

## SCHEDULE 3

Regulation 14

### Procedure for appeal against a decision of the appropriate body

#### Interpretation

**1.** In this Schedule—

“appellant” means a person who appeals to the Secretary of State under regulation 14(1);

“the parties” means the appellant and the respondent and a “party” means the appellant or the respondent, or either of the parties, as the context requires;

“respondent” means the appropriate body which took the decision which is the subject of the appeal.

#### Time for appeal

**2.** An appeal to the Secretary of State must be made by notice served on the Secretary of State within 20 working days beginning with the day on which the appellant is deemed to have received the notice under regulation 11(7).

#### Notice of appeal

**3.** A notice of appeal must—

(a) contain—

(i) the name and contact details of the appellant;

(ii) the name and contact details of the institution at which the appellant was employed at the completion of the induction period;

(iii) if the appellant is employed in a teaching capacity at the date the appellant makes the appeal, the name and contact details of the appellant’s employer;

(iv) the name and contact details of any person representing the appellant in respect of the appeal;

(v) the grounds on which the appellant appeals;

(vi) a statement as to whether or not the appellant requests an oral hearing;

(b) be signed by or on behalf of the appellant;

(c) be accompanied by a copy of—

(i) the notice given under regulation 11(7);

(ii) any reasons given by the respondent in support of such notice;

(iii) any other information on which the appellant seeks to rely for the purposes of the appeal.

**4.—(1)** The appellant may serve an amended notice of appeal on the Secretary of State at any time and, subject to sub-paragraph (2), the Secretary of State must send a copy to the respondent.

(2) The Secretary of State need not comply with sub-paragraph (1) if the amended notice of appeal is received after the Secretary of State has—

(a) determined to decide the appeal without a hearing; or

(b) (as the case may be) notified the parties in accordance with paragraph 13(1).

(3) Paragraph 3(a)(i) and (v), (b) and (c)(iii) apply in relation to an amended notice of appeal as they apply to a notice of appeal.

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### **Acknowledgment of notice of appeal**

5. The Secretary of State must—

- (a) send the appellant an acknowledgement of the notice of appeal;
- (b) send a copy of the notice of appeal and accompanying documents to the respondent;
- (c) send a copy of the notice of appeal to—
  - (i) the head teacher of the institution at which the appellant was employed at the completion of the induction period;
  - (ii) any person named in the notice of appeal as the appellant's employer.

### **Reply from appropriate body etc.**

6.—(1) The respondent must reply to the Secretary of State within 20 working days beginning with the day on which the respondent receives the copy of the notice of appeal.

(2) The reply must state whether the respondent seeks to defend the decision which is the subject of the appeal.

(3) Where the respondent seeks to defend the decision which is the subject of the appeal the reply must—

- (a) contain—
  - (i) the respondent's response to the grounds on which the appellant appeals;
  - (ii) a statement as to whether or not the respondent requests an oral hearing;
- (b) be accompanied by—
  - (i) any document or information on which the respondent wishes to rely in seeking to uphold the decision which is the subject of the appeal;
  - (ii) the respondent's reasons for giving notice under regulation 11(7), if not already provided to the appellant.

(4) The respondent may serve an amended reply on the Secretary of State at any time and, subject to sub-paragraph (5), the Secretary of State must send a copy to the appellant.

(5) The Secretary of State need not comply with sub-paragraph (4) if the amended reply is received after the Secretary of State has—

- (a) determined to decide the appeal without a hearing; or
- (b) (as the case may be) notified the parties in accordance with paragraph 13(1).

(6) Sub-paragraph (3) applies in relation to an amended reply as it applies to a reply.

### **Acknowledgment of reply etc.**

7. The Secretary of State must acknowledge the reply and send a copy of the reply and any accompanying documents and information to the appellant.

### **Information: further provision**

8.—(1) The Secretary of State may require the appellant or the respondent to provide the Secretary of State with such further documents or information as the Secretary of State considers appropriate by the date specified in the request.

