

How To – Conduct an Appeal Hearing

The purpose of the Appeal Hearing is to establish and examine information in relation to the employee's appeal and to determine an outcome.

The manager must arrange the meeting in accordance with [How to - Arrange an Appeal Hearing](#)

The manager chairing the Appeal Hearing is responsible for leading and controlling discussions by listening carefully, asking appropriate questions and probing further as required.

A Human Resources Officer from Human Resources must attend all Appeal Hearings.

Key activities for managers conducting an Appeal Hearing under the Council's [Achieving and Maintaining Standards Procedure](#) are:

Introductions

- ✓ Open the Appeal Hearing and make introductions that include:
 - Those present
 - When the employee is accompanied, clarify the identity of trade union representative/work colleague.
 - Explanation of the format of the meeting.

Explain the purpose of the Appeal Hearing

- ✓ Clarify that the purpose of the Appeal Hearing is to:
 - Confirm the grounds of appeal
 - Give the Council Service's representative an opportunity to present their case
 - Give the employee an opportunity to present their case
 - Consider whether the action taken was reasonable and appropriate in the circumstances

Conducting the Appeal Hearing

- ✓ Allow the Council Service's representative to present the Council's case, calling any witnesses, explaining action taken at the previous Hearing.
- ✓ Provide the employee (or their representative) with the opportunity to ask questions of each of the witnesses called by the Council Service's representative.

- ✓ Provide the Council Service's representative with the opportunity to ask further questions of each of the witnesses but only for the purpose of clarifying any answers given in response to questions asked by the employee (or their representative).
- ✓ Allow the employee (or their representative) to outline their appeal and then call any witnesses.
- ✓ Provide the Council Service's representative with the opportunity to ask questions of each of the witnesses called by the employee (or their representative).
- ✓ Provide the employee with the opportunity to ask further questions of each of the witnesses but only for the purpose of clarifying any answers given in response to questions asked by the Council Service's representative.
- ✓ The Manager chairing the Appeal Hearing and the Human Resources representative shall have the opportunity to ask further questions of the Council Service's representative and of the employee or their representative and of any witnesses.
- ✓ Allow the Council Service's representative and thereafter the employee (or their representative) with the opportunity to sum up their case introducing no new material.
- ✓ The manager should ensure they fully understand the nature of the appeal and adjourn the Appeal Hearing.
- ✓ The Manager chairing the Appeal Hearing and the Human Resources representative shall consider the matter, only recalling the Council Service's representative and the employee and their representative to clarify points of uncertainty. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.

Key activities for managers to consider following an Appeal Hearing under the Council's [Achieving and Maintaining Standards procedure](#) are:

Considering the Employee's Appeal

- ✓ Consider all evidence presented by the employee (or his/her representative) and the Council Service's representative.
- ✓ Decide whether appeal is upheld, not upheld or upheld in part.

[How To - Factors to consider when evaluating evidence – Performance](#)

[How To – Factors to consider when evaluating evidence – Discipline](#)

Advising Employee of Outcome of Appeal Hearing

- ✓ Inform employee of the outcome of their Appeal Hearing in writing, without unreasonable delay
- ✓ Advise employee that there is no further right of appeal.

Ensure copies of all letters are uploaded to My View as per guidance.

[My Team Documents](#)