



Procedure for Hearing

The normal procedure is intended to allow all factors considered relevant to be introduced and investigated. It may be varied by mutual consent of the parties to meet the individual case. For example, in more complex cases, it may be desirable to hear evidence and questions on one element before proceeding to the next.

Witnesses will normally only be present whilst giving their information and being questioned on it. A person assisting in presenting a case may be present throughout the presentation of evidence even though (s)he may also be acting as a witness.

The normal procedure for the hearing will be:

- (a) The person conducting the hearing will explain its purpose and the procedure to be followed.
- (b) The person presenting the complaint will introduce evidence in support of the complaint, including documents and witnesses as (s)he thinks fit.
- (c) The appellant and/or his/her representative and then the disciplinary panel will have the opportunity to ask questions, including direct questions to the witness.
- (d) The appellant or his/her representative will introduce evidence in support of his/her position, including documents or witnesses as (s)he thinks fit.
- (e) The person presenting the complaint and then the disciplinary panel will have the opportunity to ask questions, including direct questions to the witnesses.
- (f) Both sides will sum up their presentations, beginning with the person making the complaint.

When the disciplinary panel has heard all the evidence submitted, they will consider what action is necessary. All others present will withdraw whilst they do so, except any specialist adviser if present. Should it be necessary to ask further questions of anyone present during the hearing, all those attending (except witnesses) must be present. This is to ensure that no evidence is given unless the other part has the opportunity to respond and present a view on it. After due consideration, the chairperson conducting the hearing, will convey to the appellant the decision. Normally the decision will be given orally as soon as it has been taken and any formal disciplinary warning will be given at the same time. The decision and any formal disciplinary warning will be confirmed in writing. Exceptionally the decision may be deferred and given in writing later, together with any formal disciplinary warning. The letter confirming or giving the disciplinary panel's decision will set out the rights of appeal.