Maker will:

- ◆ Decide whether to:
- ◆ issue an Improvement Notice
- ◆ issue a Final Improvement Notice. (A Final Improvement Notice will only be issued at this stage in cases of very serious underperformance that is having, or may have, a serious or harmful impact on the employee's wellbeing and/ or place of work).
- ◆ Set an Improvement Period
- ◆ Explain the consequences of failing to meet the required standards, i.e.:
- ◆ Improvement Notice – a Second Formal Performance Review will be held
- ◆ Final Improvement Notice – a Capability Hearing will be arranged - where a possible outcome may result in dismissal

The Decision Maker may also devise a (or revise an existing) PIP to support the achievement of the required improvements.

The employee has the right to appeal against the decision to issue an Improvement Notice/ Final Improvement Notice, see Section Appeals

After the Meeting

The Decision Maker will confirm the Improvement Notice/ Final Improvement Notice in writing within 7 calendar days of the meeting, enclosing a copy of any PIP.

If during the Improvement Period the employee has concerns about any issues which may impact on their ability to meet or sustain the set targets, they should discuss these with, or write to, the Decision Maker as soon as they occur, rather than waiting for the next formal meeting.

Second Formal Performance Review

If the requirements of an Improvement Notice have not been met, the Decision Maker will arrange a Second Formal Performance Review.

At the meeting

The Decision Maker will discuss with the employee the matters set out in Appendix B, ensuring the employee has the opportunity to make any representations they wish. The Decision Maker will then decide whether the employee has met the required standards of performance.

If the required standards of performance have been met:

- ◆ The meeting will be ended and there will be no further action
- ◆ The employee will be reminded that if standards are not sustained for the next 12 months, the procedure may restart at the Second Formal Performance Review.

If the required standards of performance have not been met, the Decision Maker will:

- ◆ Decide whether to:
- ◆ Extend the Improvement Period under the Improvement Notice (An extension would only be appropriate if having considered the evidence the Decision Maker believes the standards will be met within the next 2 school weeks)
- ◆ Issue a Final Improvement Notice
- ◆ Set an Improvement Period
- ◆ Explain the consequences of failing to meet the required standards, i.e.:
- ◆ Extended Improvement Notice – the Second Formal Performance Review will be reconvened
- ◆ Final Improvement Notice – a Capability Hearing will be held where a possible outcome may result in dismissal

The Decision Maker may also devise a (or revise an existing) PIP to support the achievement of the required improvements.

The employee has the right to appeal against the decision to issue an Improvement Notice/ Final Improvement Notice, see Section Appeals

After the Meeting

The Decision Maker will confirm the Improvement Notice/ Final Improvement Notice in writing within 7 calendar days of the meeting, enclosing a copy of any PIP.

If during the Improvement Period the employee has concerns about any issues which may impact on their ability to meet or sustain the set targets, they should discuss these with, or write to, the Decision Maker as soon as they occur, rather than waiting for the next formal meeting.

Capability Hearing

At the end of the review period under a Final Improvement Notice, the manager will consider whether the required standards of performance have been met. They may hold a meeting with the employee to discuss this.

If the manager considers that the employee has reached the agreed standard of performance, no further action will be taken. The employee will be reminded that if standards are not sustained for the next 18 months, a Capability Hearing may be arranged.

If the manager considers that the employee has not reached the agreed standard of performance, a Capability Hearing will be arranged.

The procedure for the Capability Hearing is at Appendix C.

If at the hearing the Decision Maker(s) decide that the required standards of performance have been achieved, they may decide to take no further action. The employee will be reminded that if standards are not sustained for the next 18 months, another Capability Hearing may be arranged.

If the Decision Maker(s) decide that the required standards of performance have not been achieved and/or sustained, they may decide to:

- ◆ dismiss the employee, with notice, on the grounds of capability, or
- ◆ if they believe that the employee has not been given sufficient and reasonable support, they may re-issue the Final Improvement Notice, with amendments.

The Chair of the Capability Hearing will confirm their decision in writing within 7 calendar days, including the right of appeal.

Notice of dismissal

If an employee is dismissed, they will be given appropriate contractual notice. The default position is that the employee will work their notice period. However, the hearing Decision Maker(s) may decide that the employee need not attend work during the notice period (or payment in lieu of notice may be agreed).

Appeals

Submitting an Appeal Against an Improvement Notice/ Final Improvement Notice

Where the employee appeals, this will not pause or delay any Improvement Period set.

The employee may appeal against an Improvement Notice/ Final Improvement Notice by writing to the original Decision Maker within 7 calendar days of the Notice being issued.

