

Code of Discipline for Teachers

Disciplinary And Appeals Procedure

1. Introduction

1.1 Where a teacher's performance or conduct is such as to give rise to serious concern, disciplinary action may be taken by the education authority in accordance with its locally agreed disciplinary procedures. As the aim of the disciplinary process is to seek improvement in performance or conduct, assistance to enable improvement to occur is essential.

2. Aims

- 2.1 The purpose of the Code is to provide:-
- a sound basis for the maintenance of discipline throughout the education authority;
 - a clear understanding between Management and employees of the need for discipline; and
 - a mutually acceptable and well-publicised procedure for dealing with breaches of discipline.
- 2.2 A Code of Practice is necessary for the fair treatment of all employees and the following proposals (in conjunction with the Discipline Procedures) set standards of performance and behaviour at work.
- 2.3 The Code of Discipline and Discipline Procedures are designed to promote fairness and consistency in the treatment of individuals in conjunction with the Council's Equal Opportunities Policy.
- 2.4 The procedure seeks to ensure that satisfactory standards are maintained and provides a fair method of dealing with any shortcomings.

3. Principles

3.1 Disciplinary rules and procedures are necessary for promoting orderly employment relations as

well as fairness and consistency in the treatment of individuals. They enable organisations to influence the conduct of workers and deal with problems of poor performance and attendance thereby assisting organisations to operate effectively. Rules set standards of conduct and performance at work; procedures help ensure that the standards are adhered to and also provide a fair method of dealing with alleged failures to observe them.

- 3.2 All teachers must familiarise themselves of the standards of conduct and performance expected of them. In this regard teachers should refer to Glasgow City Council's Code of Conduct for all employees and to the General Teaching Council Scotland (GTCS) Code of Practice on Teacher Competence. The authority's Code of Discipline for Teachers includes specific reference to what constitutes gross misconduct. Copies of these documents will be made available to all teachers.
- 3.3 All problems involving minor misconduct and poor performance should be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. It is essential that all problems of this nature are fully discussed and that support is provided with the objective of encouraging and helping teachers to improve. It is essential also that teachers are aware that support and counselling are available at all times even where it has been necessary to take disciplinary action under the procedures.
- 3.4 The disciplinary procedures comply with ACAS Code of Practice (No 1) "Disciplinary and Grievance Procedures". Where the concern relates to the performance of an individual's teaching or classroom practice, the procedures comply with the General Teaching Council Scotland Code of Practice on Competence. Where the concern relates to the performance of an administrative or managerial function of a promoted teacher, the procedures comply with the same principles and processes as contained in the current GTCS Code of Practice of Teacher Competence.
- 3.5 Since an important aim of this Code is to encourage teachers whose conduct or standard

of work performance is unsatisfactory, to improve to acceptable levels, the initiation of disciplinary actions/sanctions will be accompanied by appropriate support mechanisms. Apart from gross misconduct or chronic incompetence, no teacher shall be dismissed for the first breach of discipline. Dismissal for chronic incompetence will only take place after the Authority's support programme has been made available to the teacher.

- 3.6 The procedure is designed to work as quickly as possible, consistent with thorough investigation of the facts at each stage and with the need to allow adequate time for teachers to prepare for hearings. Disciplinary investigations and hearings will be undertaken promptly at all stages. It should be noted that on occasion the timescales will require to be operated flexibly by the parties concerned.
- 3.7 Teachers will be informed of complaint(s) against them in writing, unless otherwise agreed and be given reasonable time to prepare their case within normal working hours – due allowance to be made for part-time teachers, job share posts etc prior to a formal disciplinary hearing. The teacher should be informed at the earliest possible stage if it is considered that any complaint or allegation being investigated may have disciplinary consequences.
- 3.8 Teachers will have the right, at any stage of the procedure, to be represented by a Trade Union representative or any other person of their choice. It will be the responsibility of the employee to ensure that their representative is present at any stage of the procedure. The Council will facilitate the release of any representative chosen who is an employee of the Council. This will include adequate time off with pay to represent the employee and prepare for such representation.
- 3.9 Teachers will have the right of appeal against disciplinary action. Teachers must always be informed in writing of any disciplinary action and the reason for it, their right of appeal and how to lodge an appeal.
- 3.10 The teacher's Trade Union or other representative will be informed and given a copy of the notification of any disciplinary action, if the employee so wishes.
- 3.11 No disciplinary action will be taken until the matter has been fully investigated and any decision, thereafter, to impose a disciplinary sanction must not be taken by the person who conducted the

