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## **1 General Provisions**

### **1.1 Introduction**

The University of Nottingham's Capability Procedure is designed to support employees and managers in dealing with matters where work performance is not at the standard normally expected to fulfil the responsibilities of the role they are employed to do.

This Procedure provides a framework for managers to identify and address capability issues, enabling conversations to take place between employee and manager to ascertain the reasons for the capability issue and for the effective management of the capability issue(s) through to resolution.

This Procedure is not normally intended to deal with capability on the grounds of health as this is addressed by the University's Sickness Absence Management Procedure unless circumstances arise where it will be more appropriate to deal with the matter under this Procedure, or conduct as this is addressed under the University's Disciplinary Procedure.

### **1.2 Setting General Performance Standards - Informal Process**

To enable the University to meet its strategic aims, managers should set standards, which are consistent with the employee's role and the University's approach to performance measurement, which should be achievable and applied consistently. Standards can be detailed in a number of areas including but not limited to; role profiles, ADC objectives, the employee's contract of employment and those defined at a University and Faculty/Department level.

Employees have a contractual responsibility to achieve an acceptable level of performance at work and will be supported and encouraged to reach and exceed that level. Managers have responsibility to provide information to employees on the expected standards of work and areas of responsibility, providing support and advice where required. Employees have the responsibility to understand the standards expected of them and are encouraged to disclose to their line manager any issues whether disability related or other that may impact them at work and affect their performance See sections 1.8-1.10 for further information.

Any capability concerns should be discussed promptly with the employee and the causes of these identified. Initially, such discussions normally take place on an informal basis as part of day-to-day line management.

Informal discussions will help:

- a) Clarify the required standards;
- b) Identify areas of concern;
- c) Establish the likely causes of capability concerns and identify any training/development needs including pastoral support; and/or
- d) Set targets for improvement, in consultation with the individual, and a time-scale for review.

Consideration should be given as to whether the capability concern is due to training, supervision or guidance and if appropriate actions/ steps should be initiated to provide additional support. Discussions, outcomes, objectives and timeframes should be recorded.

The Capability Procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in the required improvement.

### **1.3 New Employees**

See the induction pages for support and guidance at:

<http://www.nottingham.ac.uk/professionaldevelopment/induction/index.aspx>.

Where significant capability issues are identified during early employment (usually within the first six months), managers should contact the HR Employment Relations team as soon as issues arise to explore all options.

### **1.4 Appraisal & Development Conversations (ADC)**

The University operates an Appraisal and Development Conversations (ADC) process, which operates on an annual cycle. Employees should have appropriate objectives, support and training/development to enable managers and employees to be satisfied that adequate progress is being made towards the expected performance requirements of the role. Where individuals are within an informal/formal Capability Procedure, the annual ADC meeting should still take place and will normally be held with the Progress Review Manager (see Section 2.1 and 4.3) involved in the Capability Procedure. Objectives for both ADC and capability should be the same or similar and monitoring against these objectives should continue through the capability process following the ADC. The ADC will take into account any relevant matters that might have impacted on the achievement of objectives for the year under review, including where these relate to capability. The ADC discussion will reflect the employee's overall contribution.

### **1.5 Regular One-One Meetings**

Managers/reviewers/supervisors should meet regularly with employees on an individual basis to discuss performance, current work and issues, plus any other relevant topics. Any capability issues should be raised at these meetings or at a separate meeting where appropriate.

### **1.6 Decision making – Disciplinary or Capability**

If work performance issues are present, managers should assess which procedure will apply, seeking advice from the HR Employment Relations team as necessary. Wilful refusal to perform work to the required standard would ordinarily be a disciplinary rather than a capability issue. Advice should also be sought in circumstances where capability and disciplinary cases are potentially interrelated. There may be occasions where, as a consequence of information obtained or circumstances arising under one procedure, it is appropriate to initiate action under an alternative procedure.

### **1.7 Exceptional circumstances**

The University recognises that there may be circumstances where it is unlikely the identified capability concern(s) will be resolved despite the best intentions of all concerned. In these circumstances, employees are encouraged to speak to their line manager/a member of the HR Employment Relations Team or a relevant Trade Union Representative at the earliest possible opportunity, and at any stage within the Capability Procedure, to explore any alternative options available to them. This may include the option of holding a "protected conversation". The purpose of a protected conversation is to enable an employee and employer to speak in confidence about how a workplace capability issue might be resolved on agreed terms. In appropriate circumstances, a protected conversation may also be initiated by the manager. The manager should take advice from HR before holding a protected conversation.

