

## **DISCIPLINARY PROCEDURE**

### **1. SCOPE AND PURPOSE**

- 1.1 This procedure applies to all staff employed by New College Durham other than holders of senior posts as defined in the College's Articles of Government.
- 1.2 The purpose of the procedure is:
  - i. to help and encourage employees to achieve and maintain acceptable standards of conduct; and
  - ii. to ensure that disciplinary action is applied fairly and consistently.

### **2. GENERAL PRINCIPLES**

- 2.1 All matters relating to the application of these procedures will be confidential.
- 2.2 The College recognises that in most instances minor in-discipline can and should be dealt with informally and promptly by the Line Manager, without recourse to this formal disciplinary procedure.
- 2.3 The principle of natural justice underpins this disciplinary procedure. The employee will be informed in writing of the nature of the allegation(s) against him or her, how the procedure will be implemented and that he/she will be given the opportunity to state his or her case before any decision is made.
- 2.4 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.

- 2.5 No formal disciplinary sanction will be imposed without a disciplinary hearing. An employee will have the right of appeal against any disciplinary sanction imposed.
- 2.6 At all stages the employee will have the right to be accompanied by a Trade Union representative or a friend (who must not be acting in a legal capacity).
- 2.7 No disciplinary action will be taken against any employee who is an accredited Trade Union representative until the allegation(s) have been notified to a full-time official of the Trade Union concerned.
- 2.8 Human Resources should normally be consulted by Managers on all matters related to this procedure and will be present at all disciplinary hearings.
- 2.9 All appeals against actions/decisions taken in accordance with this procedure will be addressed within this procedure.
- 2.10 There are a range of disciplinary sanctions available, which will normally be applied incrementally. However, offences of a serious nature may receive a more serious sanction. For example there may be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant a final warning.
- 2.11 Staff will be notified in writing of any disciplinary sanction, a copy of this letter shall be placed on the employee's personal file in the Human Resources Department. When such warnings reach their time limits, the letter notifying the employee of the disciplinary sanction shall be removed from the personal file, subject to the employee's conduct having been satisfactory throughout the period. Warnings have the following time limits:

Oral Warning	6 months
Written Warning	12 months
Final Written Warning	24 months

In exceptional circumstances, the times specified above may be varied by the Determining Manager of the Disciplinary Hearing – any such variation being notified to the individual at the disciplinary hearing or following the hearing in writing.

2.12 Examples of behaviour which constitutes:

- **Misconduct** and is likely to result in disciplinary action are set out in Appendix A, Section 1.
- **Gross Misconduct** and is likely to result in dismissal are set out in Appendix A, Section 2.

### 3. THE DISCIPLINE PROCEDURE

The disciplinary procedure consist of a number of distinct elements

#### 3.1 Investigatory Officer

- 3.1.1. Where allegation(s) arise which prompt consideration of a formal investigation, it is important that these allegation(s) are notified to the Human Resources Department. The allegation(s) will be notified in writing utilising the form detailed at Appendix B.
- 3.1.2. The Human Resources Department will notify the Principal and Chief Executive of the allegation(s) seeking his/her determination with regards to the appointment of an Investigatory Officer.
- 3.1.3. The Investigatory Officer will be an Independent Manager who will be tasked with investigating the allegation(s) raised and determine if the allegation(s) warrant

further consideration at a Disciplinary Hearing. If such a case exists the Investigatory Officer will also present the evidence collected to a Disciplinary Hearing (See Paragraph 3.4).

## **3.2 Suspension**

- 3.2.1 Suspension is not in itself regarded as a disciplinary action.
- 3.2.2 In cases of alleged gross misconduct or because of some other good and urgent cause it is inappropriate for the employee to remain at their normal place of work, the Principal & Chief Executive or his/her designated nominee shall consider suspension of the employee from duty on receipt of the allegation(s) pending a full investigation, or if the nature of the initial allegation(s) is/are amended during the course of the investigation.
- 3.2.3. An employee suspended from duty will be given written confirmation of the suspension and the reason for the suspension.
- 3.2.4. An employee who is suspended from duty shall, throughout the period of suspension, continue to be entitled to full pay. The employee should not return to the College or contact employees of the College (except the Head of Human Resources), whilst suspended. The individual should remain contactable during normal working hours.
- 3.2.5. The suspension will be kept under review, and time limits will be set for the review to take place, depending on the circumstances of the case and the availability of evidence and witnesses.