initial investigation. In addition, any appeal should not be heard by the same person who issued the disciplinary sanction.

- 3.12 No disciplinary action will be initiated against a trade union representative until the matter has been discussed with a full-time official of the union concerned.

3.13 **Gross Misconduct**

The Scottish Negotiating Committee for Teachers' disciplinary framework indicates that teachers should be made aware of what constitutes gross misconduct. Although not exhaustive, the following are examples of Gross Misconduct. The decision as to whether the teacher's conduct can be construed as Gross Misconduct will be dependent on full consideration of all the facts and circumstances. If it is found that an offence comes under the heading of one of these examples, the extent and degree of the offence must be considered before the severity of disciplinary action is determined. The list of offences here is necessary to ensure that teachers and Management recognise the relevant seriousness of breaches of the Code, and in keeping with the SNCT framework.

- Serious offences against the interests of the Council, including wilful injury to others and wilful damage to Council property;
- Incapacity on duty due to the effect of intoxicating liquor or drugs (see also section 9);
- Fraudulent salary/wage claims and falsification of official documents.
- Gross insubordination and persistent refusal to comply with a reasonable instruction or order.
- Neglect of duty resulting in serious consequences and failure to obey critical safety rules (eg fire evacuation procedures).
- Fighting in the workplace.
- Theft from employer, fellow employees or pupils.
- False particulars given to secure employment with the Council (which could have affected the decision).
- Criminal convictions having a material bearing on employment and in particular any which result on a teacher being placed on the sex offenders list.

- Serious breaches of the Council's child protection policies.
- Abusive behaviour towards colleagues, pupils and/or the public or customers of the Council, including matters of a racial or sexual nature.

3.14 **Unsatisfactory Conduct**

Instances of failure to observe and maintain Departmental discipline which are less serious than offences constituting Gross Misconduct as described in paragraph 3.13 are termed Unsatisfactory Conduct and may lead to warnings. Dependent upon the employee's disciplinary record, action up to and including dismissal may be taken.

Offences under this heading include:-

- Bad time-keeping;
- Unacceptable levels of attendance;
- Unauthorised absence;
- Short term unacceptable standard of work performance; (see also reference to this in 3.4);
- Negligence;
- Refusal to carry out a reasonable instruction or order.

This list is not exhaustive.

4. Discipline Procedure

4.1 **Aims**

The purpose of the Discipline Procedures is to ensure that the Code of Discipline is adhered to and to provide a fair method of dealing with alleged failures to observe the Code of Discipline.

4.2 **Responsibility of Management**

- In accordance with the Code of Discipline, the Council has delegated responsibility for ensuring the maintenance of disciplinary standards to Heads of Departments. It is recognised, however, that it is appropriate for Heads of Departments to delegate this authority to nominated officers under their control.

n The head teacher will have overall responsibility for the management of teachers within their school and will have the power to issue oral and written warnings. Where the teacher is part of a peripatetic team then the

head teacher in whose school a particular issue is the subject of formal procedure, will have the power to issue oral and written warnings. Appeals against warnings will be heard by a senior nominated member of Headquarters staff.

- The Director of Education, or nominated senior officer (depute director of education), will have the power to apply all forms of disciplinary sanction described in the procedure and to dismiss a teacher under the discipline procedure of the education authority.