(2) The Secretary of State must inform the appellant or the respondent (as the case may be) of any request made under sub-paragraph (1).

(3) The appellant or the respondent may provide further documents or information to the Secretary of State at any time.

(4) Subject to sub-paragraph (5), the Secretary of State must send a copy of any document or information provided by one of the parties to the other party.

(5) The Secretary of State need not comply with sub-paragraph (4) where the further document or information is received after the Secretary of State has—

- (a) determined to decide the appeal without a hearing; or
- (b) (as the case may be) notified the parties in accordance with paragraph 13(1).

### **Withdrawal of appeal or reply**

9.—(1) The appellant may withdraw the appeal at any time by notice served on the Secretary of State.

(2) The respondent may withdraw the reply at any time by notice served on the Secretary of State.

(3) The Secretary of State must notify the respondent if the appellant withdraws the appeal and the appellant if the respondent withdraws the reply.

### **Determination of appeal on failure to defend the appeal or withdrawal of appeal or reply**

10.—(1) The Secretary of State must allow the appeal where—

- (a) the respondent's reply states that the respondent does not seek to defend the decision which is the subject of the appeal; or
- (b) the respondent withdraws the reply.

(2) The Secretary of State must notify the appellant if the appeal is allowed under sub-paragraph (1).

### **Determination of appeal without a hearing**

11. At any time after the expiry of the period in paragraph 6(1) if neither of the parties has requested a hearing the Secretary of State may decide the appeal without a hearing.

### **Appeal panels**

12.—(1) Where there is to be a hearing the Secretary of State must appoint a panel in accordance with sub-paragraph (2) to consider the appeal.

(2) A panel must include at least three persons, comprising—

- (a) one or more teachers or persons who have been teachers in the past five years; and
- (b) one or more other persons.

### **Notification of hearing date etc.**

13.—(1) Where there is to be a hearing the Secretary of State must—

- (a) notify the parties of the time and date of the hearing (which must be at least 15 working days after the date of the notice of the hearing), and its location;
- (b) offer the parties the opportunity to submit written representations instead of attending the hearing;
- (c) advise the parties of the possible consequences of failing to attend the hearing without having submitted written representations.

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(2) The Secretary of State must notify the parties of any change of date, time or location of a hearing.

#### **Preparations for hearing**

**14.** Each of the parties must, no later than 10 working days before the date of the hearing, inform the Secretary of State—

- (a) whether or not the party intends to appear or be represented at the hearing;
- (b) of the name of any witness the party intends to call at the hearing.

#### **Written representations**

**15.—(1)** A party choosing to submit written representations instead of appearing or being represented at a hearing must do so no later than 10 working days before the date of the hearing.

(2) The Secretary of State must send a copy of any written representations to the other party to the appeal.

#### **Procedure at the hearing**

**16.—(1)** A hearing must be in public except so far as the Secretary of State determines the hearing is to be in private.

(2) The procedure at the hearing is to be determined by the Secretary of State, and the panel appointed under paragraph 12 must consider cases referred to it by the Secretary of State in accordance with such procedure.

(3) The panel must make a recommendation to the Secretary of State as to whether the appeal should be allowed.

(4) The Secretary of State may adjourn a hearing.

#### **Notification of decision on an appeal**

**17.—(1)** The Secretary of State must notify in writing the persons specified in sub-paragraph (2) of the decision on an appeal and the reasons for that decision.

(2) The persons referred to in sub-paragraph (1) are—

- (a) the parties; and
- (b) the head teacher of the institution at which the appellant was employed at the completion of the appellant's induction period.

(3) The Secretary of State must notify in writing any person named in the notice of appeal as the appellant's employer of the decision.

#### **Time limits and irregularities**

**18.—(1)** The Secretary of State may extend any time limit imposed on the appellant or the respondent by this Schedule (whether before or after the expiry of the time limit) if the Secretary of State considers it appropriate to do so.

(2) An irregularity in the procedure for an appeal does not of itself invalidate the decision on appeal.