



## THE SOCIETAS TRUST



## Formal Meetings Procedure

Date of Policy	2021
Reviewed and Agreed by	The Directors' Board
Originally Adopted on	15 November 2018
Last Review Date	20 October 2021
Next Review Date	Autumn 2022



## **Formal Meeting/Hearing/Appeals Procedure**

### **Introduction**

This meeting/hearing procedure will apply to formal meetings/hearings that are held under The Societas Trust's (the Trust) Disciplinary, Grievance and Capability policies and procedures. The procedure also applies to appeal hearings.

All parties must be committed to adhering to the timescales set out in the associated policies and procedures and endeavour to avoid undue delay.

This procedure applies to employees, referred to in this procedure as colleagues.

The Terms director, governor and trustee are interchangeable.

### **General Principles**

The Deciding Manager / Panel Chair<sup>1</sup> hearing the case will make the arrangements for the meeting/hearing and may be supported by the Trust's HR Consultant. This will include writing to the colleague, arranging the accommodation and making arrangements for a note taker. Formal meeting notes must be shared and an opportunity to amend or comment will be given to the colleague.

The Deciding Manager / Panel Chair<sup>1</sup> will have the authority, skill and experience necessary to fairly consider the facts and make a decision. Every effort should be made to avoid escalating issues to the most senior managers without good reason. For appeal meetings/hearings, the Appeal Deciding Manager / Panel Chair<sup>1</sup> will be someone who has the appropriate level of authority but who has not previously been involved in the earlier decision and has the authority to overturn the decision made at the earlier hearing/meeting.

### **Arranging the meeting/hearing/appeal**

A letter inviting the colleague to attend a formal meeting/hearing/appeal must be sent in writing at least 10 working days before the meeting/hearing/appeal.

Colleagues must provide copies of any relevant evidence they intend to refer to, at least 3 working days before the meeting/hearing/appeal

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<sup>1</sup> In schools and Academies the hearing and appeal hearing should be conducted by separate Panels of Trust Governors who have not been involved in the proceedings beforehand. Staff Governors should not be on any panel. A decision to dismiss can only be taken by a panel of 3 Governors.



### **Invitation to the meeting/hearing/appeal**

The invitation will contain sufficient information about the alleged misconduct or performance concerns and its possible consequences to enable the colleague to prepare to answer the case at a meeting/hearing/appeal. Copies of all written evidence, (which may include any witness statement, or evidence from the informal process) will be provided 10 working days before the meeting/hearing/appeal.

The invitation will also give details of the time and venue for the meeting/hearing/appeal and advise the colleague of who will be present and their right to be accompanied at the meeting.

### **Attendees at the meeting/hearing/appeal**

The Investigating Manager or any witnesses (where necessary) will be called to attend the meeting/hearing/appeal. The investigation report, written statements and any other relevant evidence will also be relied upon. The parties have the right to request that a witness(es) attend the meeting/hearing/appeal. Where a witness is required to attend the Deciding Manager / Panel Chair<sup>2</sup> hearing the case will invite them in writing.

### **Attendees at the appeal**

For the appeal, a representative from the disciplinary hearing (normally the chair) will attend to explain the rationale regarding the decision made. The employee and their representative will also be in attendance to explain their grounds of appeal and any further evidence they wish to be taken into account.

### **Non attendance at formal meeting/hearing/appeal**

If the colleague or their companion are unavailable to attend, they may propose a new date no more than five working days from the date of the original meeting/hearing date.

If the colleague does not attend the meeting/hearing/appeal without good reason, it should be re-arranged within 5 working days but the colleague will be advised that if they do not attend the rearranged meeting/hearing/appeal, a decision may be made in their absence. They should be advised that they may submit a written statement to be taken into consideration if they choose not to attend. The panel may issue a list of questions to assist the employee in responding to the allegations.

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Where a colleague fails to attend the meeting/hearing/appeal without good cause the Deciding Manager / Panel Chair<sup>3</sup> hearing the case should make a decision on the evidence available.

### **Non-attendance at formal meeting/hearing/appeal – due to sickness absence**

The Deciding Manager / Panel Chair<sup>3</sup> hearing the case and colleagues (and their companions) should make every effort to attend the meeting/hearing/appeal. Where a colleague cannot attend due to sickness absence they must provide a fit note from their GP to certify their absence and a referral to Occupational Health will be made to ascertain their fitness to participate in the procedure. Where colleagues are absent due to sickness, the managing attendance at work procedure will apply as normal. However those responsible for keeping in touch would not normally be the same people involved in the handling of their case. Being absent from work due to sickness will not automatically cease the procedure progressing.

### **Conduct of the meeting/hearing/appeal**

The Deciding Manager / Panel Chair<sup>3</sup> hearing the case should introduce those present and clarify roles, explain the purpose of the meeting/hearing/ appeal, how it will be conducted and check that the colleague received the documentation in advance of the meeting/hearing/appeal. The Deciding Manager / Panel Chair<sup>3</sup> hearing the case should also check that the colleague is aware of what the potential outcome of the meeting/hearing/appeal may be.

The Deciding Manager / Panel Chair<sup>3</sup> hearing the case should establish what the allegations or performance issues are and clarify that the written documentation has been fully reviewed. The Deciding Manager / Panel Chair<sup>3</sup> will ask questions to clarify any points. For grievance or appeal meetings the Deciding Manager / Panel Chair<sup>3</sup> will ask the colleague why they are raising a grievance or appealing.

The colleague (or their companion) has the opportunity to state their case and present evidence, including calling of the witness(s) where appropriate. They will be given the opportunity to ask questions to clarify points. For appeal meetings the Deciding Manager / Panel Chair<sup>4</sup> should pay particular attention to any new evidence that has been introduced, and ensure the colleague has the opportunity to comment on it

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<sup>4</sup> In schools and Academies the hearing and appeal hearing should be conducted by separate Panels of Trust Governors who have not been involved in the proceedings beforehand. Staff Governors should not be on any panel. A decision to dismiss can only be taken by a panel of 3 Governors.



Before adjourning the meeting/hearing/appeal the Deciding Manager / Panel Chair<sup>4</sup> should summarise the main points of the discussion after questioning is completed and ask the colleague if there is anything further that they want to add.

The meeting/hearing/appeal will then be adjourned. This is an opportunity for the Deciding Manager / Panel Chair<sup>4</sup> hearing the case to consider the facts or instigate further investigation into the matter before coming to their decision.

### **Outcome**

The Deciding Manager / Panel Chair<sup>4</sup> hearing the case will either recall the colleague to the meeting/hearing/appeal or write to the colleague confirming their decision. The outcome of the meeting/hearing/appeal will be confirmed verbally as soon as possible and in writing within 7 calendar days of the meeting/hearing/appeal.

### **Effective Date**

This procedure was adopted by the employer after consultation with the Trade Unions.

The Chief Executive Officer will periodically review this procedure following changes in employment law and in consultation with the recognised Trade Unions.