4.3 **Responsibility of the Departmental Personnel Officer**

- A Personnel Officer or other professional Officer is available to offer advice to Head Teachers and other managers in the consideration of items under the Code of Discipline and Disciplinary Procedures. Although Head Teachers are responsible for the investigation and conduct of disciplinary matters within their level of authority, the Personnel Officer may be of assistance to them in interpreting the Code of Discipline and the Disciplinary Procedures in terms of the practice throughout the Council. In instances of Gross Misconduct and/or instances of potential serious misconduct the Personnel Officer will be present at the disciplinary hearing to provide advice. The personnel officer will offer advice only and will take no part in the formal procedure.
- In the event of appeal the Personnel Officer or Professional Officer will be available to assist local managers in the preparation and presentation of their case to the Appeals Subcommittee and any subsequent Employment Tribunal.
- The Principal Personnel Officer will ensure that records detailing the nature of the breach of disciplinary rules, the action taken and the reasons for it, the date the action was taken and whether an appeal was lodged, its outcome etc, are maintained. These records are available for scrutiny.

4.4 **Precautionary Suspension**

n Head Teachers shall have the necessary delegated power to apply a precautionary suspension to a teacher who is considered to be creating a situation whereby he or she is

either a danger to either him/herself, other members of staff or pupils, or the alleged conduct has a significant bearing on the teacher's duties. However, precautionary suspension should only be used in the potentially most serious cases of alleged misconduct or poor performance or where the teacher's presence at the normal place of work could prejudice an investigation. The department will give consideration to a temporary transfer pending the conclusion of the investigation and any subsequent disciplinary process.

- Circumstances may arise in which an employee is suspended by the Head of Department (or appropriate nominated officer) either:-
 - to facilitate investigation into charges of misconduct or poor performance; or
 - as a necessary precaution in the Council's interest in circumstances which involve or may involve, criminal proceedings against the employee.
- Precautionary suspension is not a punitive measure and will be with full pay.
- All precautionary suspensions will be reviewed at agreed regular intervals (normally on a two-weekly basis). The head teacher will inform the suspended teacher of the reasons for the continued suspension.

4.5 **Counselling**

After establishing the facts, the Head Teacher may consider there is no need to take disciplinary action and that it is sufficient to talk the matter over with the employee. Such discussions should normally take place out of the hearing of other employees unless it is operationally necessary to do so immediately. Management and staff should be clear about the difference between counselling of this kind and a verbal warning issued as part of the formal procedure, and the teacher should be left in no doubt as to which sort of action has been taken. Counselling should not be documented in the employee's personal record although the Head Teacher will keep a diary note for reference purposes. Counselling is undertaken by trained staff.

5. The Formal Procedure in Operation

5.1 **The Complaint and Investigatory Stage**

- In situations where either a complaint has been received or where a teacher's conduct or performance has given cause for concern, an investigating officer will be appointed. This will normally be a member of the senior management team of the school, other than the Head Teacher. The investigating officer should, if possible, interview all of the parties involved (including the teacher in question) and, if appropriate, prepare signed and dated statements from all of these witnesses. The investigating officer should then produce a report and recommendation to the Head Teacher on whether the matter should be further progressed through the formal disciplinary process. The final decision on the appropriate course of action is not taken by the investigating officer. The investigating officer does not have any function at a future disciplinary hearing other than presenting the facts of the investigation to that hearing.
- Where the allegations involve possible misappropriation, fraud or embezzlement, there may be a requirement to notify the Council's Internal Audit section and/or the Police. In potentially serious cases of defalcation, fraud or embezzlement the Chief Executive should be notified who will in turn inform the Audit Section and the Assistant Chief Constable (Crime) at Strathclyde Police Headquarters. Advice should be sought from the Principal Officer (Personnel) prior to any action being initiated.
- Where there is no member of management other than a Head Teacher then the Head Teacher should conduct this investigation. In the event that disciplinary action is followed then a senior officer of the department will be the disciplining officer.
- The teacher involved must be advised at an early stage that a complaint or concern has been lodged, of the nature of the complaint, of the process which will be followed and of the right to be represented.
- The investigatory process should be conducted as speedily as possible consistent with the principles of fairness and natural justice.