The letter of appeal from the employee must:

- ◆ State their ground(s) for appealing, which must be one or more of the following:
- ◆ The finding that the required standards of performance have not been achieved, was wrong
- ◆ The capability policy has not been complied with
- ◆ There has been unlawful discrimination
- ◆ For each ground of appeal raised, provide full details of why that ground of appeal applies. The Appeal Decision Maker (see section 4, above) has the discretion to immediately reject an appeal against an Improvement Notice/ Final Improvement Notice if:
 - ◆ The employee has not demonstrated valid grounds for appeal
 - ◆ The appeal is for the same reasons as a previous appeal that was not upheld
 - ◆ The appeal is vexatious

Where an appeal proceeds, it will be considered at the earliest opportunity, and normally within 4 school weeks of receipt of the appeal letter. At the discretion of the Appeal Decision Maker, the appeal may be heard in person or by a paper review of the evidence.

- ◆ If a paper review is chosen, each party will be given the opportunity to make a submission in writing. The Appeal Decision Maker's decision will be delivered in writing
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- ◆ If an appeal in person is chosen, the notification, evidence and procedure provisions below will apply

Submitting an Appeal against Dismissal

An employee may lodge an appeal against dismissal by writing to the Chair of Governors within 7 calendar days of receipt of the letter confirming the dismissal.

The letter of appeal from the employee must:

- ◆ State their ground(s) for appealing, which must be one or more of the following:
- ◆ The finding of the capability hearing that the required standards of performance have not been achieved was wrong
- ◆ The support provided to the employee was not sufficient and reasonable
- ◆ The capability policy has not been complied with
- ◆ There has been unlawful discrimination
- ◆ New evidence has come to light which was not reasonably available at the capability hearing and which is relevant and may make a difference to the original decision.
- ◆ For each ground of appeal raised, provide full details of why that ground of appeal applies, including all the key points they wish to present at their appeal

When the above letter of appeal is received, the appeal will be heard at the earliest opportunity, and normally within 4 school weeks of receipt of the appeal letter.

Notification of Appeal Hearings

The employee will be informed in writing of the place, date, and time of a hearing at least 7 calendar days in advance.

Evidence for Appeal Hearings

Evidence presented to the appeals committee must relate to one or more of the grounds stated above. If either party wishes to introduce new evidence, they must give written details of the new evidence and provide copies of any supporting documents, names of any witnesses, and written statements to be presented.

New evidence should be provided to the Appeal Decision Maker (see section 4 above) at least 5 calendar days prior to the hearing. The Appeal Decision Maker has complete discretion as to whether to allow the new evidence.

In exceptional circumstances, additional new evidence may be permissible after this deadline at the complete discretion of the Appeal Decision Maker.

If, at the appeal hearing, the Appeal Decision Maker decides that because of new evidence further investigation, information, or clarification is required, it may be appropriate for an adjournment and to reconvene when this has been completed.

Appeal Hearing Procedure

Appeal Hearings should not be full rehearing's. The employee should present their appeal according to the grounds they have raised in their appeal letter. The representative for the original decision should respond to the appeal points raised.

The Appeal Decision Maker may have an HR advisor in attendance in an advisory capacity. The decision maker at the original hearing will also be in attendance to explain their decision and their HR advisor may also attend.

A Guide to the Appeal Hearing can be found at Appendix D.

The Appeals Committee will deliberate in private, with their HR advisor present in an advisory capacity only. The parties may be recalled clarifying points of uncertainty on evidence already given. If a recall is necessary, both parties will return.

The decision will be announced at the close of the hearing whenever possible. The Appeal Decision Maker will confirm the decision in writing within 7 calendar days of the hearing.

The decision of the Appeal Decision Maker is final.

Data Protection:

Any data collected as part of employing and managing employees is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure, process, or activity.

Records are retained and destroyed in accordance with the organisations Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

APPENDIX 1
PERFORMANCE IMPROVEMENT PLAN (PIP)

NAME OF EMPLOYEE:

NAME OF HEADTEACHER/LINE MANAGER:

DATE OF MEETING:

See overleaf for guidance notes.

