

DISCIPLINARY PROCEDURE OF NORTH KIRKLEES AND MORLEY METHODIST CIRCUIT MEETING

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1. Introduction

North Kirklees and Morley Methodist Circuit Meeting ('the Circuit ') require good standards of conduct from employees together with satisfactory standards of work. The Circuit is committed to treating all employees equitably and helping them to perform effectively. However, there will be occasions when it may be necessary to invoke the disciplinary procedure. The purpose of this procedure is to be supportive and corrective rather than punitive and it should be recognised that the existence of a procedure such as this is to help and encourage employees to achieve and maintain satisfactory standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all. This procedure has been written to reflect the principles set out in the ACAS Code of Practice and the ACAS Guide: Discipline and Grievances at Work.

This procedure applies to all employees. It does not apply to ordained staff, agency workers or self-employed contractors.

As it is adopted on a non-contractual basis, this procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

Throughout and beyond the process, as needed and agreed, nominated Pastoral care will be provided to those involved. CLT will be responsible for appointing appropriate persons.

2. Policy Statement

As noted above, this policy takes into account ACAS advice and best practice. It is the policy of the Circuit to ensure that any disciplinary or performance matter is dealt with consistently and fairly with steps being taken to establish the facts prior to any disciplinary hearing being convened.

Employees will not be subjected to formal disciplinary action (up to and including dismissal) without being provided with the following:-

- a written statement of the allegations;
- the right of reply and due consideration of their case at a hearing before any decision is reached;
- the right of accompaniment at any formal hearing; and
- subsequent to a disciplinary decision, the right of appeal.

All Line Managers are required to use their best efforts to:

- provide feedback at an early stage to encourage and support employees to improve;
- ensure that all cases are thoroughly investigated;
- avoid any discrimination;
- prepare carefully and be consistent;
- keep adequate records of disciplinary matters;
- adhere to this procedure.

3. General Principles

Minor conduct issues can often be resolved informally between the employee and their Line Manager. These discussions should be held in private and without undue delay whenever there is cause for concern. (See 7. Informal Pre-Disciplinary Discussion.)

When performance falls below an acceptable standard, help will be given to the employee to improve. If standards of work continue to fall and there is a necessity for action, it will automatically begin with an informal pre-disciplinary discussion.

Similarly, when an employee's behaviour is potentially inappropriate and unacceptable, it will mean the initiation of an informal pre-disciplinary discussion or the disciplinary procedure, depending on the severity.

Formal steps will normally be taken under this procedure if the matter is not resolved, or if an informal discussion is not appropriate, for example, because of the seriousness of the concerns.

The procedure may be entered and implemented at any stage if the employee's alleged misconduct or performance warrants this.

Except in cases of gross misconduct, an employee will not normally be dismissed for a first act of misconduct. Employees will normally be given a warning and an opportunity to improve as set out in the stages of this procedure.

Any steps under this procedure should be taken promptly unless there is a good reason for delay. The Circuit may vary any time limits set out in this procedure if it is reasonable to do so and if this is the case the employee will be kept informed.

It is good practice to appoint an independent Investigating Officer and a Case Manager to manage the disciplinary process and liaise with the employee.

If an employee has difficulty at any stage of the procedure, for example because of disability, they should discuss the situation with their Line Manager as soon as possible so that any reasonable adjustments can be identified and made. Such adjustments should be determined in discussion with the employee beforehand.

In some situations an employee subject to this procedure may submit their resignation at a point before or during the proceedings. The Line Manager will consider the appropriate action based on the circumstances. In situations where there is evidence of criminal activity or there is a safeguarding issue, the Circuit may proceed with the disciplinary procedure in any event.

4. Confidentiality

The aim during an investigation or disciplinary procedure is to deal with matters sensitively and with due respect for the privacy of any individuals involved, so far as this is reasonably possible.

All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Failure to do so could itself lead to disciplinary action.

Employees are not permitted to make any electronic recordings of any investigative meetings, disciplinary or appeal hearings. A companion or witnesses who may accompany an employee to any meetings or hearings is also forbidden from making electronic recordings. However, a note taker will be present at formal hearings in order to produce and distribute a summary of the meeting, although this will not be verbatim.

An employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings, unless, at the Circuit's discretion, it is considered that a witness's identity should remain confidential. This would only happen in exceptional cases where there is a risk that harm may be suffered by the witness and this risk is felt to outweigh any prejudice

that may be suffered by the employee being disciplined in the event that they are not told of the witness's identity.

Witnesses must treat as confidential any information given to them in the course of an investigation or hearing, including the identity of any employees under investigation.

5. Investigation

Prior to taking the decision to invoke the disciplinary procedure, the Circuit will ensure that a thorough investigation is carried out.

The purpose of an investigation is to establish a fair and balanced view of the facts before deciding whether to proceed with a disciplinary hearing, take informal action or take no action. The amount and scope of investigation required will depend on the nature of the allegations and will vary from case to case. This may involve reviewing any relevant documents, interviewing the employee concerned and any witnesses, taking witness statements and any other action deemed appropriate by the Investigating Officer to fully establish the facts of the matter.

Investigatory interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

Depending on the circumstances of the case, the Investigating Officer may invite the employee concerned to attend an investigatory interview. The employee will be informed at the outset that the interview is an investigatory interview. There is no right for a companion to accompany them at an investigatory interview. The Circuit reserves the right not to conduct an investigatory interview and to proceed directly to a disciplinary hearing.

Employees must cooperate fully and promptly in any investigation. This will include informing the Investigating Officer of the names of any witnesses they consider to be relevant to the matter, disclosing any relevant documents to the Investigating Officer and attending any investigatory interviews.

Where it is not possible to hold a face-to-face investigatory interview, arrangements will be made for the meeting to be held remotely. The Circuit will ensure that all participating in the process have access to the necessary technology. Employees' rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Where an employee's conduct is subject to criminal investigation, charge or conviction, the Investigating Officer will investigate the facts before deciding whether to take formal disciplinary action. The Circuit will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.

Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, a decision may have to be taken based on the available evidence. A criminal investigation, charge or conviction relating to conduct outside of work may be treated as a disciplinary matter if we consider it to be relevant to either the work undertaken by any of the employees covered by this policy or the standards required of them.

6. Suspension

In cases where the employee's continued presence in the workplace would hinder an investigation, such as a case of alleged gross misconduct, the Line Manager may need to suspend the employee from work while an investigation or disciplinary procedure is ongoing. The suspension will be for no longer than necessary and will be kept under review. The Line Manager will confirm the arrangements to the employee in writing, including the requirement not to attend work but be available for meetings such as investigatory interviews.

While suspended, an employee should not visit their place of work or contact any of their work colleagues, unless they have been authorised to do so in writing by the Line Manager. A suspended employee who attends or is a member of a Methodist Church must inform their Line Manager of this when suspended in order to establish whether this attendance or membership has any bearing on the investigation.

Suspension of this kind is not a disciplinary sanction, is a neutral act, and does not imply that any decision has already been made about the case. It is there to ensure that issues are dealt with in a fair and reasonable manner and adequate protection is given to all employees. Suspension will be on full contractual pay.

7. Informal Pre-Disciplinary Discussion

Where appropriate, prior to using the formal aspects of the Circuit's Disciplinary Procedure, an informal pre-disciplinary discussion will be held with the employee.

Minor misconduct, poor performance or minor breaches of rules will normally result in an informal warning being given by the Line Manager.

The Line Manager should keep a confidential written record of the informal discussion or informal warning for future reference on the employee's personnel file.

8. Formal Disciplinary Procedure

8a. Written Information

Following any investigation, if the Investigating Officer/Case Manager considers there are grounds for disciplinary action, a Chair for the disciplinary hearing will be appointed in consultation with the District Lay Employment Team and the employee will be informed in writing of the allegations against them and the basis for those allegations. This will normally include:

- a summary of relevant information gathered during the investigation;
- documents which will be used at the disciplinary hearing; and
- witness statements which will be used at the hearing, except where a witness's identity is to be kept confidential, in which case the employee will be given as much information as possible while maintaining confidentiality.