- All teachers should be entitled to be represented at all hearings and meetings as part of the disciplinary process including investigatory hearings. In addition the teacher whose conduct or performance has given rise to the investigation will be informed and must be given a clear indication of the nature and purpose of the investigation and the procedures that will be followed, in advance of any meeting with the investigating officer.
- Consideration may be given to a period of precautionary suspension of a teacher where this is considered appropriate in order to conduct the investigation (see 4.3).
- On receiving the Investigation Report, where the head teacher considers the complaint, if upheld, could constitute gross misconduct, as defined in Paragraph 3.13, she/he should seek advice from the appropriate principal officer (personnel). If the advice from the principal officer (personnel) is that the complaint does constitute gross misconduct and could lead to dismissal the head teacher should refer the findings of the Investigating Officer to the Depute Director (Personnel & Finance) to progress the matter including the chairing of any Disciplinary Hearing that follows.
- Where the complaint and any subsequent investigation relate to a head teacher then the investigating officer will be a senior officer of the council.
- Once the investigation is completed the teacher should be advised of the outcome of the investigation. Where following an investigation no further action is to be taken in terms of the disciplinary procedures then all references to the investigation should be removed from the teacher's personal file and destroyed.

5.2 The Disciplinary Hearing

- A decision to proceed with a disciplinary hearing should be based on the evidence secured during the investigatory stage. The investigatory officer cannot chair the disciplinary hearing but he/she must advise the disciplining officer what further action, if any, is required.
- The disciplining officer will be the head teacher, except where:
 - a. the head teacher has conducted the investigation, in which case the disciplining officer will be a senior officer of the council.
 - b. the head teacher is the subject of disciplinary action in which case the Depute Director of Education Services will be the disciplining officer.
 - c. the allegations are and matters arising during the investigation fall within the definition of gross misconduct in which case the disciplining officer will be the Depute Director of Education Services
- Once a decision has been reached about the need for a disciplinary hearing the teacher concerned should be so informed in writing. If the decision is to proceed, the letter calling the teacher to the meeting should contain the following:
 - a. The fact that the hearing is being held within the conditions of service of teachers in day schools.
 - b. The date, location and time of the hearing.
 - c. The allegations regarding work conduct, performance or attendance of the teacher.
 - d. A clear invitation to the teacher to be accompanied by a representative.

The letter should be issued sufficiently far in advance to allow the teacher the opportunity to be accompanied by an appropriate representative. Every effort should be made to rearrange the date of the hearing if, in the view of the head teacher, the teacher has made reasonable effort to obtain representation but has been unsuccessful.
- Head teachers should provide the teacher and/or representative with written evidence obtained during the investigation. The teacher should be allowed reasonable time to collect evidence to offer a refutation of the allegation(s).
- Hearings should normally be held within 2-5 working days of receipt of the calling letter, subject to the terms of 5.2.3 having been met.
- A disciplinary hearing should be held in a room suitable for the purpose. Telephone calls should not disrupt the proceedings and provision should be made for note taking. The head teacher should be accompanied by a member of staff senior in status to the teacher involved. In the case of a disciplinary hearing involving a depute head teacher, the head

teacher should be accompanied by a personnel or other professional officer.