### 3.3 Investigation

3.3.1 The Investigating Officer appointed by the Principal & Chief Executive should investigate thoroughly the allegation(s) raised. The purpose of the investigation is to establish whether a disciplinary hearing is warranted in relation to the allegation(s) raised.

3.3.2. Prior to an Investigatory Meeting with the person to whom the allegation(s) have been raised against.

The employee will be notified in writing of:

- That an investigation is to be carried out in accordance with the College's Disciplinary Procedure;
- The details of the allegation(s) under investigation;
- His/her right to be accompanied by a Trade Union representative or a friend (who must not be acting in a legal capacity) when attending the meeting regarding the disciplinary process;
- The support available to the person, e.g. College Counsellor and Occupational Health;
- Date, time and venue of the investigatory meeting;
- A copy of the College Disciplinary Procedure is supplied to the individual whom the allegation(s) have been raised against.

**3.3.3. Investigatory meeting with the person to whom the allegation(s) have been raised against.**

The information detailed in the letter will confirm that:

- The meeting will be taped. A written transcript will be generated for the consideration and signing of the employee being interviewed to show their acceptance of the accuracy of the written transcript.
- Any information gained during the meeting may be presented at any subsequent disciplinary hearing.
- The employee will be notified of the ability to request adjournments and seek regular breaks during the investigatory meeting.
- The employee will be informed of his or her right to be accompanied by a Trade Union representative or a friend (who must not be acting in a legal capacity) when attending an investigatory meeting.
- The support available to the employee, e.g. College Counsellor and Occupational Health.

### **3.3.4. Investigatory Meeting(s) with Individual Witness(es)**

- The meeting will be taped. A written transcript will be generated for the consideration and signing of the employee being interviewed, to show their acceptance of the accuracy of the written transcript.
- Witnesses may not be restricted to College employees (e.g. students, members of the public, etc.).
- Each witness will be interviewed separately, and he or she will have the right to be accompanied by a Trade Union representative or a friend (who must not be acting in a legal capacity) when attending an investigatory meeting.
- Confirmation will be given that the allegation(s) are not raised against the witness, and their attendance at the investigatory meeting is in a witness capacity.
- The support available to the witness, e.g. College Counsellor and Occupational Health
- The witness will be informed that any information gained during the meeting may be presented at any subsequent disciplinary hearing.
- The witness will be notified of the ability to request adjournments and seek regular breaks during the investigatory meeting.

- Witnesses may be required to attend any subsequent disciplinary hearing.
- It is a reasonable request of an employer for an employee to attend an investigatory interview as a witness (and any subsequent stages of this procedure) subject to the appropriate notification, representation, etc.

### **3.3.5. Investigation - Outcomes**

- The Investigatory Officer will at the conclusion of the investigatory meeting prepare a report (Investigating Officers Report) detailing the salient points to emerge from the investigation.
- If, after an appropriate investigation, the Investigatory Officer determines that a Disciplinary Hearing is warranted in relation to the allegation(s) made against the employee, then he/she will notify the Principal/Chief Executive that a Determining Manager should be appointed to consider the allegation(s) in a formal disciplinary hearing.
- If, after appropriate investigation, there is no evidence of misconduct, no further action will be taken and the employee, whom the allegations have been raised against, will be informed of this in writing. This action will be reported back to the Principal & Chief Executive.
- The confidentiality of the proceedings should be observed by all parties involved.

### **3.4 DISCIPLINARY HEARING**

3.4.1 Where the Investigatory Officer determines that a Disciplinary Hearing is warranted in relation to the allegation(s) made against the employee, a Determining Manager will be appointed by the Principal/Chief Executive to consider the allegation(s) in a formal disciplinary hearing. The employee, whom the allegations are against, will be notified in writing of the appointment of the Determining Manager.

3.4.2 The Determining Manager will give the employee at least five working days' notice in writing of the hearing and this notification should include the following;

- the venue, date and time of the hearing;
- a copy of the Investigating Officer's Report;
- the nature of the allegation(s);
- that the hearing is of a formal disciplinary nature;
- that she/he has the right to be represented by a Trade Union representative or friend (who must not be acting in a legal capacity);
- that she/he has the right to call witnesses and/or present documentary evidence at the hearing.