## **1.8 Domestic or personal problems**

If an employee's performance at work has been affected by personal or domestic problems, there are confidential services available to them including the University's health and welfare services. Employees are encouraged to speak to their manager, or the HR Employment Relations Team, to ensure all circumstances are taken into consideration to support the employee appropriately.

## **1.9 Drug or alcohol misuse**

If alcohol or drug misuse is suspected, or revealed as contributing to the capability issue, the University's policy on 'Alcohol and Drugs Policy' should be considered. Where the guidance and support provided by the 'Alcohol and Drugs Policy' does not result in a required improvement, then the matter will be dealt with under this procedure, the Absence Management procedure or the Disciplinary Procedure according to the circumstances of the individual case.

## **1.10 Disability or medical issues**

If, during the course of the Capability Procedure, the employee highlights that they have a medical issue or disability which may impact upon their performance, or the manager is otherwise already aware of a relevant medical issue or disability, the procedure may be paused for consideration of the next steps, which may include:

- Referral to Occupational Health
- Discussing with the employee/seeking a medical view as to whether the capability issues are related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, such as agreeing a change of duties, providing additional equipment or training or adjusting this procedure.
- Additional steps to support the employee

Monitoring should continue during any period of reasonable adjustment. If the capability issues have not been resolved by reasonable adjustment, the matter will continue to be dealt with under the capability procedure or, if appropriate, under the Sickness Absence Management Procedure. If the capability issue(s) have been resolved then no further action may be necessary, subject to regular ongoing review and monitoring.

Where there are situations where ill health or poor attendance through sickness absence is identified, the Sickness Absence Management Policy and Procedure should be referred to. Absence through ill health will not necessarily result in a cessation or pause of the Capability Procedure, although due regard will be given to the matters in each particular case.

## **1.11 Impact on Salary**

Where an employee is within an informal/formal capability/performance improvement process; has been notified that their performance is not meeting expectations; has been given reasonable opportunity for development/support and has been given reasonable time to demonstrate the required improvement (not normally less than 9 months) then incremental pay progression may be withheld.

If the employee remains within an informal/formal capability/performance improvement process for 2 consecutive years or more, then the cost of living increase (in addition to incremental pay progression) may be withheld or deferred until the required performance level has been achieved.

## **2 The Formal Capability Process**

### **2.1 Formal Review Process**

Where on-going capability issues are identified and have not improved sufficiently through the informal process described above, the line manager will discuss the concerns with their manager. The more senior manager will assign a suitable Progress Review Manager (see Section 4.3) to the employee. The Progress Review Manager may be the same line manager, ADC reviewer or another suitable manager/director or other senior staff member. In exceptional circumstances, the employee may make a request to the more Senior Manager to consider assigning an alternative Progress Review Manager. In these circumstances, the Senior Manager should consult the HR Employment Relations team. The final decision on appointment of a Progress Review Manager is that of the Senior Manager.

The Progress Review Manager will hold the initial formal capability meeting, outlining where performance is falling short of expectations, setting objectives and will arrange a review meeting, or series of review meetings, with the employee to monitor progress against specified objectives.

The Progress Review Manager should document the specific performance concerns that have been discussed with the employee, giving details of the instances in which the employee's work has fallen short of the required standard(s). The document should also include the objectives and targets set, the success criteria for those objectives/targets and the review date for any subsequent meeting along with outcomes and progress made. Notes of all meetings will be documented and shared with the employee.

All paperwork should be filed securely and confidentially in accordance with the University's Data Protection Policy at: <https://www.nottingham.ac.uk/governance/records-and-information-management/data-protection/data-protection-policy.aspx>.

Review meetings provide the employee and Progress Review Manager with the opportunity to review the performance concerns through constructive and supportive discussions and should be arranged regularly during the review period, the frequency of the meetings will depend on the role type and circumstances, which could be every month and at least every 3 months.

At the end of the review period, a recommendation will be made by the Progress Review Manager and will stand as an investigation into the capability issues under consideration (see Section 2.4).