- A senior member of staff accompanying the head teacher should make a careful record of the proceedings.
- The format of the hearing will vary according to circumstances but every hearing should include:
 - a. A formal reading of the allegations.
 - b. Evidence led to substantiate the allegations.
 - c. The opportunity for cross examination by the teacher or representative.
 - d. The opportunity to provide counter evidence by the teacher or representative.
 - e. The opportunity to cross examine this by the head teacher.
 - f. The facility to call witnesses
- The hearing should end with a summation of the evidence together with any concluding remarks. The head teacher may reach a conclusion immediately and thereafter communicate this to the teacher. This should be followed by a written statement. Normally however the head teacher will wish time to consider the evidence and the teacher should be informed of the likely timescale of decision making. Once a decision is reached the hearing should be reconvened and the teacher informed of the outcome. This should also be followed by a written statement.

■ **Consideration**

After establishing the facts and before deciding whether disciplinary action is appropriate and the form any such action should take, consideration should be given to the following:-

- the employee's disciplinary record.
- the employee's awareness of the standard of behaviour and performance and conduct.
- the employee's age, position, length of service and general performance and conduct.
- any mitigating circumstances, eg health or domestic problems.
- whether the Code of Discipline indicated what the likely action may be as a result of the particular misconduct which has been found.

- the disciplinary action taken in similar cases in the past.

- whether the proposed action is reasonable and in accordance with the Code of Discipline, giving account to all the circumstances.

- In the event of a disciplinary warning being issued (oral or written) the teacher should be informed that an appeal against this can be made to the depute director of education within fourteen days of receipt of the written advice of the disciplinary action. (See also 10.1)
- If it is decided that no disciplinary action is to be taken, all references to the case shall be removed from the teacher's personal file and destroyed.

6. Disciplinary Sanctions

6.1 All disciplinary sanctions shall be recorded in writing and shall remain in the teacher's personal file during the period of currency of the warning (see 8.2 below). In being advised of the disciplinary sanction which is being applied, the teacher must be advised also of the improvements which will be expected of them and the availability of appropriate support to allow them to achieve and maintain the improvement.

6.2 The following disciplinary sanctions shall be available.

- **Oral Warning** – For minor breaches of discipline, misconduct or continued poor performance: the warning must include reference to the fact that any further breach may render the teacher open to further disciplinary action.
- **Written Warning** – For more serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a formal oral warning: the teacher must be informed that a further breach may result in further disciplinary action being taken.
- **Final Written Warning** – For serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a written warning. The teacher must be warned that any further breach may result in dismissal.

■ **Dismissal –**

- i. For serious repeated misconduct or poor performance during the currency of a final written warning or for gross misconduct or chronic incompetence for which no previous warning exists: The teacher must be informed in writing of the effective date of dismissal and whether the dismissal is summary or with notice.
 - ii. The following punitive sanctions are available in conjunction with a final written warning as an alternative to dismissal: demotion, transfer or suspension of an increment.
- 6.3 The head teacher will have overall responsibility for the management of teachers within their school and will have the power to issue oral and written warnings. Should it be the view, following an investigation and advised by the appropriate principal officer (personnel), that a particular complaint is of such concern that it might result in the dismissal of a teacher, (i.e. it falls within the definition of gross misconduct) the matter should be referred to the Depute Director of Education Services who will thereafter progress the disciplinary action.
- 6.4 The Director of Education or nominated officer (depute director of education) will have the power to apply all forms of disciplinary sanction described in this section and to dismiss a teacher under the agreed disciplinary procedures of the authority.
- 6.5 In cases involving performance issues the GTCS Code of Practice on Competence will be followed at all times. Before taking action for dismissal the Director of Education will ensure that the Code has been followed.

