



Fierté Multi Academy Trust  
*Placing children's rights at the heart of all we undertake*

## Formal Meetings/Hearings/Appeals Procedure

2018-2019

Approved by: Chair of Trust Board	Date: 10.12.2018
Reviewed by: HR Insight	Date: November 2018
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### Introduction

This meeting/hearing procedure will apply to formal meetings/hearings that are held under Fierté Multi Academy 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

The Deciding Manager<sup>1</sup> 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.

The Deciding Manager will have the authority, skill and experience necessary to fairly consider the facts and make a decision. Every effort should be made to avoid escalating issues to the most senior managers without good reason.

<sup>1</sup> The hearing and appeal hearing should be conducted by separate Deciding Managers/ Committees. A decision to dismiss can only be taken by a panel of 3 Governors.

For appeal meetings/hearings, the Appeal Deciding Manager will be someone who has the appropriate level of authority but 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 Deciding Manager 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 Deciding Manager hearing the case should make a decision on the evidence available.

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

The Deciding Manager hearing the case and colleagues (and their companions) should make every effort to attend the meeting/hearing/appeal. The Deciding Manager 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. Fierté Multi Academy 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 Deciding Manager 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 Deciding Manager hearing the case should also check that the colleague is aware of what the potential outcome of the meeting/hearing/appeal may be.

The Deciding Manager hearing the case should establish what the allegations or poor performance issues are and clarify that the written documentation has been fully reviewed. The Deciding Manager will ask questions to clarify any points. For grievance or appeal meetings the Deciding Manager 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 Deciding Manager 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 Deciding Manager 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 Deciding Manager hearing the case to consider the facts or instigate further investigation into the matter before coming to their decision.

### **Outcome**

The Deciding Manager 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.