

## **Resources Committee**

### **Appeals Sub-Committee**

#### **Procedures for Hearing Appeals against Action Taken under the Council's Disciplinary Procedures**

1. The Council's representative(s) shall put the Council's case in the presence of the appellant and his/her representative and may call witnesses.
2. The appellant's representative (or the appellant) shall have the opportunity to ask questions of the Council's representative(s) and of any witnesses called by the Council.
3. The Appeals Sub-Committee shall have the opportunity to ask questions of the authority's representative(s) and witnesses.
4. The Depute Chief Executive/Director of Corporate Resources shall have the opportunity to ask questions of the Council's representative(s) and witnesses.
5. The appellant's representative (or the appellant) shall put the appellant's case in the presence of the Council's representative(s) and may call witnesses.
6. The Council's representative(s) shall have the opportunity to ask questions of the appellant's representative(s) and/or the appellant and of any witnesses called by the appellant.
7. The Appeals Sub-Committee shall have the opportunity to ask questions of the appellant's representative and/or the appellant, and any witnesses.
8. The Depute Chief Executive/Director of Corporate Resources shall have the opportunity to ask questions of the appellant's representative and/or the appellant, and any witnesses.
9. The Council's representative(s) shall have the opportunity, if they so wish, to sum up their case, introducing no new material.

10. The appellant's representative (or the appellant) shall have the opportunity, if they so wish, to sum up the case, introducing no new material.
11. The Council's representative(s) and the appellant and his/her representative shall then withdraw.
12. The Appeals Sub-Committee, together with the officers appointed to assist the Sub-Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant's representative, and/or the appellant, to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
13. If practicable, the Appeals Sub-Committee shall announce its decision to the Council's representatives and the appellant's representative and/or the appellant at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the appellant and his/her representative by the Clerk to the Sub-Committee within ten working days.
14. The form of decision of the Appeals Sub-Committee shall be one of the following, as appropriate:-
  - (a) 'that the grounds of the appeal have been substantiated and the appeal be upheld',

OR
  - (b) 'that the grounds of the appeal have been substantiated in part and that the appeal be upheld to the extent that .....
  - (c) 'that the grounds of the appeal have not been substantiated and the appeal be not upheld'.

## Notes:

1. The appellant shall be given notice in writing, at least seven days in advance, of the time and place of the hearing.
2. The appellant shall be entitled to call witnesses on his/her behalf at the hearing.
3. The Council's representatives shall also be entitled to call witnesses.
4. Witnesses will leave the hearing on completion of evidence and questioning but may be recalled at any time by the Appeals Sub-Committee prior to the withdrawal of the parties to the appeal.
5. The appellant and the Council's representatives shall submit to the Depute Chief Executive/Director of Corporate Resources, prior to the hearing, a written statement outlining their case. These statements will be circulated to the Appeals Sub-Committee and both parties.
6. If either the appellant or the authority's representatives wish to table additional documentation at the hearing they must submit these to the Depute Chief Executive/Director of Corporate Resources prior to the hearing.