7. Time Limits

7.1 The limits on aspects of the disciplinary procedure are given below. The time limits set do not prejudice a teacher’s rights in cases of dismissal to submit a claim to an Employment Tribunal.

| Aspects of Disciplinary Procedures | Time Limit (Working Days) |
|---|--|
| Precautionary suspension | 10 days until each review |
| Notification of decision to proceed to disciplinary hearing | 10 days notice (minimum) |
| Notification of decision of disciplinary hearing | 5 days (maximum) |
| Time limit to lodge appeal | 14 days from date of notification of decision of disciplinary hearing. |
| Date of notification of appeal hearing | No later than 20 days from receipt of notice of appeal |
| Notification of outcome of appeal hearing | 5 days (maximum) |

7.2 Disciplinary action will remain on the teacher’s record and will be considered should there be further disciplinary action necessary during its period on record. Warnings have a specific time limit. On expiry of time limit, and subject to satisfactory conduct during this time any record of warning will be expunged (ie removed from the teacher’s personal file and destroyed).

| Level of Warning | Time Limit (Months) |
|-------------------------|----------------------------|
| Oral warning | 6 months |
| Written warning | 9 months |
| Final written warning | 12 months |

7.3 If an appeal is successful and the original disciplinary sanction withdrawn, any written reference shall be expunged from the teacher’s personal file and the teacher notified accordingly.

8. Criminal Offences

- 8.1 Where an allegation of a criminal offence arises from the employment or has a bearing on the employment, the circumstances should be ascertained from the teacher and investigated as fully as possible. Consideration should be given to all likely explanations for what has happened. Where the Police are called in, they should not be asked to conduct the disciplinary investigation on behalf of the Council or to be present at the disciplinary interview. The disciplinary investigation and the criminal investigation should be handled separately by the appropriate authorities since the Council's interest and the Police interest and their consideration as to the nature of the circumstances differ. Before any decision is taken about disciplinary action, reasonable grounds must be established for believing that the individual committed the particular offence.
- 8.2 In considering criminal offences not arising from the employment or having a direct bearing on the employment, consideration should be given to the relevance of the alleged offence to the duties of the individual as a teacher. The main consideration will be whether the alleged offence is one that makes the individual unsuitable for continuing employment in his/her type of work or acceptable to other employees. Employees should not be dismissed solely because a charge against them is pending or because they are absent through having been remanded in custody. Where an employee is on bail pending a court hearing or an appeal and is still available for work, any decision concerning dismissal should be postponed if practicable, bearing in mind the effects on the Council's activities, until the outcome of the case or the appeal is known.
- 8.3 The Council as an employer has an interest if any employee is alleged to have committed a criminal offence whether the offence relates to employment with the Council or not. In considering such matters the Director of Education (or nominated officer) should decide whether sufficient information exists before proceeding to a disciplinary hearing and issuing disciplinary action. The Director of Education (or nominated officer) is not expected to establish whether the teacher committed the offence beyond reasonable doubt but rather whether the teacher on the balance of probability committed the offence (reasonable belief). There is no requirement to await the outcome of a criminal charge through the Courts.

- 8.4 When a custodial sentence is imposed and the teacher is not available for work, the Director of Education (or nominated officer) will be mindful of the need to act reasonably in the light of the needs of the Council before deciding whether or not to dismiss. Where disciplinary action is not justified by the nature of the actual or alleged offence but the employee is not available for work because of the custodial sentence, or through being remanded in custody, the question to be determined is whether in the light of the needs of the Council the teacher's post can be kept open.

9. Alcohol, Drug Misuse and Gambling Recovery Programme

- 9.1 In accordance with the terms of the Council's Policy Statement on Alcohol and Drug Misuse and Gambling Addiction, an employee with such a problem should be given the opportunity of accepting referral to the counselling services arranged by the Council. If the Employee Assistance Service or other agreed agency, and the employee accepts that an alcohol, drug or gambling problem exists and providing the employee undertakes to co-operate and successfully undertakes the recovery programme, disciplinary action will be suspended in respect of the offence which led to the referral. Offences which are either not related to the reason for referral or offences which are considered to be of such a serious nature will be dealt with in the normal way. If the employee is not accepted by the counselling service as having an alcohol, drug or gambling problem and therefore cannot be considered for the recovery programme, the appropriate disciplinary action should be taken as normal. If the employee is accepted for counselling but does not complete the recovery programme, the suspension of disciplinary action which came into effect on referral will be removed and consideration of the original breach of discipline should be re-opened and the appropriate disciplinary action taken.

