

DISCIPLINARY APPEALS PROCEDURE

1 Introduction

- 1.1_ Warwick District Council recognises that employees have the right to appeal against disciplinary action taken and believes in the principle of open and unbiased appeal hearings.

2 Objective

- 2.1 The objective of the Disciplinary Appeals Procedure is to provide fair and open mechanisms to hear appeals as quickly as possible.

3 Scope

- 3.1 All permanent employees of Warwick District Council, subject to NJC Conditions of Service for Local Government Services and JNC for Local Authority Craft and Associated Employees are within the scope of this procedure. Heads of Business Units and employees covered by the JNC for Chief Officers of Local Authorities are subject to the JNC for Chief Officers procedure. The procedure does not apply to notice given:
- i. on termination of a fixed term contract;
 - ii. in the event of redundancy
 - iii. where less than six months probationary service has been completed and dismissal arises from unsuitability for confirmation of employment.

4 Principles

- 4.1 Written confirmation of the intent to appeal should be lodged within 28 days of receipt of the letter confirming disciplinary action
- 4.2 All appeals should be heard as quickly as possible, preferably within 20 working days of notification of the intent to appeal.
- 4.3 Neither party should approach or canvass Members' opinions prior to the Appeal Hearing.
- 4.4 Employees may take advice from a Trade Union Representative at any stage of the procedure.
- 4.5 All employees have the right to be accompanied by a trade union representative or work colleague at an Appeal Hearing
- 4.6 Written notice of the Appeal Hearing, including the right to be represented by a trade union representative or work colleague will be given at least 7 working days before the hearing
- 4.7 All written documents to be considered at the appeals hearing should be forwarded to the Principal Personnel and Training Officer at least 4 working days before the hearing, so that they can be circulated to both parties.
- 4.8 Time limits may be altered by mutual agreement
- 4.9 All issues should be fully examined.

- 4.9 The decision reached after the hearing has been heard may be to uphold the level of disciplinary action taken; issue an alternative level of warning or find that no disciplinary action is appropriate.
- 4.10 The decision of the Appeals Panel will confirm or replace the original disciplinary sanction and run from the date of the original sanction.
- 4.11 The decision of the Appeals Panel is final.

5.1 Appeal Against a Verbal and First Written Warning

- 5.1.1 If you wish to appeal against a verbal or first written warning issued to you by your line manager you should do so within 28 days of receipt of the warning.
- 5.1.2 You should do so by writing to your line manager, he/she will forward your appeal to the Principal Personnel and Training Officer who will arrange to have the appeal heard, preferably within 20 working days
- 5.1.3 Your Head of Unit will hear the appeal, provided he/she has not previously been involved in the issue. In the event that he/she has been previously involved, the appeal will be forwarded to the Chief Executive to be heard by the Members Appeals Panel; in which case 6.1 would apply.

5.2 At the hearing:

- 5.2.1 Your line manager will put the case in your presence, referring to previously circulated documents and/or calling witnesses. You or your representative may ask questions. The Head of Business Unit may ask questions.
- 5.2.2 You or your representative will then put your case, referring to previously circulated documents and/or calling witnesses. Your manager may ask questions. The Head of Business Unit may ask questions.
- 5.2.3 If the Head of Unit considers he/she needs further evidence he/she may ask for further witnesses or documents to be produced.
- 5.2.4 Your line manager and you or your representative may sum up your respective cases before withdrawing.
- 5.2.5 The Head of Unit will then deliberate in private. If he/she wishes to recall either of the parties to clear up points of uncertainty on evidence already given, both sides must be re-admitted to the hearing.

5.3 After the hearing:

- 5.3.1 The Head of Unit will make a decision which be communicated in writing to both parties within 5 working days of the appeal hearing.
- 5.3.2 The Head of Unit's decision is final.

6 Appeal Against a Final Written Warning, Dismissal or Other Serious Disciplinary Action

- 6.1.1 If you wish to appeal against dismissal, a final written warning or other serious

disciplinary action (redeployment/demotion) taken against you, you should do so within 28 days of receipt of the warning by writing to your Head of Unit. He/she will immediately refer your appeal to the Chief Executive. You may send a copy of your appeal to your trade union representative and the branch secretary.

6.1.2 The Chief Executive will convene a meeting of the Appeals' Panel as soon as possible, preferably within 20 working days of receiving your application.

6.1.3 The Appeals Panel will consist of 3 members of Council, who have received training in employment related matters and not previously been involved in considering the case. The Chief Executive, or nominated deputy, will be present at appeal as the Clerk to the Appeals Panel.

6.2 At the hearing:

6.2.1 The management side will put the case in your presence, referring to previously circulated documents and/or calling witnesses. You, or your representative, will be allowed to ask questions about the evidence. The Appeals Panel may ask questions.

6.2.2 You, or your representative, may then put your case, referring to previously circulated documents and/or calling witnesses. The management side will be allowed to ask questions about your evidence. The Appeals Panel may ask questions.

6.2.3 The Appeals Panel, may, if it considers it requires further evidence ask for further documents or witnesses to be produced and may adjourn the hearing until the evidence is available.

6.2.4 The management side representative and yourself, or your representative, will be allowed to sum up the respective cases before withdrawing.

6.2.5 The Appeals Panel with the Clerk present shall deliberate in private. If they wish to recall either of the parties to clear points of uncertainty on evidence already given, both sides must be re-admitted to the hearing.

6.3 After the hearing:

6.3.1 The Appeals Panel will make the decision which will be communicated in writing to both parties within 5 working days of the appeal hearing by the Clerk to the Appeals' Panel.

6.3.1 The decision of the Appeals Panel is final.