
Terms of Reference: Disciplinary Appeals Panel (Staff) (DAP(Staff))

Date of Approval:	November 2011
Last Reviewed:	March 2017
Date for Review:	March 2018
Version Number:	V4.0
Chair:	As Nominated by the HR Manager
Secretary:	As Nominated by the HR Manager

Context

To provide the functions of a Disciplinary Appeals Panel as described in the University College of Osteopathy (UCO) Staff Disciplinary Policy and Procedure.

Terms of reference

1. To consider any appeal to the Panel under the UCO Staff Disciplinary Policy and Procedure in respect of Staff.
2. To consider and decide whether the outcome of a Disciplinary Panel is sound.
3. To decide what amendment, if any, should be implemented in relation to the earlier outcome. The appeal may be:
 - a) Dismissed;
 - b) Allowed in full (in which case the disciplinary penalty is retrospectively cancelled); or
 - c) Allowed in part by substituting a lesser penalty which could have been imposed at the original hearing.

In addition where the appeal is against dismissal the employee may be offered the alternative of a disciplinary demotion or a period of suspension without pay, or given the option to resign, as alternatives to dismissal.

4. To inform the employee of the decision of the Panel.
5. To inform the employee's line manager (where appropriate) of the decision of the Panel.
6. To report the decision of the Panel to the next meeting of the Principal's Group.

Frequency of meetings

Convened as required.

Usual agenda items

1. The Chair will outline the purpose of the meeting and summarise the outcome of the Disciplinary Panel and the subsequent appeal.
2. The employee will present his/her appeal in relation to the findings.
3. The Panel will question the employee over any aspects of his/her statement where queries arise.
4. Where relevant, a member of the Disciplinary Panel (or the HR representative) may be asked to justify the initial outcome.

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5. The Chair will summarise the facts outlined during the meeting and check understanding and comprehensiveness of all issues (checking if any issues warrant further investigation and how this might be accomplished).
6. The Chair will conclude meeting, giving timescales for communication of Panel decision to the employee following Panel deliberations.
7. All meeting attendees other than the Panel and HR representative will then leave the meeting to allow the Panel to discuss the evidence and agree on an outcome.

Note:

- a) The Disciplinary Appeals Panel should at all times have regard to information in the Disciplinary Policy and Procedure, as well as relevant ACAS codes of practice.
- b) Witnesses may be called to the meeting.
- c) Any panel meeting may be adjourned to gather further information.
- d) If the employee is persistently unable or unwilling to attend the meeting without good cause, the Panel may go ahead in his/her absence.
- e) The employee has a statutory right to be accompanied by a fellow worker or trade union representative. The companion may address the hearing to put or sum up the employee's case, respond to views and confer with the employee. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining the case.

Composition and conditions of membership

- Up to three members of UCO staff selected by the HR team to represent a diverse range of experience within the school and to ensure there is no avoidable conflict of interests.
- Usually at least one member of the panel will be a member of the Principal's Group not previously involved in the matter.
- The panel will always include a HR representative (Adviser)
- Employees nominated to act as Disciplinary Appeal Panel members must agree not to divulge any confidential information, and to act positively to ensure information is kept in a confidential manner.

Quorum

Minimum of one panel member with an HR adviser.

Reporting and subcommittees

Reports to:

The Principal's Group (through recommendations and formal minutes of meetings).

Receives reports from:

Human Resources as a conduit for completed investigations from a variety of potential sources.

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Amendment Record

Date of Amendment	Type & Summary of Amendment	Amendment Approved By
Mar 2014	Administrative - Amendments to committee titles to reflect current committee structure and role titles to reflect current roles.	Committee Chair
Mar 2017	Administrative – Amendment to update current staff role titles.	PRAG Chair
Aug 2017	Administrative - Amendments to update institution name change from British School of Osteopathy to University College of Osteopathy.	PRAG Chair

AGREED