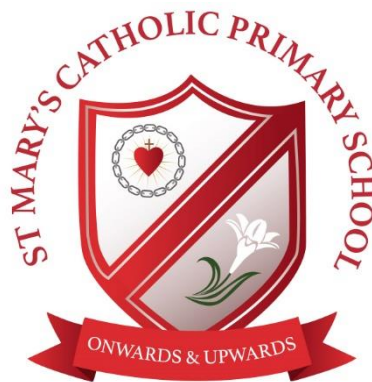


# St Mary's Catholic Primary School

## Capability Procedure for Support Staff



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# 1 PURPOSE AND SCOPE

- 1.1 This procedure is designed to help and encourage all support staff to achieve and maintain good standards of job performance.
- 1.2 This procedure does not cover the normal day-to-day supervision where a supervisor may have to counsel, train or otherwise discuss with an employee instances of poor performance. It is intended to cover those cases where an employee's work performance is below the required standard through lack of capability. It does not cover instances of misconduct or incapability due to ill health, both of which are dealt with under separate procedures.
- 1.3 If an employee commences sick leave whilst subject to the capability procedure the capability procedure should continue unless medical advice sought from an Occupational Health Adviser reveals an underlying medical condition, in which case the situation will be considered in the light of the facts and circumstances of the particular case. (See para 4.3 below).
- 1.4 An OFSTED inspection or similar formal review of the Academy might also reveal deficiencies in performance which need to be addressed. However, it is not possible to use information from an OFSTED inspection or from appraisal to instigate a capability procedure.
- 1.5 The procedure is designed to provide assistance and encouragement to staff to achieve and maintain good standards of performance in their duties. With this objective in mind, the procedure provides for the employee to receive guidance, support and feedback over a reasonable period of time to meet realistic targets and standards. The employee must also accept responsibility for meeting any standards and targets set. These procedures are therefore aimed at achieving the required improvement, not punishment, but if all else fails, they will help ensure a fair dismissal.
- 1.6 As part of normal supervision and in consultation with the Senior Manager, a supervisor may have to advise an employee about the need for improvement in an area of his/her performance; this does not form part of the formal capability procedure nor does the guidance on informal supervision attached as Appendix 1.
- 1.7 Not until informal supervision, training and/or counselling have failed to produce a satisfactory improvement in job performance should this formal capability procedure be used. However, the supervisor or senior manager should make it clear that formal proceedings may occur if improvement does not take place. The supervisor *must* make clear to the employee when the formal procedure is being used.
- 1.8 The procedure applies to all support staff employed by the Academy with the exception of:
  - (i) staff under a probationary period;
  - (ii) staff employed on a casual day-to-day basis.

## 2 RIGHTS OF REPRESENTATION

- 2.1 Employees have the right to be accompanied at all stages of the formal capability procedure. They may be accompanied by a trade union representative, a work colleague or a friend of their choice.
- 2.2 Senior Managers also have the right to be accompanied at all stages of the formal capability procedure.
- 2.3 Any other appropriate professional adviser may also attend any other stage of the procedure to give advice as to the law and procedure as required at the invitation of the Senior Manager or Governors' Committee.
- 2.4 It is also appropriate for the Chair of Governors or Headteacher to request that another relevant professional agency either conducts or assists in the conduct of the investigation, and the operation of this procedure.

### EQUAL OPPORTUNITIES ISSUES

- 2.5 If the employee is a trade union official, no formal action under the procedure should be taken until the circumstances of the case have been discussed with the appropriate branch secretary or full-time official.