It should be noted that such instances in which anonymity is allowed are rare and advice should be obtained from the District Lay Employment Team prior to agreeing.

8b. Disciplinary Procedure

The disciplinary hearing should be held as soon as possible after the investigation, while giving reasonable time for the employee to prepare.

Where it is not possible to hold a face-to-face meeting, arrangements will be made for the meeting to be held remotely. The Circuit / will ensure that all participating in the process have access to the necessary technology. Employees' rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

In good time before the hearing, the Chair should put in writing to the employee:

- the alleged misconduct or performance issue (if the matter is alleged to be 'gross misconduct', this should be specified);
- any evidence from the investigation (see 8a. above);
- any other information they plan to talk about;
- the date, time and location of the hearing;
- who will be attending the hearing;
- information on the employee's right to be accompanied to the hearing;
- the possible outcomes resulting from the hearing.

The employee will normally be given a minimum of five working days' notice of the date, time and place of the disciplinary hearing, and the names of those attending (unless it is necessary to protect the confidentiality of witnesses). If the employee wishes to submit any written evidence to the hearing they can do so. Names of any witnesses must be submitted to the Chair at least two days before the date of the hearing.

Where practical the hearing will be chaired by an individual who has not been involved in the investigation. The Investigating Officer will also normally attend to present the findings of the investigation.

For cases that involve the potential dismissal of an employee, the Chair must be appointed by or on the authority of a Circuit Officer, in consultation with the District Lay Employment Team, to ensure an appropriate level of independence. Where appropriate, consideration should be given to forming a disciplinary panel to hear dismissal cases.

The employee may bring a companion (work colleague or trade union representative) with them to the disciplinary hearing. The employee must take all reasonable steps to attend the hearing. If the employee or their companion cannot attend at the time specified they should inform the Chair immediately and an alternative time may be agreed, usually within five working days of the original hearing.

If it is not possible to arrange a mutually convenient alternative time or the Chair is unable to contact the employee despite making reasonable attempts to do so, the hearing may proceed in their absence. The hearing may also proceed in the employee's absence if it is considered that they have shown themselves to be persistently unwilling or unable to attend the hearing.

An employee must have been advised in writing that the hearing may proceed in their absence before this course of action is taken.

The purpose of the disciplinary hearing is to enable the Chair to consider the evidence and to enable the employee to respond to the allegations that have been made against them. All the facts will be considered and any mitigating circumstances discussed. If the employee has a companion, they may make representations to the Chair and ask questions, but should not answer questions on the employee's behalf. The employee may request a short adjournment in order to confer privately with their companion at any time during the hearing.

The process to be followed at the hearing is normally as follows:

- The Chair opens the proceedings by introducing all parties;
- The Chair begins by presenting the allegations (this may also be done by the Investigating Officer, if present), using evidence previously submitted and calling witnesses as appropriate;
- The employee and their companion are given an opportunity to set out their case and answer any allegations;
- At the hearing both the Chair and the employee may ask questions of any of the witnesses and any Investigating Officer present;
- The Chair may then ask questions of the employee;
- The Chair may then sum up the case;
- The employee may then sum up their response if they so wish;
- The Chair will withdraw from the hearing to consider the case, including the evidence which has been submitted prior to the hearing prior to and during the hearing;
- Alternatively, the Chair may adjourn the disciplinary hearing if they feel that they need to carry out further investigations, such as re-interviewing witnesses in the light of any new points which the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened;
- The Chair will inform the employee in writing of their decision concerning the disciplinary allegation(s), and the sanction to be applied, together with the reasons for the decision. The employee will also be informed of the right of appeal.

8c. Appeals

At every step of the formal Disciplinary Procedure, the employee has the right to appeal a sanction and will be advised of this in writing when a disciplinary decision is issued.

An appeal must be submitted in writing, to the Circuit Officer specified on the original disciplinary decision letter, stating the full grounds of appeal, within five working days of the date on which the employee received written notification of the decision.