The Progress Review Manager is encouraged to discuss the specific circumstances with the HR Employment Relations team at all stages of the procedure.

### **2.2 Mentoring/Coaching/Support**

Managers and employees may explore various options for giving support to the employee to address the areas of capability concern. This may include identifying a mentor, the use of a coach or coaching techniques and/or more formal training/development.

All identified support agreed should be documented and regularly monitored to continually assess its effectiveness. Expected outcomes of training/development sessions should be agreed, recorded and the outcomes monitored.

### **2.3 Timeframes**

The timeframe for the review period will be dependent on a number of factors including; individual circumstances, the type of role being undertaken, the degree of improvement required and should allow sufficient time for the relevant support to be implemented and progress against objectives to be achieved.

### **2.4 Decision making**

At the end of the review period, the Progress Review Manager will make an assessment over improvements relating to the objectives set basing their recommendation on the information gathered during the review period, this will stand as an investigation into the capability issues under consideration.

Following assessment the Progress Review Manager will make one of the following decisions:

- Performance has improved and is being sustained and no further formal review is required
- Performance has improved to some degree, but is not yet at the required standard and there will be an extension to the review period within a defined timeframe to the end of the extended review period
- Performance has not improved sufficiently and there will be a referral to a formal capability hearing, which will be convened as per Appendix 1 of this procedure.

The Progress Review Manager will notify the employee of their decision in writing and normally within 5 working days of the end of the review period.

### **2.5 Convening a formal capability hearing**

The employee will receive, at least 5 working days in advance of the hearing, written notification of: the reason for the hearing; the date, time and venue of the hearing and a reminder of their right to be accompanied. Copies of relevant documents gathered and these procedures will be attached to the letter. If the employee is unable to attend at the stated time, they must communicate this as soon as possible to the person arranging the hearing, stating their reasons. Where it is reasonable to do so, an alternative date will be provided.

Where the employee wishes to refer to any evidence or information, they should provide this at least two working days in advance of the hearing. This may include written documents.

### **2.6 Postponing the hearing\***

Notwithstanding section 2.5, an alternative date will be arranged where an employee requests that the hearing is postponed due to circumstances outside his/her control and not foreseeable at the time the details of the hearing were communicated to the employee. Where a postponement is agreed, this should be confirmed in writing with the new date for the hearing. Any further request for postponement may be refused unless there are exceptional circumstances.

If the employee is absent due to sickness prior to the hearing, the individual may be required to see the University's Occupational Health Adviser to assess his/her fitness to attend a hearing, and to give advice on any special requirements or adjustments for the hearing. The HR Employment Relations team will make the necessary arrangements.

In exceptional circumstances, and normally following more than one postponement, it may be necessary to proceed with the hearing in the absence of the employee, in which case all details that will be considered at the hearing should be made available to the employee in advance of the

hearing, and the individual should be invited to make a written submission. Alternatively and exceptionally, the hearing may be conducted with a representative nominated by the employee, after careful consideration and the full agreement of the employee and his/her chosen representative.

\*Including appeal hearing

## **2.7 Outcomes: formal remedies/warnings**

The Chair (as defined in Appendix 1) will decide the outcome of the hearing, which may include confirmation of sufficient and sustained improvements being made not to warrant any further action. Further information about the hearing structure is available in Appendix 2.

### **2.7.1 Level 1 – formal written warning**

The employee will receive written confirmation of the warning being given, details of the nature of the capability issue(s), the improvements required, the length of the formal review period and intervals for review, any intervention and support, and the right and arrangements for appeal.

The formal review period will be at the discretion of the Chair (see Appendix 1), to take account of all the factors, such as timeframes required to meet targets and for achieving and demonstrating sustained improvements.

The warning will remain live and on the employees' HR file for a period of up to one year, and will be removed at the end of the warning period subject to achieving and sustaining the expected level of performance.

The employee will be informed that the Progress Review Manager may consider it appropriate to take further action during the formal review period, if the employee has not made sufficient improvement and/or is not likely to meet the targets/expectations during the formal review period, which will result in a further Capability Hearing.

### **2.7.2 Level 2 – formal final written warning**

If there is a failure to improve performance during the formal review period, or the capability issue is sufficiently serious, a final warning may be issued.

