



## **UTTOXETER TOWN COUNCIL**

# **Hearing Personnel Appeals Procedure**

# Hearing Personnel Appeals Procedure

- 1 The full Council shall hear appeals against dismissal. This includes dismissal following a disciplinary procedure or a capability procedure.
- 2 Upon receipt of an appeal against dismissal, the Personnel Committee shall meet to determine the most appropriate person to represent the Employer's current position at the hearing.
- 3 The Appellant and their representative (if any) should be given notice at least 5 working days in advance of the time and place of the hearing. She/he should present their case in writing or have it put by their representative, or present it jointly with their representative, and should be enabled to call witnesses and produce documents relevant to the case. In order to make suitable arrangements, the parties appearing at the hearing should inform the Council of the names of witnesses intended to be called. Witnesses will remain in attendance at the hearing only if expressly required to do so by the Council. The Council may resolve to extend or adjourn the hearing.
- 2 The Employer's Representative will put their case and call such witnesses as they wish in the presence of the Appellant.
- 3 The Appellant will put their case and call such witnesses as they wish in the presence of the Employer's Representative.
- 6 The Employer's Representative and Council will then have the opportunity to ask questions of the Appellant and any witnesses whom they may have called.
- 7 Council Members will have the opportunity to ask questions in general.
- 8 The Employer's Representative and then the Appellant will have the opportunity to sum up their respective cases if they so wish.
- 9 The Employer's Representative, the Appellant and any witnesses will withdraw.
- 10 The Council will deliberate in private (with the Clerk/Office Manager – if appropriate - and/or any other advisers), recalling the Appellant and the Employer's Representative only to clear up points of uncertainty on evidence given already. If recall is necessary, both parties are to return even if one only is concerned with the point giving rise to doubt.
- 11 The Council will announce its decision to the Appellant and the Employer's Representative orally at the end of the Hearing, or adjournment thereof.

## EXAMPLES OF GROSS MISCONDUCT

Examples of actions likely to be treated as gross misconduct include, but are not limited to, the following;

- \* Theft, fraud, deliberate falsification of records
- \* Arson
- \* Corrupt practices
- \* Submission of false references/information or failure to disclose relevant information when requested in connection with an application for appointment with the Council
- \* Disorderly or indecent conduct, bullying, fighting at work or threatening physical violence
- \* Drunkenness or use of illegal drugs on duty
- \* Misuse of the Council's property, time or name
- \* Bringing the Council into serious disrepute, including the inappropriate use of Social Media
- \* Deliberate damage to Council property or that of other agencies or employees
- \* Persistent or substantial failure to follow Council documentary procedures
- \* Breaking statutory provisions which would render the Council or its employees liable to prosecution
- \* Serious breach of health and safety rules
- \* Serious breach of confidence/confidential information
- \* Serious or persistent acts of harassment and/or bullying
- \* Incitement to discriminate or actual acts of discrimination in contravention of the Council's Equal Opportunities Statement.

Reviewed and Adopted by Uttoxeter Town Council at its meetings held on 8 February 2011, 19 May 2015, 10 May 2016, 9 May 2017, 8 May 2018, 14 May 2019, 5 May 2021, 10 May 2022, 16 May 2023 and 21 May 2024

Updated by Peninsula and adopted by Council on 14 January 2025