The appeal hearing will be heard by another impartial manager, usually a Circuit Officer, and they will give the employee written notice of the date, time and place of the appeal hearing. The appeal hearing will be arranged without undue delay. Where it is not possible to hold a face-to-face meeting, arrangements will be made for the appeal hearing to be held remotely. The Circuit will ensure that all participating in the process have access to the necessary

technology. Employees' rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

As far as practicable, the appeal hearing will normally be conducted by a manager of a more senior level than the person who chaired the original disciplinary hearing who has not been involved in the investigation or initial disciplinary hearing.

Appeals against dismissal will be heard by a nominated appeals panel of normally three members, chaired by the Circuit Superintendent Minister or their nominated representative. Nominations of the appeals panel members will be agreed by the Circuit Superintendent Minister.

No member of the appeals panel will have had direct involvement in the specific decision being appealed. Members of the appeals panel must declare any other conflict of interest to the Circuit Superintendent Minister.

The employee may bring a companion with them to the appeal meeting (see Section 9).

The employee will be given the opportunity to give the reasons why they believe the sanction should be overturned which could include that it was too severe, inappropriate or because new information has come to light.

Evidence to be discussed at the appeal hearing will be provided by the employee to the Chair in good time before the hearing and the documents discussed at the original disciplinary hearing will be made available to the appeals panel.

The order of the appeal hearing may be normally followed as below:

- The Chair will introduce all parties;
- The employee will present the basis for their appeal, and may use the evidence included in the appeal documentation previously submitted and also new evidence that is relevant, calling witnesses from the original hearing and any new witnesses as appropriate;
- The Chair (and any panel members) may ask questions of the employee;
- N.B. There may be circumstances when exceptionally it may be appropriate for the Chair of the appeal hearing to call on the Chair of the original disciplinary hearing, Investigating Officer, and any additional witnesses to attend the appeal hearing. In this situation both the Chair and the employee may ask questions of the Chair of the original disciplinary hearing, Investigating Officer and the relevant witnesses;
- The employee may ask questions of the Chair of the appeal hearing;
- The Chair may then sum up;
- If they so wish, the employee may then sum up.

Following the appeal hearing, the person or panel hearing the appeal may:

- confirm the original decision; or
- revoke the original decision; or
- substitute a different disciplinary sanction, which may include in exceptional circumstances the sanction being increased.

The Chair of the appeal hearing will inform the employee in writing of the final decision as soon as possible following the appeal hearing, and normally within five working days. Under the procedure, there will be no further right of appeal and the decision of the appeal hearing will be final.

The date on which any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the employee will be reinstated with no loss of continuity of service or pay.

9. Right to be Accompanied

An employee may bring a companion to any disciplinary or appeal hearing held under the formal procedure. The companion may be either a trade union representative or a work colleague. The employee should inform the Chair of the disciplinary hearing / appeal hearing of the name of the companion as soon as possible prior to the hearing.

We may, at our discretion, allow the employee to bring a companion who is not an employee or work colleague (for example, a family member) where this will overcome a particular situation or difficulty, including that caused by a disability or where the employee has a difficulty understanding English.

Acting as a companion is voluntary and employees are under no obligation to do so. Employees will be allowed reasonable time off from duties without loss of pay to act as a companion.

If the employee's choice of companion is unreasonable, the Chair of the hearing may ask them to choose someone else. For example:

- If in the Chair's opinion the companion may have a conflict of interest or may prejudice the hearing; or
- If the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

10. Dismissals and Disciplinary Action

10a. Types of Offences

Offences which may be found to be minor, depending on the circumstances, include but are not limited to, poor job performance involving sub-standard work, unsatisfactory time-keeping, absenteeism or some breaches of the Circuit's regulations.

Offences which may be found to be serious, depending on the circumstances, include but are not limited to:

- poor performance or negligence resulting in actual or potential loss, damage or injury;
- failure to comply with a reasonable management instruction;

- activities of impropriety, whether or not within working hours, which the Circuit reasonably considers to be detrimental to or conflicting with the interests of the Circuit ;
- failure to disclose any personal interest of the employee which conflicts with any interest of the Circuit; or
- breach of confidence relating to the Circuit or other organisations involved with the Circuit .