## 3 DEFINITIONS AND AUTHORITY TO INITIATE ACTION

- 3.1 The following definitions will apply throughout this procedure:

Supervisor	- anyone who has been delegated supervisory responsibilities by the Headteacher for the operation of this procedure.
Senior Manager	- Headteacher, or any manager with specific delegated power.
Committee and Appeal Committee	- Committees established by the Governing Body to deal with capability matters in accordance with the provisions of the Education (School Government) (England) Regulations 1999. The Governing Body may establish the committees it thinks necessary to deal with a particular function. However 1999 Regulations provide for Governing Bodies to establish a Staff Dismissal Committee and a Dismissal Appeal Committee. The Capability Committee and the Staff Dismissal Committee may be the same committee. The Appeal Committee and Dismissal Appeal Committee must be a separate committee. An Appeal Committee should consist only of Governors who have taken no part in the decision against which the appeal is made.

- Days - working days or consecutive days if it is necessary and appropriate to progress matters outside term time.

3.2 Reference throughout this procedure to the Supervisor, Senior Manager, Chair of Governors and employee shall include their personal representatives as appropriate. In some cases the Supervisor and the Senior Manager may be the same person (eg smaller Academies).

3.3 The following table details the maximum action which can be imposed at various levels of authority, and the various stages of the formal capability procedure applicable to these levels:

Level of Authority	Authorised to
Supervisor	<ul style="list-style-type: none"> <li>- carry out investigations and assessment and decide what action is required in consultation with the Senior Manager and any other professional adviser</li> <li>- initiate action under the formal capability procedure in consultation with the Senior Manager if s/he is not the Senior Manager</li> <li>- issue formal oral and written warnings in consultation with the Senior Manager if s/he is not the Senior Manager</li> </ul>
Senior Manager	<ul style="list-style-type: none"> <li>- carry out investigations and assessment and decide what action is required</li> <li>- initiate action under the formal capability procedure</li> <li>- issue formal and oral warnings including a final written warning</li> <li>- withhold an incremental rise</li> <li>- suspend (in consultation with the Chair of Governors)</li> <li>- refer a case to a Governors' Committee for consideration</li> </ul>
Committee	<ul style="list-style-type: none"> <li>- hear appeals against a final written warning issued by a Senior Manager</li> <li>- issue formal or final written warnings or some other penalty, if appropriate</li> <li>- hear appeals against a decision not to remove a warning from the personal file</li> </ul>
Staff Dismissal Committee	<ul style="list-style-type: none"> <li>- conduct formal capability hearings where dismissal is under consideration, and also issue formal or final written warnings, if appropriate</li> <li>- dismiss</li> </ul>
Appeal Committee	<ul style="list-style-type: none"> <li>- hear appeals against any penalty imposed by a Committee except termination of employment</li> </ul>
Dismissal Appeal Committee	<ul style="list-style-type: none"> <li>- hear appeals against decisions to terminate employment</li> </ul>

- 3.4 To ensure fairness throughout the procedure, different people must participate at the original committee and appeal hearings. However, where the case concerns a continuing or related matter, the same Committee can hear the case on subsequent occasions.

## 4 STAGES IN THE FORMAL CAPABILITY PROCEDURE

- 4.1 This procedure applies where informal supervision has failed to bring about sufficient improvement in the employee's performance. It will also apply where the circumstances of the case are such that the informal stage is considered to be inappropriate. The stages are as follows:

- (i) Clear identification and assessment of performance problems.
- (ii) Problems are investigated and level of seriousness assessed through structured information gathering, (eg information obtained from interviews and relevant documentation and systematic recording) and a second opinion from an appropriate adviser where this has not already been sought.

In undertaking the investigation the Senior Manager/Supervisor must establish:

- (a) the level and nature of poor performance (have there been any complaints from colleagues, parents, the public?);
- (b) the timescale (has job performance recently gone into decline or has it always been below the standards required?);
- (c) any factors contributing to poor performance (eg personality clashes, inappropriate supervision, inadequate training, unclear instructions, ill-health);
- (d) any change in the standards required and whether appropriate training has been provided;
- (e) has the employee asked for assistance to overcome any problems and what was the outcome?