The employee will receive written confirmation of the warning being given, details of the nature of the capability issue(s), the improvements required, the length of the formal review period and intervals for review, any intervention and support, and the right and arrangements for appeal.

The formal review period will be at the discretion of the Chair (see Appendix 1), to take account of all the factors, such as timeframes required to meet targets and for achieving and demonstrating sustained improvements.

The warning will remain live and on the employees' HR file for a period of up to two years, and will be removed at the end of the warning period subject to achieving and sustaining the expected level of performance.

The employee will be informed that the Progress Review Manager may consider it appropriate to take further action during the formal review period, if the employee has not made sufficient improvement and/or is not likely to meet the targets/expectations during the formal review period, which will result in a further capability hearing.

At the discretion of the Chair, the time period that either a formal or final written warning is live may be suspended if the employee is absent for a significant part of that period of time and restart on their return. Overall, the period of time that the warning is live will not exceed those given above. If an employee is absent from work immediately or shortly after a formal or final written warning is issued then the period of time that the warning is live will start from their return to work. The employee will be informed by the Chair if the time period is suspended.

### **2.7.3 Level 3 – dismissal**

If there is a failure to improve performance during the formal review period, or the capability issue is sufficiently serious including, without limitation, serious instances of negligence or incompetence, a decision may be made to dismiss the employee.

Prior to reaching a decision, careful consideration of other possible options will be given. If, on balance, the decision is taken to dismiss, the employee will be provided in writing the reasons for dismissal, the date on which the employment will terminate, the right of appeal and arrangements for this. The employee will be entitled to the period of notice, or payment in lieu of that period specified in his/her contract of employment.

### **2.7.4 Other remedies**

If, at any stage it is deemed there is further failure to improve performance or the performance is sufficiently serious to warrant it, dismissal or some other action short of dismissal may be issued. Action short of dismissal may include, but not be limited to:

- Demotion, where appropriate, dependent on individual circumstances and nature of the capability concern
- Change to terms of employment where operationally possible

Demotions and changes to terms of employment should be made with the employee's agreement, recognising this as an alternative option to dismissal (in suitable cases). The pay protection policy will not apply in these circumstances.

Any employee receiving notice of dismissal will not be given access to the redeployment register which is a specific measure aimed at avoiding redundancy dismissals.

## **2.8 Appeals**

An employee can appeal the outcome of a Capability Hearing where a formal warning is issued, at each stage of the process. Appeals will be heard as per Appendix 1 of this procedure.

An employee wishing to notify the University of their intention to appeal against the outcome of a Capability Hearing should do so promptly and within five working days of the date of the outcome letter.

The review process and arrangements as specified in the Capability Hearing outcome letter will continue whilst the appeal hearing is pending.

Employees need to submit their appeal in writing to the Director of HR, stating the grounds upon which the appeal is based, at least 5 days prior to the appeal hearing taking place. The appeal is not a re-hearing of the original hearing(s), but rather a consideration of the specific area where the employee is dissatisfied in relation to the original hearing. Therefore, unless the Chair of the appeal determines that new evidence has a bearing on the whole appeal, the Chair will confine the discussion to those specific areas rather than reconsider the whole matter afresh.



The grounds for appeal are;

- The process was not appropriately followed
- There is new relevant evidence to the case that was not previously available
- The hearing outcome is deemed to be disproportionate given any mitigating circumstances

The Appeal Hearing will be arranged through the HR Department, normally within four weeks of receipt of the formal written appeal, or as soon as possible thereafter.

Any agreed postponements to the Appeal Hearing date will be confirmed in writing.

The appeal hearing will be chaired by an appropriate Senior Manager, as outlined in Appendix 1 and a member of the HR Department will attend to give procedural support.

At the Appeal Hearing, the documentary evidence made available at the original hearing(s) will be made available for reference purposes. As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the employee to state their case and bring to the attention of the appeal panel all relevant documentary evidence that should be considered.

### **3 Exceptional considerations**

Advice should be sought from the HR Employment Relations team for all matters outlined in this section.

#### **3.1 Grievances**

If an employee raises a grievance during the period of capability review, consideration will be given to whether it is necessary for a Capability Hearing to be temporarily suspended in order to deal with the grievance. However, the capability review process of monitoring progress against objectives will continue whilst a grievance is being investigated.