10. Appeals

- 10.1 Teachers have the right of appeal against all disciplinary sanctions imposed by the Council. Head Teachers have the devolved responsibility of issuing warnings up to and including the level of final written warning. In all cases appeals will

be heard by the Director of Education Services or nominated senior officer.

10.2 Appeals against Dismissal

- Where a teacher has been dismissed, the teacher shall be notified in writing of the reason for such action, and if the teacher considers the dismissal is unfair, an appeal to the Personnel & Administration (Appeals) Sub-Committee may be lodged in writing with the Head of Personnel, Chief Executive Department either individually or through a Trade Union within 14 working days of receiving written notification of the disciplinary action.
- Appeals shall be heard promptly, by the Sub-committee on Appeals, normally not later than one month after lodgement unless there are exceptional circumstances. The Appellant (and a Trade Union representative or other person of their choice) shall have the right to be heard. Details of the procedures adopted by the Sub-committee on Appeals will be supplied to Appellants.
- Where an individual lodges an appeal against dismissal the Management representatives will be required to submit to the Head of Personnel, Chief Executive Department, at least 8 days prior to the hearing a report based on the disciplinary action and decision taken. In terms of the Appellant and/or his/her representative, reasons for the grounds of appeal should also be submitted in writing to the Head of Personnel, Chief Executive Department no later than 8 days prior to the hearing.

10.3 The Appeal Procedure

- The following Appeals Procedure shall be adopted in all disciplinary appeals whether the appeal is being considered by the Departmental Management or by the Personnel and Administration Services (Appeals) Sub-committee. The term Appeals Committee, as used in the procedure, shall encompass any Manager considering an appeal or the Personnel and Administration (Appeals) Sub-committee, whichever is appropriate.
- At any appeal the Appellant can be represented by their Trade Union representative or other person of their choice.

- The Procedure at the Appeal hearing will be as follows:

- a. The Management representative shall put the case in the presence of the Appellant and the Appellant's representative.
- b. The Appellant and/or the Appellant's representative shall have the opportunity to ask questions of Management and any witness called by the Management.
- c. The Appellant and/or the Appellant's representative shall put the Appellant's case in the presence of the Management representative.
- d. The Management representative shall have the opportunity to ask questions of the Appellant and/or the Appellant's representative and any of the witnesses called by the Appellant.
- e. The Personnel and Administration (Appeals) Sub-Committee/Appeals Officer shall have the opportunity to ask questions of either party and of any witnesses.
- f. Witness introduced by either party will be questioned by the other party's representative and by the Personnel and Administration (Appeals) Sub-Committee /Appeals Officer and will then retire. If necessary, the Personnel and Administration (Appeals) Sub-Committee /Appeals Officer can recall a witness to clarify any point in question.
- g. The Management representative followed by the Appellant and/or the Appellant's representative shall have the opportunity if they do wish to sum up their case, **introducing no new material.**

- There may be circumstances where it may be necessary to reconvene a meeting, for example, to clarify any areas where doubt remains. In these circumstances the Management representative, the Appellant and the Appellant's representative will be recalled.
- If practicable, the Personnel and Administration (Appeals) Sub-Committee / Appeals Officer shall announce the decision to both parties at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the Appellant where practicable within 5 days.

- **Confirmation of Decision**

The form of decision of the Personnel and Administration (Appeals) Sub-Committee/ Appeals Officer to be announced shall be one of the following as appropriate:-

“that the grounds of the appeal have been substantiated and the appeal is upheld”;

“that the grounds of the appeal have been substantiated in part and the appeal is upheld to the extent that....”;

“that the grounds of the appeal have not been substantiated and the appeal is not upheld”.

- Nothing in the foregoing shall infringe on the employee rights under current employment legislation.



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This Policy has been agreed by the Glasgow LNCT and approved by the Education Services Committee