

## **14. Bolsover Employee Appeals Committee**

### **1) Purpose**

There will be an Employee Appeals Committee to consider and determine appeals against dismissals arising from the Council's employment procedures (e.g. disciplinary, capability, sickness absence etc). These procedures apply to all employees other than those who are covered by any special provisions of their terms and conditions.

### **2) Membership**

The Employment Appeals Committee will comprise of three elected Members determined at their Annual Meeting and will reflect the rules or proportionality. Each Member on the Committee can have a deputy appointed by Council who can deputise for them if they are unable to make the meeting or have a conflict of interest.

Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by nomination of the relevant party leader.

The Head of Paid Service or or their representative 'Management Representative' will make the management case. Witnesses may be called.

### **3) Function**

The Committee will conduct a review of the original decision to see if it was reasonable in the circumstances. This may involve rehearing the original evidence and any evidence that has come to light following the decision and considering any matters raised relating to the original decision whether or not they were known to the Management Representative at the time the initial decision was taken. No unrelated matters shall be considered.

The Committee will decide whether to allow or dismiss the appeal.

### **4) Rules and Procedures**

#### **a) Secretariat**

In order to maintain impartiality and confidentiality, the HR department will administer meetings of the Appeals Committee. This will include organising meetings, producing confidential documents for members and taking a record of the proceedings. Minutes will be produced and kept on record.

b) Frequency of Meetings

Meetings of the Appeals Committee will be convened when required.

c) Quorum and Voting

Each of the three Members appointed to the Committee are required to be present for the meeting to commence. The three Members are allocated one vote each and the Chairman does not have a casting vote in this instance.

d) Proceedings

The employee shall be given at least five working days notice in advance of the time and place of the hearing and he/she must be told that he/she shall be entitled to be represented by their representative and shall be able to call witnesses and to present the documents relevant to his/her case. Copies of any documents relevant to the case and intended for submission/consideration and names of witnesses the parties intend to call should be exchanged by both parties at this time.

The Appeals Hearing shall proceed as follows:-

- i) The Chair shall introduce all persons in the room, and their respective roles, emphasising the limited role of the advisers.
- ii) If the employee is alone he/she should be asked if they are aware that they may have a representative and whether they would like to adjourn in order to arrange for one to attend.
- iii) The Management Representative will make a statement as to why the decision to dismiss was taken and may call witnesses.
- iv) Witnesses will wait outside until called.
- v) The Employee (or Representative) shall have the opportunity to ask questions of the Management Representative and witnesses.
- vi) The Committee shall have the opportunity to ask questions of the Management Representative and witnesses. The witnesses shall leave having given their evidence.
- vii) The Employee may put his/her case and may call witnesses. Witnesses will wait outside until called.
- viii) The Management Representative shall have the opportunity to ask questions of the employee and his/her witnesses.
- ix) The Committee shall have the opportunity to ask questions of the employee and his/her witnesses. The witnesses shall leave having given their evidence.

- x) The Management Representative and the Employee shall have the opportunity to sum up their case if they so wish, with the Management Representatives submission being received first.
- xi) The Management Representative, the employee and their representative shall withdraw.
- xii) Any advisors to the Committee remain in the room during the deliberation.
- xiii) The Committee shall deliberate only recalling the Management Representative and the Employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties and representatives are to return notwithstanding that only one may be concerned with the points giving rise to doubt.
- xiv) The Committee will decide whether to allow or dismiss the appeal and will announce the decision to the employee personally. The outcome will be confirmed in writing with reasons within five working days.

The decision of the Committee is final and there shall be no further appeals to the Council