Some of the above 'serious' offences may be classed as 'gross misconduct' (see below), depending on the particular severity of the allegations.

The following offences will be viewed by the Circuit as gross misconduct:

- i. serious negligence and/or disregard of Health and Safety and Security regulations resulting in actual or potential serious loss, damage or injury;
- ii. physical assault or attempted assault upon employees, volunteers or members of the public;
- iii. theft or fraud;
- iv. malicious damage to property;
- v. unauthorised use of the Circuit's assets or equipment;
- vi. bringing unauthorised persons into Circuit workplaces;
- vii. serious breach of rules, policies or procedures, especially those designed to ensure safe operation;
- viii. serious breach of safeguarding practice(s);
- ix. serious breach of any employment policy;
- x. insubordination e.g. refusal to carry out duties or obey reasonable instructions except where employee safety may reasonably be in jeopardy;
- xi. acts of bullying or violent, dangerous or intimidatory conduct, intentional discriminatory behaviour, sexual harassment, harassment in relation to any other of the protected characteristics set out in the Equality Act 2010;
- xii. divulging or misusing confidential information or a deliberate breach of confidence relating to the Circuit, its officers, its employees, its members or its affairs;
- xiii. gross misuse of the Circuit's IT systems and telephone facilities, including but not limited to downloading of offensive material e.g. pornographic or racist material etc. from the internet;
- xiv. falsification of records including reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- xv. conviction on a criminal charge which is reasonably relevant to the employee's work or the standards required of the employee in their work;
- xvi. conduct which is reasonably considered to demonstrably or potentially bring the Circuit or The Methodist Church into disrepute;
- xvii. possession, use or distribution of drugs or alcohol whilst on Circuit premises, or intoxication by reason of alcohol or drugs which could affect work performance in any way or have an impact upon other employees, volunteers or work contacts;
- xviii. unauthorised or inappropriate use, misuse or abuse of social media, email, Internet and/or computer systems in and outside work;
- xix. making covert recordings of colleagues or managers.

This list of examples is not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure. Alleged acts of gross misconduct will result in the initiation

or escalation of the Circuit's Disciplinary Procedure. A finding of gross misconduct will normally result in summary dismissal without notice or pay in lieu of notice.

In addition, poor performance may lead to disciplinary action, up to and including dismissal.

10b. Disciplinary Sanctions

The Circuit aims to treat all employees fairly and consistently. Disciplinary action previously taken against other employees for similar misconduct will usually be taken into account, but should not be treated as a precedent. Each case will be assessed on its own merits.

Depending on the seriousness of the matter, whether relating to conduct or poor performance, any of the following stages may be omitted where the matter is sufficiently serious.

All warnings issued under this procedure will clearly state that the employee will be liable for further disciplinary action should their performance not improve or should there be a further breach of Circuit rules.

10c. Stage One: First Written Warning

A first written warning will usually be given, where matters of concern are substantiated, for:

- first acts of more serious misconduct or instances of poor performance, where there are no other active warnings on the employee's disciplinary record; or
- further misconduct or poor performance where informal action has not resulted in required improvement.

The warning will set out the nature of the misconduct or poor performance (i.e. the findings of the disciplinary hearing), the change in behaviour or performance required and over what period, and the likely consequences of further misconduct or poor performance. The employee will be informed of their right of appeal.

The warning will be placed on the employee's personnel file and will remain active for a specified period from the date it is given, usually for a minimum of 12 months, after which time it will be disregarded in deciding the outcome of any future disciplinary proceedings. The employee's conduct will be reviewed during and at the end of this period and if it does not improve as required, the Line Manager may convene another hearing under this procedure which will escalate to Stage 2. This can happen before the end of the first written warning period.

10d. Stage 2: Final Written Warning

A final written warning will usually be given, where matters of concern are substantiated, for:

- misconduct or poor performance where there is already an active warning on the record;
or

- cases where there is no active written warning on file but the Chair of the disciplinary hearing considers that the misconduct or poor performance is sufficiently serious to warrant a final written warning.