The outcome of the grievance where it is relevant to the Capability matters will be made available to the Chair of the Capability Hearing to give transparency to the outcome of the hearing, notwithstanding compliance with data protection principles. The application of this procedure may be modified as deemed appropriate by the Director of HR to facilitate this. The purpose of this paragraph is to assist all parties by allowing both the substantive issues and any complaint or grievance from the employee to be considered expeditiously, avoiding multiplicity of procedures and associated delay.

#### **3.2 Capability action against a trade union representative or safety representative**

Where capability action is being considered against an employee who is a trade union representative (or safety representative) the normal capability procedure applies. However, the matter will be discussed at an early stage with a full-time official of the union concerned, after obtaining the individual's consent. In these circumstances, managers should consult the HR Employment Relations team, so that they may liaise with the relevant trade union representative, and advise the progress review manager as to when she/he can proceed with the planned capability procedure.

## **4 Roles and responsibilities**

### **4.1 The right to be accompanied**

The employee may be accompanied by a Trade Union representative or official (certified by the relevant trade union to act in the capacity of 'companion' under Section 10 (3) or the Employment Relations Act 1999) or a work colleague of his or her choice at all **formal** Capability Hearings or Appeal Hearings.

The chosen companion will be allowed to address the hearing or meeting in order to put the employee's case, sum up the employee's case, and respond on behalf of the employee to any view expressed at the meeting. The companion **does not** have a right to answer questions on the employee's behalf.

Employees are requested to give notice of the name and relevant details of any companion to the HR representative responsible for the case at least three working days prior to the Capability Hearing, so that relevant details can be forwarded to this individual. It is the employee's responsibility to notify his/her companion of the arrangements for the meeting, and to ensure that she/he has all the relevant paperwork.

If the chosen companion cannot attend on the date proposed (and a suitable alternative companion cannot be found) an alternative date will be arranged, where it is reasonable to do so. All parties will make every reasonable effort to make themselves available for the meeting at the earliest date possible and make attendance at the meeting their highest priority. The new date should be, wherever possible, within five working days of the original date proposed.

If the employee has a disability, it may be appropriate to allow him/her to be accompanied by a suitable person because of his/her disability, in addition to any chosen companion.

If the employee's first language is not English, it may be appropriate to allow him/her to be accompanied by someone who can provide support with communication in English, in addition to any chosen companion.

### **4.2 The role of HR**

The HR Employment Relations team will advise, guide and support throughout the informal and formal stages of the Capability Procedure. This includes providing guidance on applying this procedure.

A member of the HR Department will be present during all Capability Hearings and Appeals.

### **4.3 The role of the Progress Review Manager**

The Progress Review Manager is responsible for managing the capability reviews; holding initial meetings, discussing with the employee the capability concerns and expectations, setting objectives and developing any support plans.

It is the responsibility of Progress Review Manager to regularly meet with the employee to monitor outcomes against the set objectives and record progress.

The Progress Review Manager will recommend whether to refer the matter(s) to a formal Capability Hearing at the end of the review period, which will stand as the investigation into the capability issues under consideration and will attend all hearings to present the capability case and add context for the Chair at the hearing.

#### **4.4 Definition of 'Manager'**

For these purposes, manager can be a ADC reviewer/line manager/other manager/supervisor designated to manage and support this procedure.

### Illustrative levels of authority to take formal capability action

The following table is illustrative and not exhaustive. The principles are that the manager where sufficiently senior can deal with capability action, up to and including dismissal. The principles of independence and having not; previously been involved in the case, managing others involved in the case or a conflict of interest must always apply.

Level of Capability Action	R&T Job Family	APM/Technical Job Family
First Warning	Head of School/or nominee	Nominated Manager
Final Warning	Head of School/or nominee	Nominated Senior Manager
Dismissal	Pro-Vice-Chancellor to submit formal recommendation to the Vice-Chancellor, who will make the final decision as to whether the dismissal or a lesser sanction will be imposed	Nominated Senior Manager at Faculty/School/Departmental level
<b>Appeals:</b>		
First Warning	Pro-Vice-Chancellor or nominee	Registrar or nominee
Final Warning	Pro-Vice-Chancellor or nominee	Registrar or nominee
Dismissal	Appeal Panel*	Appeal Panel**

\*The R&T appeal panel will be nominated by the Registrar and consist of:

- The chair, who will be a professorial member of staff from a different department to that of the appellant
- A lay member of Council
- A third member, who will be selected from staff of professorial status from a different department to that of the chairperson and the appellant

\*\*The APM/Technical appeal panel will be nominated by the Registrar and consist of:

- The chair, would will be a senior/professorial member of staff from a different department to that of the appellant
- A lay member of Council
- A third member, who will be selected from staff of professorial status/senior APM status from a different department to that of the chairperson and the appellant.