During the course of the investigation an employee might raise a grievance against the actions of the manager handling the case or against other senior managers. Normally this will be dealt with as part of consideration of the facts of the case. However, the manager investigating the case will seek advice from the appropriate professional adviser and, depending on the circumstances, it may be appropriate to suspend the formal capability procedure for a short period until the grievance can be considered.

- (iii) Finally, a decision must then be made as to whether
  - (a) no further action is appropriate or
  - (b) to arrange for the provision of informal counselling or support or
  - (c) to arrange for a formal interview with the employee to discuss what further action is required under the formal capability procedure. The employee will also be given copies of all relevant documents in advance of the interview.

## ACTION PLANS

- 4.2 The outcome of a formal interview between the Senior Manager or Supervisor and the employee under the capability procedure must be translated into a written action plan. This will include the specific targets and/or performance standards to be met, together with an appropriate support and assessment programme and structured timetable indicating dates for further review interviews and of when/how feedback on progress will be provided. This well structured, written notification which shall include a formal oral or written warning and a statement of the possible consequences of failure to improve (which could include dismissal), will constitute the date of entry into the formal procedure.

## TIMETABLE

- 4.3 The timetable adopted for improvement will be in accordance with the seriousness of the lack of capability of the employee. Consideration must be given to whether the problem is a specific or broader difficulty or whether it is a very recent concern or spanning a longer period of time. Should the employee be absent due to ill health this may need to be reviewed accordingly in the timescale allowed for improvement. In such circumstances, the employee must be referred immediately to the Occupational Health Physician to enable an assessment to take place of his/her health and fitness for continued employment. The Academy must adopt a sympathetic approach but the length of time it must wait for health to improve before considering whether to terminate employment on health grounds must be subject to Occupational Health guidance.
- 4.4 Normally, the period given for improvement will be no more than two terms after the date of entering into the formal precedents. In extreme cases, the period given for improvement after the date of a final written warning will be no more than four weeks.

## OUTCOMES OF MONITORING AND SUPPORT

- 4.5 Following this specified period of support, monitoring and evaluation, the next stage will be to arrange a further interview to review progress and outcomes. Where a satisfactory and sustained level of performance has been achieved there will be no further action under the formal procedure except to monitor the situation as part of normal management meetings. Any formal warning issued will remain on file until the Senior Manager is of the view that this can be removed. In the event that the employee has failed adequately to satisfy targets and/or performance standards set, consideration must be given to whether any of the following is required:
- (a) a further formal written warning (which may be a final written warning) and a further period of support, monitoring and evaluation. The employee must be told clearly that failure to achieve an acceptable and sustained standard of performance may result in dismissal. This letter must also record the main points of this meeting and improvements required;
  - (b) a different balance of duties, if possible and appropriate;
  - (c) an alternative suitable post in the Academy if possible and appropriate;
  - (d) referral of the matter to a Governors' Committee for consideration of dismissal due to failure to improve, in which case consideration will also need to be given to suspension of the employee and/or alternative working arrangements. This Committee must be convened as a Staff Dismissal Committee

## 5 FORMAL CAPABILITY HEARINGS

- 5.1 If the final decision is to deal with the matter under (d) above, the employee must be written to confirming the Senior Manager's decision. The letter to the employee must be received not less than 5 working or 7 consecutive days before the hearing itself and must:
- i. instruct the employee to attend a formal hearing;
  - ii. contain a written statement of the specific concerns against the employee (confirming the seriousness and that dismissal could be a possible outcome);
  - iii. advise the employee that the hearing forms part of the formal capability procedure (including a copy of the procedure if this has not already been provided);
  - iv. advise the employee of his/her rights of representation;
  - v. contain copies of any relevant documents to be submitted to the hearing;
  - vi. request details of any documents to be submitted and witnesses to be called by the employee.

A duplicate copy of the letter and all documentation must be included for his/her representative.

