

Procedure for Appeal Conducted by a Committee of the Directors

1. Presentation of the Employee's Appeal

- (a) The employee's companion* may make an opening address outlining the employee's case.
- (b) The employee's companion calls each witness in turn so that:
 - [i] The witness is asked questions.
 - [ii] The management representative* has the opportunity to ask the witness questions.
 - [iii] The employee's companion may ask the witness questions of clarification.
 - [iv] The members of the Committee have the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence, except the employee who has been a witness to his/her own case, who has the right to remain throughout the hearing.

*Companion is defined in the Trust's Disciplinary Procedure as a work place colleague or trade union representative.

*Management representative will usually be the Investigating Officer.

2. Presentation of the Management Response

- (a) The management representative may make an opening address outlining the case.
- (b) The management representative calls each witness in turn so that:
 - [i] The witness is asked questions.
 - [ii] The employee's companion has the opportunity to ask the witness questions.
 - [iii] The management representative may ask the witness questions of clarification.
 - [iv] The members of the Committee have the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence except the Headteacher, who has been a witness and is bringing the management case to the Committee, has the right to remain throughout the hearing.

3. Summing Up

- (a) The management representative and the employee's companion have the opportunity to sum up their case if they so wish; the employee's companion to have the last word.
- (b) Both parties then withdraw.

4. The Committee's Decision

- (a) The Committee, together with an appointed adviser(s), is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- (b) The Committee is to announce its decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing soon afterwards.

Notes on the Procedure

1. The management response may be presented by someone other than the Headteacher and the Headteacher may remain in the hearing throughout with the management representative. If the employee is the Headteacher, the management response will be brought by the Chair of Directors who may remain throughout the hearing if someone other than the Chair of Directors presents the case.
2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.
3. The Committee will normally have access to an adviser to advise the Committee on the law and on procedure. The Committee will make the decision. No adviser shall vote on the matter being considered by the Committee.
4. Where it is considered appropriate, the appeal hearing may be conducted as a re-hearing. In this case the procedure used at the first hearing will be used.