3.4.3. If the Investigating Officer or employee proposes to call witnesses to give evidence at the hearing, their identity should be disclosed in advance to the other parties. If either side wishes to produce documents or statements at the hearing, copies should be exchanged at least three working days before the hearing. If either side produces new evidence at the hearing, it should be open to either side to request an adjournment for further investigation.

3.4.4. The people involved in the hearing will normally be:

- the Determining Manager who is tasked with: determining the operation of the disciplinary hearing within the parameters of this procedure; considering all the evidence and taking the appropriate action on the basis of this evidence;
- a Human Resources advisor to the Determining Manager;
- the employee and his/her representative;
- the Investigating Officer;
- any witness pertinent to the allegation(s).

- 3.4.5. If the employee fails to attend the disciplinary hearing repeatedly, the Determining Manager should decide whether to proceed in the employee's absence or to reconvene the hearing at some other time. Before such a decision is taken, attempts should be made to contact the employee to ascertain the reason for his/her absence. If the Determining Manager concludes to proceed with the hearing in the employee's absence, the representative of the employee can attend the hearing to either present the employee's case or simply observe the proceedings. The postponement of the hearing should only be considered on one occasion.
- 3.4.6. The confidentiality of the proceedings should be observed by all parties involved.
- 3.4.7. The Investigating Officer will present the salient evidence collected as part of the Investigation.
- 3.4.8. The proceedings should be conducted as follows:
- the Determining Manager makes the introductions and explains the purpose of the hearing and the sequence of presentations and questioning;
  - the Investigating Officer presents the evidence collected in the Investigation and may call witnesses;
  - the employee or his/her representative have the opportunity to ask questions of the Investigating Officer and of any witnesses;

- the Determining Manager may ask questions of the Investigating Officer and witnesses;
- each witness should leave the room once she/he has given his/her statement and answered questions;
- the employee or his/her representative may put his/her case in the presence of the Investigating Officer and may call witnesses;
- the Investigating Officer may ask questions of the employee and his/her witnesses;
- both sides should have the opportunity to sum up their cases if they so wish, the employee's statement being last;
- the employee and his/her representative, and the Investigating Officer should withdraw;
- the Determining Manager may agree to an adjournment at any time during the procedure.

3.4.9 The Determining Manager, with the Human Resources representative to advise, should deliberate in private and determine his/her decision;

- The Determining Manager should consider if the allegation(s) are proven on the balance of probability, if not the case should be dismissed;

- If the allegation(s) are proven, then the Determining Manager should consider if a disciplinary sanction is reasonable (including any mitigation presented);
- If a disciplinary sanction is warranted the Determining Manager should consider those sanctions detailed in Section 4.

3.4.10 The employee and Investigating Officer should be re-called, and the Determining Manager convey his/her decision, which will subsequently be confirmed in writing.

## **4 DISCIPLINARY SANCTIONS**

### **4.1 Oral Warning**

4.1.1 If an oral warning is given, the employee will be advised of the reason for the warning and that it is the first stage of the formal disciplinary procedure.

4.1.2 S/he will also be advised of the improvement required and the time-scale within which an improvement is expected, and will be warned of the possible consequences if the situation does not improve.

4.1.3 The employee will also be informed, in writing, of his/her right of appeal in accordance with Section 5.2 below. A note will be placed on the employee's personal file, in accordance with paragraph 2.11.

## 4.2 First Written Warning

4.2.1. A first written warning may be given to the employee if, after a full investigation and disciplinary hearing, it is found that:

- the employee has committed an offence of misconduct;
- despite, having been given an Oral warning as the result of misconduct, the employee has committed a further offence of misconduct.

4.2.2. The first written warning will give details of the complaint against the employee, the improvement required and the time limit within which such improvement must be achieved.

4.2.3. The warning will state that if the employee commits a further offence of misconduct during the period specified in the warning, further action under the disciplinary procedure will be considered.

4.2.4. The written warning will also advise the employee of their right of appeal in accordance with Section 5.2 below. A copy of the written warning will be placed on the employee's personal file in accordance with paragraph 2.11.

### **4.3. Final Written Warning**

4.3.1 A final written warning may be given to the employee if, after a full investigation and disciplinary hearing, it is found that:

- despite having been given, a first written warning as the result of misconduct, the employee has committed a further offence of misconduct;
- the employee's misconduct, although not considered to be serious enough to justify dismissal, is sufficiently serious to warrant a final written warning.