Area of Concern and examples	Standard required and specific improvement actions / tasks	Support /training to be provided	Measures of success	Review Date	Review Notes

Performance Improvement Plan (PIP) Guidance Notes:

- ◆ **Area of Concern and examples** – State what area of the employee’s performance there is a concern about. Clarify this with specific examples and dates where possible.
 - ◆ **Standard required and specific improvement actions/ tasks** – Refer to the job description or other recognised standards for the role. What exactly must the employee do to achieve the standard? Include the dates by which they are required to complete any specific actions.
 - ◆ **Support / Training to be provided** – Ask the employee what support they feel would be helpful and discuss how best this can be achieved. Record the support and help that you or anyone else will provide. Include any training or retraining and any additional coaching/mentoring or other support agreed.
 - ◆ If the employee has a disability, also document any reasonable adjustments that will be made.
 - ◆ **Measures of Success** – How will performance be measured? How will you know when the standard has been achieved? What evidence will be looked at, when and by whom?
 - ◆ **Review Date(s)** - Set and document a clear review date. This should be the timescale in which you expect the improvement and should be reasonable and achievable.
 - ◆ **Review notes** – Use this column at any review meeting to record progress. Acknowledge improvements made and clarify what is still to be achieved.
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Appendix 2

Checklist of matters to discuss at all Capability Meetings

Consideration should be given to the following matters at every formal meeting under the Capability Procedure.

The employee will be given opportunity to make representations on all these matters.

- ◆ The performance areas of concern, including examples and evidence
 - ◆ The standards required, including whether the required standards have been set at a reasonable level
 - ◆ Progress made during any previous stage of the procedure
 - ◆ Specific actions/ targets that may be set to support the employee to meet the required standards
 - ◆ The context in which the employee works, and whether it has altered significantly
 - ◆ Whether there are underlying health or other problems affecting performance and whether an occupational health referral is appropriate, or any reasonable adjustments need to be made
 - ◆ Whether any training is required
 - ◆ What reasonable support is needed to assist the employee and who within the school will give that support
 - ◆ What external support may be available to the employee
 - ◆ How performance will be monitored and how often update/ interim meetings will be held
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Appendix 3 – Guidance for Capability Hearing:

1. Introductions

- ◆ The Chair introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

2. Nature of the meeting

- ◆ The Chair specifies that the Hearing is about capability and checks that all parties have the relevant documents.

3. Presentation by management

- ◆ The manager presents the management's case referring to evidence from the previous stages of the Capability Procedure. Witnesses may be called.

4. Questions by member of staff

- ◆ The employee and/or representative may question the person presenting the management's case and each of the management's witnesses after they have given their evidence.

5. Questions by Person(s) hearing the case

- ◆ The person(s) hearing the case and their advisor may question the person presenting the management's case and each of the management's witnesses after they have given their evidence and been asked any questions by or on behalf of the employee.

6. Presentation by member of staff

- ◆ The employee and/or the representative present their case. Witnesses may be called.

7. Questions by the person presenting the management's case

- ◆ The person presenting the management's case and their advisor may question the employee and each of the employee's witnesses after they have given their evidence.

8. Questions by person(s) hearing the case

- ◆ The person(s) hearing the case and their advisor may question the employee, representative and each of the employee's witnesses after they have given their evidence and have been asked any questions by the person presenting the management's case.

9. Final statement by management

- ◆ The person presenting the management's case may make a final statement summarising their case.

10. Final statement by employee

- ◆ The employee and/or representative may make a final statement summarising their case.

11. Withdrawal

- ◆ Both parties withdraw to allow the person(s) hearing the case to discuss findings and come to a decision. The HR advisor remains. The parties may be asked to remain available in case any clarification is needed.

12. Adjournments

- ◆ Any party may request adjournments during the hearing.

Appendix 4 – Guide to the Appeal Hearing:

1. Introductions

- ◆ The Chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

2. Nature of the meeting

- ◆ The Chair specifies the nature of the appeal and checks that all parties have the relevant documents.

3. Presentation by employee

- ◆ The employee and/or their representative present their appeal. Witnesses may be called.

4. Questions by person presenting the management case

- ◆ The person presenting the management case and/or their HR support may question the employee.

5. Questions by committee members

- ◆ The committee members and/or their HR advisor may question the employee.

6. Presentation by management

- ◆ The management representative presents the management case. Witnesses may be called.

7. Questions by employee

- ◆ The employee and/or representative may question the person presenting the management case.

8. Questions by committee members

- ◆ The committee members and/or their HR advisor may question the person presenting the management case.

9. Final statement by employee

- ◆ The employee and/or representative may make a final statement.

10. Final statement by management

- ◆ The person presenting the management case may make a final statement.

11. Withdrawal

- ◆ Both parties withdraw to allow the Appeal Committee to come to a decision. The HR advisor remains. Both parties may be asked to remain available in case the committee needs to clarify any points.

12. Adjournments

- ◆ Either party may ask for an adjournment during the hearing.