

Formal Meeting/Hearing/Appeals Procedure

Introduction

This meeting/hearing procedure will apply to formal meetings/hearings that are held under Collective Vision Trust's Disciplinary, Grievance and Performance Improvement policies and procedures. The procedure also applies to appeal meetings/hearings.

All parties must be committed to adhering to the timescales set out in the associated policies and procedures and endeavour to avoid undue delay.

This procedure applies to employees, referred to in this procedure as colleagues.

General Principles

Unless stated otherwise in the policy the hearing and appeals will normally be undertaken by a panel made up of a combination of trustees and governors. Staff governors will not normally be on the panel. The decision to dismiss can only be made by a panel of 3 trustees/governors as set out in the scheme of delegation.

The Hearing Panel hearing the case will make the arrangements for the meeting/hearing and may be supported by Human Resources. This will include writing to the colleague, arranging the accommodation and making arrangements for a note taker. Formal meeting notes must be shared and an opportunity to amend or comment will be given to the colleague.

For appeal meetings/hearings, the Appeal Panel will consist of a panel of trustees/governors who has not previously been involved in the earlier decision and has the authority to overturn the decision made at the earlier hearing/meeting.

Arranging the meeting/hearing/appeal

A letter inviting the colleague to attend a formal meeting/hearing/appeal must be sent in writing at least **10 working days** before the meeting/hearing/appeal.

Colleagues must provide copies of any relevant evidence they intend to refer to, at least **3 working days** before the meeting/hearing/appeal

Invitation to the meeting/hearing/appeal

The invitation will contain sufficient information about the alleged misconduct or poor performance concerns and its possible consequences to enable the colleague to prepare to answer the case at a meeting/hearing/appeal. It would normally be appropriate to provide copies of any written evidence, (which may include any witness statements, or evidence from the informal approach) with the invitation.

The invitation will also give details of the time and venue for the meeting/hearing/appeal and advise the colleague of who will be present and their right to be accompanied at this.

Attendees at the meeting/hearing/appeal

The Investigating Manager or prior decision makers or any witnesses will **not** be called to attend the meeting/hearing/appeal as standard unless requested to do so. The investigating manager or prior decision maker will be available to answer clarification questions at the meeting/hearing/appeal if so required. The investigation report and written statements will be relied upon as evidence. The colleague has the right to request that a witness (s) attend the meeting/hearing/appeal. Colleagues will be expected to present any character witness evidence in writing rather than require the witness to attend the meeting. However, witnesses whose evidence is not challenged will not be called. Where a witness is required to attend the Panel hearing the case will invite them in writing.

Non attendance at formal meeting/hearing/appeal

If the colleague or their companions are unavailable to attend, they may propose a new date no more than **five working days** from the date of the original meeting/hearing date.

If the colleague does not attend the meeting/hearing/appeal without good reason, it should be re-arranged but the colleague will be advised that if they do not attend the rearranged meeting/hearing/appeal, a decision may be made in their absence. They may submit a written statement to be taken into consideration.

Where a colleague is persistently unable or unwilling to attend the meeting/hearing/appeal without good cause the Panel hearing the case should make a decision on the evidence available.

Non attendance at formal meeting/hearing/appeal – due to sickness absence

The Panel hearing the case and colleagues (and their companions) should make every effort to attend the meeting/hearing/appeal. The Panel hearing the case will respond sensitively when a delay is required as it may arise for a reason related to a colleague's disability or emergency involving dependants. Where a colleague cannot attend due to sickness they must provide a fit note from their GP to certify their absence.

Where colleagues are absent due to sickness, the managing attendance at work procedure will apply as normal. However, those responsible for keeping in touch would not normally be the same people involved in the handling of their case. Under these arrangements due regard will be had for what is said by Occupational Health and any information the colleague may wish to provide from their GP. Collective Vision Trust will arrange for the colleague to see Occupational Health as soon as possible for them to assess their health generally and whether or not they are fit to participate in these procedures. Being absent from work due to sickness will not automatically stop the disciplinary procedure progressing.

Conduct of the meeting/hearing/appeal

The Panel hearing the case should introduce those present and clarify roles, explain the purpose of the meeting/hearing/ appeal, how it will be conducted and check that the colleague received the documentation in advance of the meeting/hearing/appeal. The Panel hearing the case should also check that the colleague is aware of what the potential outcome of the meeting/hearing/appeal may be.

The Panel hearing the case should establish what the allegations or poor performance issues are and clarify that the written documentation has been fully reviewed. The Panel will ask questions to clarify any points. For grievance or appeal meetings the Panel will ask the colleague why they are raising a grievance or appealing.

The colleague (or their companion) then has the opportunity to state their case and present evidence, including calling of the witness(s) where appropriate. They will be given the opportunity to ask questions to clarify points. For appeal meetings the Panel should pay particular attention to any new evidence that has been introduced, and ensure the colleague has the opportunity to comment on it

Before adjourning the meeting/hearing/appeal the Panel should summarise the main points of the discussion after questioning is completed and ask the colleague if there is anything further that they want to add.

The meeting/hearing/appeal will then be adjourned. This is an opportunity for the Panel hearing the case to consider the facts or instigate further investigation into the matter before coming to their decision.

Outcome

The Panel hearing the case will either recall the colleague to the meeting/hearing/appeal or write to the colleague confirming their decision and if necessary, their right of appeal. The outcome of the meeting/hearing/appeal will be confirmed in writing within **10 working days** of the meeting/hearing/appeal.