4.3.2 The final written warning will give details of the misconduct against the employee, the improvement required and the time limit within which such improvement must be achieved. The warning will state that if the employee commits a further offence of misconduct during the period specified in the warning, his or her employment may be terminated.

4.3.3 The final written warning will also advise the employee of their right of appeal in accordance with Section 5.2 below. A copy of the final written warning will be placed on the employee's personal file in accordance with paragraph 2.11.

## 4.4 Dismissal

- 4.4.1. A nominated Senior Postholder may give notice of dismissal to any employee (excluding another Senior Postholder) if, after a full investigation and disciplinary hearing, it is found that an employee has:
- committed a further act of misconduct despite having been given a final written warning.
  - committed an act of gross misconduct (Appendix A –section 2).
- 4.4.2. The notice of dismissal will be in writing and will specify the reasons for dismissal, the date on which the employment will end and the right of appeal against the dismissal or the notice of dismissal in accordance with Paragraph 5.3.
- 4.4.3. If, after a full investigation and disciplinary hearing, it is found that an employee has been found guilty of gross misconduct, a nominated Senior Postholder may summarily dismiss any employee (excluding another Senior Postholder). Such dismissal will be without notice or payment in lieu of notice and will be confirmed to the employee in writing, specifying the reasons for the dismissal and the right of appeal against it in accordance with Paragraph 5.3.
- 4.4.4. Examples of offences, which are normally regarded as grounds for summary dismissal are set out in Appendix A – section 2.

## 5. APPEALS

### 5.1. Appeal Against Suspension

- 5.1.1. An employee who has been under suspension for four weeks or more may appeal in writing to the Corporation against the suspension. The appeal against suspension must be in writing from the employee to the Corporation Secretary. The grounds for appeal against suspension are either:
- Procedural error(s) which has **fundamentally** undermined the application of suspension (See Section 3.2);
  - Duration of the Investigation;
  - Nature of allegation(s) does not warrant suspension. (See Paragraph 3.22);
- 5.1.2. The appeal shall be heard as soon as practicably by a committee consisting of three members of the Corporation, excluding the Principal & Chief Executive, student and staff governors.
- 5.1.3. The suspension shall continue to operate pending the determination of the appeal.
- 5.1.4. Where an appeal against suspension is made, the employee shall be given at least five working days' notice of the date, time and place fixed for the hearing, unless an earlier date has been mutually agreed.
- 5.1.5. The hearing of an appeal against suspension will be conducted in accordance with the procedure set out in Appendix C.

5.1.6. Following the hearing of an appeal against suspension, the Corporation's Committee appointed to hear the appeal may either confirm the suspension or lift the suspension. The decision of the Corporation shall be confirmed by the Corporation Secretary in writing to the employee within five working days of the hearing of the appeal.

## 5.2. Appeals against Disciplinary Penalties other than Dismissal

5.2.1. An employee who wishes to appeal against an oral warning, a written warning, or a final written warning should inform the Head of Human Resources in writing within ten working days of receiving written confirmation of the decision of the Determining Manager.

Any appeal will be on one of the following grounds

- Procedural error(s) which has **fundamentally\*** undermined the application of the Disciplinary Procedure.
- Disciplinary Sanction applied is inequitable against similar cases in the organisation
- New Evidence relating to the allegation(s) has come to light which would **fundamentally\*** effect the outcome of original disciplinary hearing.

*\*fundamentally – an action or evidence which would have a significant effect on the outcome of the original decision.*

5.2.2. When lodging an appeal the employee must also state which of the above grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal. The appeal will be heard by an independent Panel appointed by the Principal & Chief Executive, and consist of a Senior Postholder (Chair), Human Resource Representative and College Manager. The entire panel will have had no involvement in the previous stages of the discipline.

5.2.3. The appeal hearing will be conducted as soon as possible and normally not later than fifteen working days after the notice to appeal has been received. The appeal hearing will be conducted in accordance with the procedure in Appendix C. At the appeal, the disciplinary sanction imposed will be reviewed. The decision of the Panel will be notified to the employee in writing within five working days of the appeal hearing and will be final and binding.

### **5.3. Appeals against Dismissal or Notice of Dismissal**

5.3.1. An employee who wishes to appeal against dismissal or notice of dismissal should inform the Corporation Secretary in writing within ten working days of receipt of written confirmation of dismissal or notice of dismissal.