### 5.2 Preparing for the Hearing

- 5.2.1 It is good practice to agree a mutually convenient date for the capability hearing with the employee and their representative. This is to ensure that the hearing does not have to be delayed or postponed at the last minute. Where the chosen representative cannot attend the date proposed, the employee can offer an alternative date and time so long as it is reasonable and falls before the period of 5 working or 7 consecutive days beginning with the first day after the day proposed by management.
- 5.2.2 The employee must have regard to the availability of the managers involved in the case. The location and timing of any alternative hearing should be convenient to both the employee and management. A clerk must be available to take note of the key points during the hearing.
- 5.2.3 Consideration must be given to requesting the presence of appropriate professional advisers for the Staff Dismissal Committee and Dismissal Appeal Committee. Any advice given in this respect must be considered before any decision is taken.
- 5.2.4 The Senior Manager presenting the case is also entitled to be assisted by someone acting in an advisory capacity. This adviser should at no time take part as a witness in the proceedings.



5.2.5 The Committee will decide at the hearing whether the case for further formal action has been established after considering all the evidence presented by both sides

### 5.3 Penalties

The possible penalties available to the Staff Dismissal Committee are:

<b>Level of Performance</b>	<b>Possible Capability Penalty</b>
Continued failure to work to required standards after previous formal written warning(s)	Final written warning, transfer or relegation to another post, dismissal with notice.

### 5.4 Decision Letters

5.4.1 The decision on the outcome of the formal capability hearing will be given to the employee at the end of the hearing whenever possible and in any case in writing, within 5 working or 7 consecutive days of the hearing. At the same time as the employee is informed of the outcome of the hearing, he/she will be advised of any right of appeal.

5.4.2 If a penalty is to be imposed, the employee must be informed in writing, as appropriate, of:-

- (i) details of the specific concerns;
- (ii) a brief summary of the findings as to the facts presented at the capability hearing;
- (iii) the nature of the penalty imposed or alternative course of action decided upon;
- (iv) the opportunity to ask for clarification of the action to be taken and from whom.

5.4.3 Where dismissal is not the outcome, the decision letter must state:

- (a) the level of performance required in the future;
- (b) the time scale within which the performance will be monitored and improvement assessed and who will be responsible for carrying this out;
- (c) arrangements for guidance, feedback, supervision or training, where appropriate;
- (d) what will happen if work performance fails to meet the required standards;
- (e) the specified period of time after which he/she may request removal of a warning from file and to whom;
- (f) the employee's right of appeal and how this should be presented.

5.4.4 A copy of this letter should be sent to the employee and his/her representative, and a copy retained on file. As indicated in the letter an employee may request the Committee or Senior Manager, after a specified period of time, to remove any warning letter from file for the purpose of future capability proceedings. Such a request shall be fully considered and not unreasonably refused and the Committee or Senior Manager will respond in writing to this request normally within 5 working or 7 consecutive days, giving reasons if this request is refused.

## 6 APPEALS

6.1 Under this procedure an employee has the right to appeal against:

- a final written warning
- a decision not to remove a warning from the employee’s file
- dismissal

6.2 In all other cases the employee is entitled to register his/her dissent against a formal warning and to have his/her reason(s) for this recorded as part of the decision letter.

6.3 The appeal will be heard by an Appeal Committee as appropriate but there will be no further right of appeal beyond a hearing by one such Committee. In the case of an appeal against dismissal the Appeal Committee must be convened as the Dismissal Appeal Committee.

6.4 The Appeal hearing provides an opportunity for a rehearing of the case to determine whether the original decision was reasonable in the circumstances.

APPEAL AGAINST	RIGHT OF APPEAL
Final written warning issued by Senior Manager	Committee
Senior Manager’s decision not to remove a warning from the personal file	Committee
Any decision of the Committee except a decision arising from an earlier appeal stage	Appeal Committee or Dismissal Appeal Committee

A request for an appeal must be made to the Senior Manager within **5 working or 7 consecutive days** of the receipt of the letter detailing the decision. The appeal must be heard within **10 working or 14 consecutive days** of the notification of appeal.

