



*City and County of Swansea  
Dinas A Sir Abertawe*

## **MANAGEMENT OF ABSENCE THE APPEAL HEARING PROCEDURE**

### **1. PROCEDURE DURING APPEAL HEARING**

- 1.1 **The Investigating Officer[s], assisted by a HR Officer, will present their case first** in the presence of the Appellant and his/her representative, and may call witnesses.
- 1.2 The Appellant (and/or representative) will have the opportunity to ask questions of the Investigating Officer[s] on the evidence given, and any witnesses who are called.
- 1.3 The Panel may ask questions of the Investigating Officer[s] and witnesses.
- 1.4 **The Appellant (and/or his/her representative) will then present his/her case,** and witnesses will be called as appropriate.
- 1.5 The Investigating Officer[s] will have the opportunity to ask questions of the Appellant, his/her representative, and witnesses.
- 1.6 The Panel may ask questions of the Appellant, their representative and witnesses.
- 1.7 **The Investigating Officer[s] will have the opportunity to sum up the case.**
- 1.8 **The Appellant, or representative, will have the opportunity to sum up his/her case.**
- 1.9 As a matter of course, any witnesses will withdraw immediately after giving their evidence and remain separate from those waiting to give evidence. If, for some exceptional reason, any witnesses remained in the hearing they will withdraw at this point. The management side, the Appellant and his/her representative will also withdraw at this point.

### **2. DECISION OF THE APPEAL PANEL**

- 2.1 The Panel will make their decision in private.
- 2.2 Before making their decision, the Panel may recall any or all of the previous participants to the hearing, to clear points of any uncertainty, providing the recall takes place in the presence of all parties present at the Appeal before adjournment. It may also be necessary for the Panel to recall any or all of the participants during the adjournment.
- 2.3 The Panel may give their decision orally at the time of the hearing or defer their decision for further consideration. In any case, the decision of the Panel will be transmitted to all parties in writing within 14 working days of the Appeal.
- 2.4 If the Appellant has exhausted the internal procedures, he/she has the right to refer the case to an Employment Tribunal.
- 2.5 If the decision of the Panel is to reinstate an Appellant whom the Responsible Officer has dismissed, the reinstated employee will be entitled to normal pay for the period between the original dismissal and the date of the reinstatement. Such pay will be the pay receivable at the date of dismissal which could be full pay, half-pay or no pay.