- Procedural error(s) which has **fundamentally**\* undermined the application of the Disciplinary Procedure.
- Disciplinary Sanction applied is inequitable against similar cases in the organisation.
- New Evidence relating to the allegation(s) has come to light, which would **fundamentally**\* affect the outcome of the original disciplinary hearing.

*\*fundamentally – an action or evidence which would have a significant effect on the outcome of the original decision*

- 5.3.2. The appeal will be heard by a panel established by the Corporation and consisting of the Principal & Chief Executive and a Corporation Member (excluding the student and staff governors).
- 5.3.3. The appeal will take place as soon as possible and normally not later than fifteen working days after the notice of appeal has been received by the Corporation Secretary. The hearing will be conducted in accordance with the procedure set out in Appendix C.
- 5.3.4. The decision of the committee appointed to hear the appeal will be notified to the employee in writing within five working days of the appeal hearing and will be final and binding.
- 5.3.5. In the case of an appeal against notice of dismissal, the dismissal shall take effect but if the employee is re-instated he/she will have all salary from date to dismissal to date of re-instatement paid to them.

## **6. College Support Mechanisms**

- 6.1. In addition to the support mechanisms already detailed in this procedure the College has a number of specific support mechanisms available to all staff to assist in supporting individuals. These are:

- **Occupational Health Service**

The Occupational Health Service is an independent advisory service whose role is to provide impartial advice and support to staff. All Occupational Health referrals are made via the Human Resources Department.

- **Confidential Counselling Service**

A confidential counselling service is available for all staff to access. Details of the service are in the internal telephone directory, on the Intranet, or can be provided by the Human Resources Department.

## **7.0 Policy Review**

7.1 The effectiveness of this policy will be monitored annually and reviewed every five years in light of experience and best practice. This mechanism recognises that changes to employment legislation may prompt a review of the policy before five years stipulated.

7.2 In considering the effectiveness of this policy, consultation will be undertaken with Trade Unions, staff and managers to assist in the review and monitoring of this policy.

<b>Implementation Date:</b>	<b>1 May 1999</b>
<b>First Review Date:</b>	<b>1 May 2004</b>
<b>Second Review date</b>	<b>1 May 2009</b>

### MISCONDUCT LIKELY TO RESULT IN DISCIPLINARY ACTION

#### 1. Misconduct

The following list illustrates behaviour likely to signify misconduct but it is neither **exclusive nor exhaustive**;

- Absenteeism and lateness, e.g:
  - frequent late arrival at work;
  - failure to comply with requirements to notify sickness absence;
  - unauthorised absence from the workplace.
  
- Dishonesty, e.g:
  - making unauthorised private phone calls;
  - sending personal mail at the College's expense.
  
- Refusal to obey a lawful and reasonable instruction of a manager or supervisor.
  
- Failure to carry out the normal duties of the post.
  
- Unauthorised copying of copyright or licensed material, e.g: software.
  
- Unreasonable or unacceptable conduct, e.g:
  - abusive language, verbal abuse or abusive behaviour;
  - misuse of plant or equipment.
  
- Threatened violence whilst at work on a colleague, student or member of the public.
  
- Breach of College regulations, e.g., financial, health and safety, confidentiality of personal records.

- Accepting gifts or hospitality from contractors, students or members of the public without authorisation.
- The distinction between misconduct and gross misconduct is often a matter of degree and some of the examples under misconduct may be of such an extreme nature that they amount to gross misconduct. This is a matter of judgement on the part of the College after carefully assessing the nature and seriousness of the allegation.

## 2. Gross Misconduct

Gross misconduct is defined as behaviour, which in the view of the College, fundamentally destroys the trust between employer and employee and thereby warrants immediate dismissal. Such behaviour may occur within or outside normal working hours. The following list illustrates conduct likely to amount to gross misconduct, but this list is neither **exclusive nor exhaustive**:

- Theft or misappropriation or malicious damage to property of the College, students or fellow employees;
- Falsifying records or expenses claims which result in gain to the individual, e.g., registers, time sheets, car expenses, overtime, flexitime, sickness claims;
- Refusal to obey a lawful and reasonable instruction of a manager or supervisor;
- Physical violence on colleagues, students or members of the public;
- Incapability as a result of being under the influence of alcohol or illegal drugs at work;
- Racial or sexual harassment or racial or sexual discrimination against other employees, students or members of the public;
- Serious breach of College regulations, e.g. financial, contractual;

