

MODEL PROCEDURE FOR USE AT THE HEARING OF DISCIPLINARY APPEALS

The person or body ("the appellate body") considering an appeal against a disciplinary penalty (other than dismissal) shall use the following model procedure which may only be modified if there are good reasons for doing so:-

The appellate body shall have power to determine the appeal. Where a Committee is appointed it will comprise not more than 3 persons none of whom have been involved in handling the case previously. The officer ("the appellant") shall be given notice in writing at least 3 days in advance of the time and place of the hearing and shall be allowed, if he wishes, to be accompanied by a "friend" of his choice (who may be either a work colleague or a staff association representative) and shall be enabled to call witnesses and produce documents relevant to his defence in advance of or at the hearing. He may also be advised in advance of the hearing of the procedure to be used at the hearing.

The manager against whose decision the appeal has been lodged ("the manager") shall be given at least 3 days' notice in writing of the time and place of the hearing and may be advised of the procedure to be used at the hearing.

At the hearing, the manager shall put the case in the presence of the appellant (and his friend) and may call witnesses.

The appellant (assisted by his friend) should be given the opportunity to ask questions of the manager on the evidence given by him or any witnesses who he may call.

The appellate body may ask questions of the manager and any witness(es).

The appellant (assisted by his friend) should put his case in the presence of the manager and should be allowed to call such witnesses as he wishes.

The manager should have the opportunity to ask questions of the appellant and his witness(es).

The appellate body may ask questions of the appellant and his witness(es).

The manager and the appellant (assisted by his friend) should have the opportunity to sum up their case if they so wish. The manager and/or the appellant may ask for a short adjournment before summing up, if either wish.

The manager and the appellant (and any friend) and any witness(es) should be asked to withdraw.

The appellate body with the person appointed to act as Secretary to the hearing should deliberate in private, only recalling the manager and the appellant to clear any points of uncertainty on evidence already given. (If recall is necessary both parties should return notwithstanding only one is concerned with the point giving rise to doubt).

The appellate body should announce the decision to the parties personally wherever possible and should confirm in writing.

The decision of the appellate body will be final.

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