The warning will set out the nature of the misconduct or poor performance, the change in behaviour or performance required and over what period, and the likely consequences of further misconduct or poor performance (i.e. dismissal may result). The employee will be informed of their right of appeal.

The warning will be placed on the employee's personnel file and will remain active for a period to be specified, usually for a minimum of 12 months. The employee's conduct may be reviewed during and at the end of this period and if it has not improved sufficiently a further hearing may be required at which the employee's future employment will be considered under this procedure, which will escalate to Stage 3. This can happen before the end of the final written warning period. After the active period the warning will be disregarded in deciding the result of future disciplinary proceedings, provided that sufficient improvement is attained.

10e. Stage 3: Dismissal

The Chair of a disciplinary hearing may decide to dismiss an employee in the following circumstances, where matters of concern are substantiated:

- misconduct or poor performance where there is an active final written warning on the employee's record; or
- gross misconduct regardless of whether the employee has received any previous warnings.

Gross misconduct will usually result in summary dismissal, that is, dismissal without notice or payment in lieu of notice.

In cases not involving gross misconduct, the employee will be given their full contractual notice period, or payment in lieu of notice.

10f. Alternative Sanctions Short of Dismissal

In appropriate cases, the Chair of the disciplinary hearing may consider some other sanction short of dismissal, such as:

- demotion;
- transfer to another role (where performance will continue to be monitored);

These sanctions may be used in conjunction with a written warning.

11. Decisions

Actions short of dismissal may be taken by the Chair of the disciplinary hearing in consultation with the District Lay Employment Team.

The decision to dismiss an employee or issue an appeal outcome may only be made by, or on the authority of a Circuit Officer, in consultation with the District Lay Employment Team.

12. Third Parties

The Circuit reserves the right to engage independent external third party assistance at any stage of the Disciplinary Procedure.

Last Date Modified: 25/06/2025

(a signed copy is kept in the Circuit Office)

CHECKLIST FOR THE CHAIR OF THE DISCIPLINARY HEARING

REGARDING THE DISCIPLINARY HEARING

- ☐ Have all parties been made aware of the disciplinary allegations?
- ☐ Is the evidence provided balanced and comprehensive, or is there further evidence required?
- ☐ Have all parties had reasonable access to copies of the evidence provided?
- ☐ If required, have appropriate witnesses been called?
- ☐ Has reasonable time been given for all parties to respond to the allegations?
- ☐ As the Chair, have you been able to ask any questions you have of all parties pertaining to the disciplinary allegations?
- ☐ As the Chair, are you satisfied that there is comprehensive and balanced evidence upon which to make a decision, or whether further investigation is required?

NB. The Chair should inform the employee in writing of their decision regarding the disciplinary allegations and any sanctions to be applied, together with the reasons for their decision. The employee will also be reminded of the right of appeal.

CHECKLIST FOR THE CHAIR OF THE APPEAL HEARING

REGARDING AN APPEAL HEARING

- ☐ Has the employee presented the basis for their appeal, the basis of the appeal must demonstrate at least one of the three points listed under 8c?
- ☐ Are any further questions required of the employee?
- ☐ Is any further evidence required from the Chair of the disciplinary hearing regarding why they came to their decision?

NB. Once the appeal has been heard, no further evidence may be submitted by either the employee or Chair of the original hearing.

- ☐ Having heard the basis of the appeal, questioned all parties and considered any new evidence, do you wish to
 - confirm the original decision; or
 - revoke the original decision; or
 - substitute a different disciplinary sanction which may include in exceptional circumstances the sanction being increased?

The Chair will normally inform the employee in writing of the appeal hearing's final decision as soon as possible following the appeal hearing, usually within five working days.

NB. Dismissal will take immediate effect and is not delayed pending the outcome of an appeal. If the appeal is successful, the employee will be reinstated with no loss of continuity of service or pay. Following the decision of the appeal hearing, no further appeal may be heard.