## **7 DISMISSAL**

- 7.1 A Staff Dismissal Committee is authorised to determine the dismissal with notice of an employee. The Capability Committee and the Staff Dismissal Committee may be the same body.
- 7.2 The decision to dismiss will be confirmed in writing to the employee and his/her representative. The letter will also contain the reasons for the dismissal and the right of appeal to the Dismissal Appeal Committee within 5 working or 7 consecutive days of receipt of the letter.
- 7.3 Where the Dismissal Appeal Committee decide to uphold the decision of the Staff Dismissal Committee to dismiss there will be no further internal right of appeal. This decision will be confirmed in writing to the employee and his/her representative.
- 7.4 Within 5 working or 7 consecutive days of the date of written notification of the decision to dismiss by the Staff Dismissal Committee or Dismissal Appeal Committee as appropriate, the Academy Trust Governing Body will give notice to terminate the employee's contract of employment at the Academy. Where a Dismissal Appeal Committee upholds the Staff Dismissal Committee's decision this may be communicated verbally to the employee at the conclusion of the hearing but will in every case be confirmed in writing within 5 working or 7 consecutive days.

### INFORMAL SUPERVISION

In making appointments and considering access to training and promotion opportunities, managers should ensure that each employee is aware of the standards expected of him/her. Appropriate professional advisers will be able to provide advice and guidance on such matters. Useful reference documents would include the following:

- Job Description
- Person Specification
- Appraisal Reports
- Training Plans

It is advisable to approach all capability issues from the view that each employee has individual reasons for inadequate performance and to try to remedy the causes as this is a more positive and effective approach.

The emphasis throughout the early informal stages should be on considering support measures and monitoring their effect. Examples would include:

- (i) Training
- (ii) Counselling (accompanied, where appropriate, by additional advice and support)
- (iii) Medical assessments
- (iv) Constructive discussions (aimed at pointing out any shortcomings in job performance and encouraging improvement)
- (v) Other assistance which it is considered would facilitate improvement (eg job redesign, job shadowing, if these are possible)
- (vi) Arranging closer supervision
- (vii) Making more time available for discussions
- (viii) Using trial periods to allow time for the problem(s) to be addressed.

The individual supervising the employee should be of sufficient competence and experience to assist with his/her work. Where an employee's performance is giving cause for concern, the supervisor will meet with him/her. The supervisor will draw the employee's attention to the ways in which his/her performance is considered to be deficient. Any shortcomings should be discussed as specifically as possible, and required standards should be made clear. It may be beneficial to the meeting to allow the employee to be occupied by a friend.

Discussion must not harass the employee or turn into a formal interview. If more serious concerns arise, or if the employee expresses discontent or indifference to the counselling, the formal procedure should be commenced to deal with the matter in a more structured and objective manner.

The employee should be given reasonable opportunity to comment and explain. Appropriate remedies should be discussed with advice from any other relevant adviser. An action plan detailing objectives and any agreed support and training should be drawn up in writing.

The employee should be advised that the supervisor will monitor his/her performance over a specified period of time and give regular feedback on progress. The period allowed should be reasonable, having regard to the action planned and the improvement required. During this period, part of the normal work programme will be to provide ongoing advice, support and feedback to the employee as necessary. The employee should also seek and accept help from other sources, as appropriate, and attend relevant training.

The supervisor should keep management notes of action taken and of warnings issued. This record will not be placed on the employee's personal file but may be used as evidence at a later stage if further action under this procedure is necessary. It is also essential that the Headteacher is kept generally informed of such concerns where s/he is not the supervisor.

Where progress is made during the informal stage, the supervisor may decide, as appropriate, and following consultation with the employee and any relevant or appropriate adviser, to modify or terminate the process without the need for more formal action.