- Serious negligence which causes unacceptable loss, damage or injury;
- Non-compliance with health and safety rules and regulations where it endangers the well being of the employee or others or could lead to legal action against the College;
- Criminal offence associate with employment, e.g. acceptance of a bribe;
- Unauthorised use of College vehicles, materials, equipment, facilities or labour for private purposes;
- Criminal offences committed during or outside of working hours, which have a significant adverse effect on the College's reputation or the employee's suitability for his/her post;
- Unauthorised access to information held by the College whether held on electronic or manual systems;
- Unauthorised disclosure of information classified as confidential by the College;
- Falsification or omission of information for personal gain, for example, on an application form, medical questionnaire, etc;
- Improper use of position as College employee for personal gain.

**STRICTLY PRIVATE & CONFIDENTIAL**

**Appendix B**

**New College Durham  
Disciplinary Procedure (the Procedure)**

Name of individual/ allegation(s) under the Procedure
<b>Position</b>
<b>Department</b>
<b>Address for Correspondence</b>
<b>Telephone Number</b>
<b>Name of Staff Representative (if relevant)</b>
<b>Address for Correspondence (if relevant)</b>
<b>Telephone number</b>

**Please provide a full explanation of the allegation(s). It is important to highlight dates, times, witness(s) etc. Please continue on a separate sheet if required, and attach all evidence you believe is pertinent to this sheet.**

**What is the outcome sought by the person raising the allegation (s)?**

**Signed**

**Date**

**Print Name**

**Please return the fully completed form to Head of Human Resources.**

## APPENDIX C

### PROCEDURE FOR CONDUCT OF APPEAL HEARINGS

1. An Appeal Hearing is not an opportunity to re-hear the original disciplinary hearing.
2. All appeals will normally be heard within 15 working days of receipt of notification of the appeal.
3. The employee will be given at least five working days' notice in writing of the place, date and time of the hearing, and advised of his/her right to be represented by a Trade Union representative or friend (who must not be acting in a legal capacity).
4. The employee can call witnesses and present documentary evidence at the hearing, which support the basis of the Appeal.
5. New evidence is permissible at the appeal, which supports the basis of the Appeal. If either side wishes to produce new evidence, they should give notice to the other side at least five working days before the appeal hearing. If either side produces new evidence at the appeal hearing, it is open to either side to request an adjournment for further investigation.
6. Where new evidence of misconduct is produced at the appeal hearing which could give rise to further disciplinary action, the correct course of action would be to pursue the allegation(s) at a new disciplinary hearing, not at the appeal hearing.
7. The confidentiality of the proceedings should be observed by all parties involved.
8. A member of the Human Resources Department shall attend the hearing in an advisory capacity.

9. The case against the employee will normally be presented by the manager who made the original disciplinary decision (the Determining Manager) or by the Principal & Chief Executive in the case of an appeal against dismissal or notice of dismissal.
10. The Panel may agree to an adjournment at any time during the procedure.
11. The proceedings will be conducted as follows;
  - the Chair of the Appeals Panel will make the introduction and explain the purpose of the hearing;
  - the employee and/or his/her representative will present his/her case for the Appeal, on the grounds specified in Section 5. in the presence of the Determining Manager and may call witnesses;
  - the Determining Manager will have the opportunity to ask questions of the employee and of any witnesses called by the employee on the evidence they have given;
  - the members of the Appeal panel may ask questions of the employee and witnesses;
  - each witness shall leave the room once she/he has given his/her statement and answered questions;
  - the Determining Manager shall put his/her case in the presence of the employee or his/her representative and may call witnesses;
  - the employee and or his/her representative shall have the opportunity to ask questions of the Determining Manager and any witnesses;
  - the members of the Appeal Panel may ask questions of the Determining Manager and his/her witnesses;

- both sides shall have the opportunity to sum up their cases if they so wish, the employee's statement being last;
  - the Determining Manager, the employee and his/her representative shall withdraw;
  - the Appeal Panel, with the Head of Human Resources, will deliberate in private;
  - If necessary the panel will recall the Determining Manager and the employee (and representative) to clear points of uncertainty on evidence already given (if recall is necessary both parties should return notwithstanding that only one is concerned with the question);
    - the panel shall determine their decision;
    - all parties may be recalled, and the panel convey their decision, and the reason for this;
    - the panel's decision on the appeal shall be final and binding;
12. The panel's decision will be conveyed to the employee in writing within five working days of the appeal hearing.