### Formal capability hearing structure

The hearing will be attended by the Chair, the employee and companion (where applicable see Section 4), the Progress Review Manager and a member of HR.

The Chair will;

- Provide introductions
- Confirm the formal capability hearing in line with the University's capability procedure and confirm all attendees are familiar with the document
- Explain the importance of confidentiality in the discussions
- Explain the nature of the capability concern(s) and the potential consequences of these under the procedure
- Offer the employee the opportunity to request reasonable time to confer with his/her companion at any time during the hearing
- Confirm the role of the companion within the meeting
- Confirm the case will be presented with evidence, information and clarification by the Progress Review Manager

The Progress Review Manager will present the summary of evidence and information about the capability issues to date, the remedial action taken including what support the employee has been given and outline where objectives/measures have not been met.

The Chair will explore the possible reasons for the lack of capability (the employee will be given every opportunity to put their case during the hearing); assess where the employee is falling short of the expectation for the role, consider the interventions or support that has been provided or that may be needed to enable the individual to remedy the situation, review the previous informal approaches and where the employee has not met the agreed targets/objectives and the reasons for this.

The Chair will then consider the case to establish whether a formal warning or dismissal is appropriate, whether sustained improvement to the required level has been demonstrated to conclude the process or whether some improvement to the required level has been demonstrated.

The University aims to communicate the outcome of the hearing to the employee within five working days after the hearing has taken place. Where the usual timeframe is not practicable, the employee will be notified, with reasons and an alternative timeframe will be specified.

The normal expectation would be that a formal remedy/action will commence at Level 1, however, this will always be subject to the nature of the case and the seriousness of the capability issue. Dismissal would only be expected as an outcome of the first formal hearing in exceptional circumstances. Where a formal warning is given or notice of dismissal is given, the employee will be advised of their right to appeal.

### Conduct of the appeal hearing

The Appeal will be heard by the relevant party under Appendix 1, in accordance with the procedure set out below, with appropriate adjustment, if required.

- The University's representative will normally be the Chair of the original capability hearing.
- A member of the HR team will be present.
- The Progress Review Manager may also be called to the Hearing.
- The Appellant, their companion and the University representative and where applicable the Progress Review Manager will attend at the start of the meeting.

The Chair (where applicable) will introduce Panel members, the Appellant, the Appellant's companion and the University's representative, and explain the background to the case. The Chair will draw the attention of members to the written documentation.

The Appeal Chair will:

- i. Introduce everyone present at the hearing
- ii. Confirm that the hearing represents a formal appeal in line with the University's Capability Procedure and check that those present are familiar with this document
- iii. Confirm that the details of the discussion should remain confidential between those present
- iv. Explain the order of the proceedings
- v. offer the Appellant the opportunity to request reasonable time to confer with his/her companion at any time during the hearing
- vi. Confirm the role of the companion
- vii. Explain the background of the case
- viii. Draw the attention of members to the written documentation

The Chair will invite the Appellant/their companion to present the Appellant's grounds of appeal.

The Chair will invite the University's representative to respond to the grounds of appeal. Witnesses may be called with permission of the Chair, in exceptional circumstances and questioned by the University's representative, the Appellant and his/her companion and by members of the Panel.

The Chair will invite the Appellant to make a brief response and sum up his/her case and will then ask the Appellant's companion to sum up in response if applicable/required.

The Chair will ensure that members of the Hearing have no further questions, before asking the Appellant, their companion and the University's representative to withdraw.

The Appeal Hearing will discuss the case in private, and reach a decision of a reasonable belief of the facts of the appeal and will decide what action, if any, will be taken as permitted under the procedure. The Chair will convey the decision verbally, where possible, and this will be confirmed in writing usually 7 working days after the hearing, unless this is not possible and the individual will be notified of any revised timeframes in writing.

The appeal decision is final.