Where, however, following a **reasonable** period of support and supervision no significant improvement is evident and a second opinion has been sought from an appropriate professional adviser to confirm the existence of performance problems, the supervisor will, in consultation with the Headteacher, formally warn the employee in writing of the need for improvement with a statement of the aspects of work which are causing concern. S/he should also be advised to consult his/her professional association. **This will constitute the date of entry into the formal procedure.**

## APPENDIX 2

### PROCEDURE FOR CONDUCTING FORMAL HEARINGS BEFORE A GOVERNORS COMMITTEE/THE STAFF DISMISSAL COMMITTEE/HEADTEACHER

Once a decision has been made to hold a formal hearing the employee will be sent a letter notifying him/her of the hearing (with a duplicate copy for his/her representative) to be received not less than **five working or seven consecutive days** before the hearing itself.

Reference to the Supervisor, the employee and the Senior Manager shall include their personal representative as appropriate. In certain circumstances (eg small Academies), the Supervisor and Senior Manager will be the same person.

1. The Senior Manager's report shall be submitted to the hearing setting out the specific concerns, together with any written statement made by the employee. Copies of the written statement(s) and any other relevant documents shall be sent to the employee and members of the panel/Headteacher at the same time as the notice of the date and time of the meeting. The employee shall be entitled to attend the hearing and to be represented by his/her Trade Union or a fellow employee or friend of his/her choice and to call witnesses and produce documents relevant to his/her case.
2. If the employee or his/her representative fails to turn up at the hearing, consideration will be given to:
  - (i) the employee's difficulty in obtaining a representative;
  - (ii) any difficulties and costs which may arise from reconvening the meeting;
  - (iii) the employee's medical condition.

The Senior Manager will already have determined whether the employee wishes to make representations to the Governors' Committee/Headteacher and whether s/he wishes to attend in person or send a representative or make an oral representation (see paragraph 9 of the Model Procedure).

3. Aspects of (2) above will also be considered if a witness(es) fails to attend. This would include how important that witness(es) is to the case.
4. If a Committee member fails to turn up (either at the first hearing or following an adjournment) the Committee will need to consider whether it can continue with a reduced number or whether a new Committee member will need to be appointed in accordance with adopted procedures. Where a dismissal is being considered, a minimum of three Governors (two in exceptional circumstances) must hear the case and be convened as the Staff Dismissal Committee. Where responsibility for staff dismissal has been delegated, the case may be heard by the Headteacher.
5. The Chair of the Committee/Headteacher hearing the case will introduce those

present, explain the purpose of the hearing and the procedure to be followed.

6. The Chair/Headteacher will establish whether witnesses are to be called by either side.
7. The evidence will be presented by the Senior Manager ensuring that the employee and his/her representative are made aware of the content of any witnesses statements or relevant records and documents. In presenting the case, witnesses may be called as appropriate. Each witness will leave the room after giving evidence.
8. The employee may question the evidence and witnesses called by the Senior Manager.
9. The employee will present his/her evidence and call any witnesses.
10. The Senior Manager may question the evidence presented by the employee and witnesses.
11. The Headteacher/ Committee and any advisory officer(s) present will have the opportunity to ask questions of both sides and witnesses at any time during the proceedings outlined in paragraphs 7-10 inclusive. Late evidence can only be admitted with the agreement of the Committee/Headteacher.
12. After questioning, each witness will be asked to leave the room but possibly not the venue, in case further evidence is required.
13. The Committee/Headteacher may request an adjournment at any stage in order to seek clarification.
14. The Senior Manager will then sum up his/her case.
15. The employee or his/her representative will then sum up his/her case.
16. The Senior Manager, the employee and their representatives will then withdraw.
17. The Headteacher/Committee will then deliberate in private together with the Clerk and any advisory officer(s) present to give advice as to law and procedure as required. If it is necessary to clear any points of uncertainty on the evidence already given both sides are to be recalled together even if only one is concerned with the point giving rise to doubt. If further investigations are necessary it may be appropriate to adjourn the hearing at this stage, in which case both parties are to return and be advised accordingly by the Chair.
18. At the conclusion of the deliberations all parties shall return and the Chair/Headteacher will announce the Committee's/his/her decision and/or recommendation to both sides personally and/or in writing as appropriate. The employee will be informed of any action which will be taken and of his/her rights of appeal as appropriate. The findings shall in any case be confirmed in writing within **five working or seven consecutive days** together with the employee's right of appeal.





