Disciplinary Policy Guidance – Appeal Convenor

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Action	Supporting information
Confirm that you are **available** to be the Chair and that you have no **conflict of interest** in the case	You need to be available to chair the appeal hearing and deal with the subsequent paperwork. If you are scheduled to be away on leave or at events etc. over the next 1-3 weeks discuss with the assigned HR Case Manager if you can manage the appeal process. This is to ensure that the policy timescales adhered to. Check that you do not have any conflicts of interest that would prevent you chairing the hearing and reaching a decision objectively. If you do have a conflict advise your HR Case Manager at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Familiarise yourself with the investigation report, the disciplinary outcome letter, the letter of appeal, any new information from the employee and the Disciplinary Policy	These documents will be passed to you by your assigned HR Case Manager once you are appointed to the role of Appeal Convenor (AC). Make sure you are familiar with the Disciplinary Policy and procedure and potential outcomes of the appeal.
Agree a **date and venue for the appeal hearing**	The employee must be given at least **one calendar week's notice** of the hearing, and the notice should not be issued until one calendar week after the appeal letter is received. This is to allow the employee time to submit any additional evidence relevant to the appeal. Agree a date with other panel member/s, your HR Case Manager (if attending) and note taker. There will be one or two other panel members depending on the case. If the appeal is against dismissal from an **Academic grade 8** or above, an external panel member (from a different College, Professional Services department or to the University) will need to attend. Your assigned HR Case Manager will advise you who will be appointed to the panel. **An HR Case Manager would normally attend any appeals against dismissal.** The employee will need at least one calendar week's notice of the appeal hearing. Agree a suitable venue where you won't be interrupted and noise is minimal. Ideally find somewhere where there is another room or waiting area close by where the employee can wait during the hearing adjournment.

Invite the employee To the appeal hearing	You must invite the employee in writing giving at least one calendar week's notice. Advise the employee that they can be accompanied by a **companion**, normally a TU rep or workplace colleague. A companion may also be someone to support the employee if they have particular needs e.g. if the employee has a disability or if English is not their first language. This companion may be in addition to a TU rep or workplace colleague. The employee must tell you in advance of the appeal hearing if they are bringing a companion. The employee will advise you if they need an **adjustment** for the appeal hearing e.g. if they need a hearing loop. You must organise any adjustments requested or seek advice from your HR Case Manager. You must ensure there is a note taker at the appeal hearing. It can be helpful to meet the note taker in advance to give them any useful information e.g. it might help them to be familiar with names, job titles, acronyms, technical terminology etc. that are likely to be discussed. Alternatively provide the note taker with a written summary of the key details of the case e.g. names, job titles, terminology etc. You are not required to have an HR representative at the appeal hearing but if you feel you need support, contact the HR Case Manager assigned to your case. The HR Case Manager would normally attend any appeals against dismissal.
Invite the Chair of the disciplinary hearing to the appeal hearing	Make sure you invite the Chair of the disciplinary hearing to the appeal hearing, giving one calendar week's notice.
Prepare for the Appeal Hearing	The appeal is **not a rehearing** of the case. The appeal panel needs to consider whether the action taken by the disciplinary panel was **fair and reasonable.** Find out from your HR Case Manager if the employee has any live warnings as this must be taken in to account if you uphold or remove a sanction. If the employee requests to **rearrange the appeal hearing** so that they or their companion can attend you must consider their proposed new date and make an effort to agree to the request. Alternatively seek another date that all parties can attend as long as it will not cause an undue delay. If the companion cannot attend on a rescheduled date and no suitable alternative time can be found

	you should advise the employee to find someone else to act as their companion. If the **employee does not attend** without good reason liaise with your HR Case Manager about how to proceed. You are expected to rearrange a hearing at least once. Arrange a **pre-meeting** with the other panel member/s to agree how the hearing will proceed and who will ask what questions. This can be on the day of/immediately before the hearing as long as you allow sufficient time.
The Appeal Hearing - Process	Make introductions If the employee has a companion with them, they can take notes, set out the employee's case and speak to the employee during the hearing. The companion should not answer questions on behalf of the employee. Ask everyone to turn off any electronic devices and remind them that the appeal hearing cannot be recorded (unless it has been agreed as an adjustment for a disability). Explain the schedule of the appeal hearing. **Confirm the purpose** of the hearing is to review the action taken by the Disciplinary Panel and assess if their decision was fair and reasonable, it is not a rehearing of the case. The appeal hearing will normally follow this structure: • The Chair will summarise their reasons for the original outcome and sanction • The panel ask the Chair questions • The employee responds and puts forward their point of view and can ask the Chair questions • The panel asks the employee questions • Appeal Convenor checks if anyone has anything to add • Hearing Adjournment The employee should be told to wait in another area (with their companion) while the panel considers the case and reaches a conclusion (Considerations for the adjournment are outlined in section below.) • The employee is called back to the appeal hearing

