

Preparing for a hearing

After you have raised the appeal, your employer or the person carrying out the appeal process should invite you to a 'hearing'. This is a meeting where your employer hears all the evidence to make a final decision.

They should do this as soon as possible and tell you in writing:

- the date, time and place of the hearing
- about your right to be accompanied

Employers can use the [Acas templates for disciplinary appeal letters](#).

The right to be accompanied

By law, an employee or worker can bring a 'companion' (relevant person) with them to both disciplinary and grievance appeal hearings. This is called 'the right to be accompanied'.

Having a companion can be helpful because they can:

- set out your case
- respond on your behalf to any comments or points made at the hearing
- talk with you during the hearing, when needed
- take notes
- sum up your case at the end of the hearing

Your employer might agree to allow your companion to answer questions on your behalf. But this is not a legal requirement.

You should tell your employer as soon as possible who you want to be your companion so they can make the arrangements in good time.

Who you can bring with you

You must choose your companion from one of the following:

- someone you work with
- a trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Under discrimination law, employers must make [reasonable adjustments](#) for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Employers can, but do not have to, allow companions who do not fall within the above categories. For example, some employment contracts might allow for someone from a professional support body, partner, spouse or legal representative.

What you can do in the hearing

The appeal hearing is the chance for you to state your case and ask your employer to look at a different outcome.

It could help for you to:

- explain why you think the outcome is wrong or unfair
- say where you felt the procedure was unfair
- ask questions about the parts of the procedure you felt were unfair
- present new evidence, if you have it
- listen to your employer's point of view
- refer to your organisation policy or the [Acas Code of Practice on disciplinary and grievance procedures](#)
- ask how your organisation has dealt with any similar cases before

What employers should do in the hearing

In an appeal hearing, the person carrying out the appeal process should:

- introduce everyone, explaining why they are there if necessary
- explain the purpose of the hearing, how it will be conducted and what powers the person hearing the appeal has
- ask you why you are appealing
- look at new evidence, if there is any
- summarise the points after discussing them, and end the hearing

They will then need to consider if:

- the original outcome was fair
- they need to change the original outcome, if it's clear it was not right
- further investigation is needed to find out more before making a final decision

Carrying out extra investigation steps

After hearing your appeal, your employer or the person they have assigned might decide they need to carry out further investigation steps.

This would be in cases where they need to:

- find or look at new evidence you've raised
- re-check the evidence they found
- talk to the same people again
- find and talk to new witnesses

If so, they would need to follow the steps in the [investigation stage](#).

The person carrying out the appeal investigation should then write up a confidential report. Your employer should show you this report.

If the extra investigation steps find new or more serious information about you, your employer should not increase the original disciplinary outcome, unless your disciplinary policy allows this.

Instead, your employer should start a new disciplinary procedure to investigate these new findings.