## APPENDIX 3

### PROCEDURE FOR CONDUCTING FORMAL APPEAL HEARINGS BEFORE A GOVERNORS/STAFF DISMISSAL APPEAL COMMITTEE

Reference to the Senior Manager and employee shall include their personal representatives as appropriate.

- (i) The employee should write to the Senior Manager requesting an appeal within **five working or seven consecutive days** of receiving a formal letter notifying the decision of the Staff Dismissal Committee/Headteacher and any action to be taken under the Procedure.
- (ii) The Dismissal Appeal Committee will consist of members appointed by the full Academy Trust Governing Body excluding those Governors who have been part of a Committee which has already heard the case.
- (iii) The Hearing will be arranged as soon as practicable. The employee will be sent a letter (with a copy for his/her representative) to be received at least **five working or seven consecutive days** before the date of the appeal hearing itself.
- (iv) The employee may be represented by his/her trade union or a work colleague or friend. Witnesses may be called and documents produced at the hearing by both sides.
- (v) If the employee or his/her representative fails to turn up at the hearing, consideration will be given to:
  - (a) the employee's difficulty in obtaining a representative;
  - (b) any difficulties and costs which may arise from reconvening the meeting;
  - (c) the employee's medical condition.
- (vi) Aspects of (v) above will also be considered if a witness(es) fails to attend. This would include how important that witness(es) is to the case.
- (vii) If a Committee member fails to turn up (either at the first hearing or following an adjournment) the Committee will need to consider whether it can continue with a reduced number or whether a new Committee member will need to be appointed in accordance with adopted procedures. In any case, no fewer Governors than that comprising the first Staff Dismissal Committee may hear the case.
- (viii) The Chair of the Committee hearing the case will introduce those present, explain the purpose of the hearing and the procedure to be followed.
- (ix) The Chair will establish whether witnesses are to be called by either side.
- (x) The employee will put his/her case in the presence of the Senior Manager and will call any witnesses.

- (xi) The Senior Manager may then ask questions of the employee and witnesses.
- (xii) The Senior Manager will put the management's case in the presence (if any) of the employee and will call any witnesses.
- (xiii) The employee may ask questions of the Senior Manager and witnesses (if any).
  
- (xiv) The Staff Dismissal Appeal Committee and any advisory officer(s) will be entitled to ask questions of the Senior Manager, the employee and the witnesses at any time during the proceedings outlined in paragraphs (x) to (xiii) inclusive.
- (xv) After questioning, each witness will be asked to leave the room but possibly not the venue, in case further evidence is required.
- (xvi) The Staff Dismissal Appeal Committee may request an adjournment at any stage in order to seek clarification.
- (xvii) The employee or his/her representative will then sum up his/her case.
- (xviii) The Senior Manager will then sum up his/her case.
- (xix) The Senior Manager and the employee and their representatives will then withdraw.
- (xx) The Staff Dismissal Appeal Committee, with a Clerk in attendance and any advisory officer(s) present, will consider the evidence in private. They may recall either party to clear points of uncertainty on the evidence already given. If recall is necessary, both parties are to return even if only one is concerned with the point giving rise to doubt.
- (xxi) The Staff Dismissal Appeal Committee will give their decision to the Senior Manager and employee and/or representative personally and/or in writing as appropriate. Their findings will in any event be confirmed in writing, together with reasons for any formal action taken within **five working or seven consecutive days**. Where notice of termination has been given the Staff Dismissal Appeal Committee may request that the notice be rescinded as appropriate.