	• Employee is advised of outcome and if the appeal is turned down or supported. If the appeal is supported the employee is advised if the sanction has been removed or replaced with a lower one and any other measures or recommendations. Employee is advised that outcome will be confirmed in writing. • Appeal hearing closes
The Appeal Hearing – Considerations for Adjournment and Potential Outcomes	You and the panel must consider if the action taken by the disciplinary panel was fair and reasonable. The appeal letter should indicate why the employee thinks the original decision is wrong and must be based on one or more of the following reasons: • The **process wasn't followed properly** • They have **new evidence** that wasn't available at the time of the disciplinary hearing • The sanction imposed was **too severe** The possible outcomes of the appeal hearing are: • **The appeal is turned down** and the original decision confirmed • **The appeal is supported** and a disciplinary sanction is removed or replaced with a lower one e.g. a final written warning may be reduced to a warning During the **adjournment** the panel must decide if the original decision was **fair and reasonable**. If not, the panel must decide what level of sanction, if any is appropriate. The panel should reach a decision collectively. If an appeal against dismissal is supported i.e. this sanction is considered too severe you must decide what level of sanction you will issue. Whether you believe the employee should be **reinstated** to their role or you recommend they are appointed to an alternative position. You must discuss with the Head of HR – Advisory and Case Management if you recommend either of these options. You must take an appropriate amount of time to consider the information from the appeal. An **adjournment** should not be for an extended period and you should reach a decision as soon as practicably possible. It will be stressful for the employee waiting to know the outcome. If you need more time because there is a lot to consider or you need clarification on any issues e.g. about

	reinstatement, you can advise the employee that you require more time to reach a decision and they will be notified of the outcome in writing and when this will be.
Agree the notes of the appeal hearing	The note taker will send you a draft copy of the notes of the appeal hearing, normally within two calendar days of the hearing. You may amend them if there are any details that have not been recorded accurately e.g. spellings, terminology. You cannot change the substance of what a person said during the appeal hearing, including your own comments. Agree who will be sending the notes to the employee. If possible you should send them with the letter confirming the outcome of the appeal hearing. Alternatively agree with your HR Case Manager if they are to be sent separately.
Write to the employee confirming the outcome of the appeal hearing	You must write to the employee **within one calendar week** of the hearing confirming the outcome. Use the template letter and send a copy to your HR Case Manager.
If the employee raises a **grievance** during the appeal process contact your HR Case Manager	You do not necessarily have to halt the disciplinary process if the employee raises a grievance but discuss with your HR Case Manager.
If the disciplinary process has resulted from **an investigation following another process** e.g. grievance, student complaint contact your HR Case Manager to agree process	If the disciplinary process was initiated as a result of a complaint being made under a different process you must discuss with your HR Case Manager what information should be passed on to the **complainant**. For confidentiality reasons, a complainant should not be told what disciplinary sanction has been issued to an employee but they may need to be told that an employee has moved to another role or another location.
Be aware of **Data protection** and **Subject Access Request** requirements	Information relating to a disciplinary case should be held in line with the University's Retention Schedule. This includes all electronic correspondence as well as all letters relating to the process and outcomes. Remember that an employee may make a subject access request to see data about their case which will include any emails between you and your HR Case Manager or any other person you correspond with about the case e.g. other panel members. Therefore, be prepared that any of your correspondence may be seen by the employee.

Guidance for setting up and hosting meetings and hearings remotely

If you plan to hold a meeting/hearing remotely please read this section in conjunction with other relevant sections of the procedure.

Action	Supporting information
Prepare for the meeting/hearing	Set up the meeting via **Microsoft (MS) Teams**. Information about hosting and joining MS Teams meetings is available here. If the employee does not have access to a PC or MS Teams contact your HR Case Manager to consider alternatives. Make sure you invite all the relevant parties including a note taker. Check if the employee has a **suitable environment** where they can attend the meeting/hearing in private. Be aware that they may normally work in a shared space e.g. if they live in a flat with others. If they don't have a suitable environment liaise with your HR Case Manager to see if there are any alternatives. E.g. could a space be found for them in a designated building on campus for the duration of the meeting (subject to appropriate H&S requirements)? Be aware that attendees may have particular needs in order to participate in the meeting/hearing via MS Teams e.g. if they have a hearing or visual impairment. The employee should let you know if they require any **reasonable adjustments** to take part. Discuss with your HR Case Manager if special arrangements need to be made. Please refer to the Reasonable Adjustments Policy for further information. Advise the employee in advance if you are likely to **deviate from the normal procedural format** e.g. if you will not be giving the outcome of the hearing on the day.

Pre- meeting	You should have a meeting with other panel members/your HR Case Manager prior to your meeting/hearing with the employee. If you hold the pre-meeting directly before the meeting/hearing with the employee, it is best to do this as a **separate meeting.** This ensures that you cannot be interrupted or cut short if the employee or companion 'arrive' earlier than expected. Alternatively use the **lobby room** function to allow the employee and companion to join the meeting/hearing when the panel is ready. Information about hosting MS Teams meetings, privacy guidance and lobby areas can be found here.
Establish familiarity with technology	It is possible that the employee may have limited experience of MS Teams meetings. At the start of the meeting/hearing establish how familiar they are with **technical functions**. If they are not familiar, walk them through functions such as how to mute their microphone, raise a hand etc.
Meeting etiquette	If you are chairing the meeting/hearing establish basic rules at the start. These should include: • Everyone should be on mute unless speaking • Raise a hand if need to make a point • The note taker should be off camera after introductions • Everyone else to keep cameras on unless there are connectivity issues • The meeting cannot be recorded either through MS Teams or other devices e.g. mobile phones • If an adjournment is required everyone will leave the meeting and return at an agreed time. Share a **running order/schedule** for the meeting/hearing so that everyone understands when it will be their turn to speak or answer questions. If the **chat function** is to be used, remind everyone that any comments will form part of the record of the meeting/hearing. (Note - this means these comments would be subject to FOI/SARs.)

Progress of meeting/hearing	You may have to **adapt** how the meeting/hearing progresses to take account of the remote circumstances. Agree with the employee at the start if you are likely to deviate from the normal procedural format. e.g. It might feel more appropriate not to adjourn for an unspecified time while you decide the outcome of the hearing and then call the employee back. If all parties are agreeable, you can confirm that the employee will be **notified in writing** within the timescale specified in the policy.

Letters and templates:

(The following templates are available from your HR Case Manager)

9. Notice of appeal hearing
10. Outcome of appeal hearing
11. Letter issuing notes of meeting/hearing