

## The “Academic Annex”

Modifications made by the University Commissioners in exercise of the powers conferred on them by Section 204 of the Education Reform Act 1988 in relation to the London School of Economics and Political Science, copies having been duly sent to each of the persons specified in Section 205(2) affording those persons a reasonable opportunity of making representations as to the issues arising, are now submitted for the approval of her Majesty the Queen in Council.

WHEREAS we were appointed under Section 202 of the Education Reform Act 1988 to be University Commissioners to exercise, in accordance with subsection (2) of the said Section, in relation to the London School of Economics and Political Science, being a qualifying institution, the functions assigned to us by Sections 203 to 207 of the said Act;

AND WHEREAS under subsection (3) of Section 203 of the said Act we are required to exercise the powers conferred on us by Section 204 thereof with a view to securing that no instrument which would have the effect of modifying the provision hereby made shall have that effect unless it has been approved by the Privy Council;

AND WHEREAS in exercise of the powers conferred on us by subsection (8) of Section 203 of the said Act, we are enabled to designate, in relation to an institution, any regulations, ordinances or other instruments which, in our opinion, serve as statutes for the purposes of that institution;

AND WHEREAS it is our opinion that the Articles of Association of the London School of Economics and Political Science serve as statutes of the said School for the purposes of Section 203 to 206 of the Education Reform Act 1988;

AND THEREFORE we, the University Commissioners, DESIGNATE the Articles as statutes for the purposes of the said Section AND DO HEREBY MODIFY the Articles of Association in the manner following:

## **Annex to Article 19A Made by the University Commissioners**

### **Part I - Construction, Application and Interpretation**

#### **Construction**

1. This Annex and any Byelaw made under this Annex shall be construed in every case to give effect to the following guiding principles, that is to say -
  - a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
  - b) to enable the School to provide education, promote learning and engage in research efficiently and economically;
  - c) and to apply the principles of justice and fairness.

#### **Reasonableness of decisions**

2. No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for his or her dismissal may in the circumstances (including the size and administrative resources of the School) reasonably be treated as a sufficient reason for dismissing him or her.

#### **Application**

3.
  - (1) This Annex shall apply
    - a) to Professors, Readers, Senior Lecturers and Lecturers;
    - b) to research fellows, research officers and other senior staff holding academic related posts, being posts recognised by the Standing Committee for the purposes of this Annex; and
    - c) to the Director to the extent and in the manner set out in Part VII.
  - (2) In this Annex any reference to "academic staff" is a reference to persons to whom this Annex applies.

#### **Interpretation**

##### **Meaning of “dismissal”**

4. In this Annex “dismiss” and “dismissal” mean dismissal of a member of the academic staff and –
  - a) include remove or, as the case may be, removal from the office; and
  - b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

##### **Meaning of “good cause”**

5.
  - (1) For the purposes of this Annex “good cause” in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means –

- a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or
  - b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
  - c) conduct constituting failure or persistent refusal of neglect or inability to perform the duties or comply with the conditions of office; or
  - d) physical or mental incapacity established under Part IV.
- (1) In this paragraph –
- a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
  - b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

### Meaning of "redundancy"

6. For the purposes of this Annex dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to –
- a) the fact that the School has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the School, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
  - b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

### Incidental, supplementary and transitional matters

- 7.
- (1) In any case of conflict, the provisions of this Annex shall prevail over any other provisions of the articles and over those of the Byelaws and the provision of any Byelaws made under this Annex shall prevail over those of any other Byelaws:

Provided that Parts III and VII of this Annex shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Annex concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause:

Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

- (3) Nothing in any other Articles shall enable the Standing Committee to delegate their power to reach a decision under paragraph 10 (2) of this Annex.
- (4) Nothing in any other Articles or in any Byelaws made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Annex or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.

- (5) Any reference in this Annex to the University, to the Vice-Chancellor of the University or to Appointed Teachers of the University is a reference to the University of London, or to the Vice-Chancellor or Appointed Teachers of the University of London as the case may be.
- (6) In this Annex –
  - a) references to numbered Parts, paragraphs, and subparagraphs are references to Parts, paragraphs, and subparagraphs so numbered in this Annex; and
  - b) words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

## Part II - Redundancy

### Purpose of Part II

8. This Part enables the Standing Committee, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

**BYELAW 1** *While the Academic Annex procedure gives effect to the purpose of Part II, it is the School's policy to ensure as far as possible security of employment for its members. However it is recognised that there may be circumstances beyond the School's control which may affect staffing requirements. It is the School's agreed aim to maintain and enhance the efficiency with which its core purposes are carried out in order to safeguard the current and future employment of its members. The School, in consultation with the Local Association of the AUT, as the recognised Trade Union for staff covered by the "Academic Annex", shall where possible seek ways to avoid redundancies and, where this is not possible, to minimise the impact of such redundancies which prove unavoidable through the provision of sufficient time and effort to finding alternative employment for staff made redundant. The School shall also seek to handle all compulsory redundancies in the most fair, consistent and sympathetic manner possible and to minimise as far as possible any hardship that may be suffered by the employees concerned.*

### Exclusion from Part II of persons appointed or promoted before 20 November 1987

- 9.
- (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the School or apply in relation to a person unless –
    - a) his appointment is made, or his contract of employment is entered into, on or after 20 November 1987; or
    - b) he is promoted on or after that date.
  - (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

### The Appropriate Body

- 10.
- (1) The Standing Committee shall be the appropriate body for the purposes of this Part.
  - (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff –
    - a) of the School as a whole; or
    - b) of any department or other similar area of the School by way of redundancy.
- 11.
- (1) Where the appropriate body has reached a decision under paragraph 10 (2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
    - a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
    - b) to report their recommendations to the appropriate body.

**BYELAW 2** *The Redundancy Committee set up under paragraph 11.1 of the Academic Annex shall, having formulated firm recommendations for dismissal by reason of redundancy under paragraph 11.2, disclose to the President of the Local Association of the AUT in writing:*

- a) *the reasons for the proposed redundancy;*

- b) *the numbers and descriptions of employees whom it is proposing to dismiss;*
- c) *the total number of employees of any such description employed in the School;*
- d) *the proposed method of selection and how it shall be applied in relation to the School's organisational structure;*
- e) *the proposed method of carrying out the dismissals;*
- f) *the formula for determining redundancy pay agreed by the Standing Committee other than statutory redundancy pay;*
- g) *any retention of School benefits;*
- h) *whether a redundant employee may leave during the notice period or postpone the date of expiry of notice without the individual losing any entitlement to a statutory redundancy payment;*
- i) *proposed arrangements for assistance with job seeking and for time off with pay to seek alternative work or for retraining.*

*The consultation period with the Local Association of the AUT shall commence as soon as possible and shall be in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Unions Reform and Employment Rights Act 1993. Whenever possible the consultation shall take place over a longer period than the minimum provided for in this legislation.*

*Consultation with the Local Association of the AUT shall include consultation about ways of avoiding the dismissal, reducing the number of employees to be dismissed and mitigating the consequences of the dismissals and shall be undertaken with a view to reaching agreement with the AUT.*

**BYELAW 3** *In formulating recommendations for redundancy under paragraph 11 (1) (a) of the Academic Annex, the Redundancy Committee shall in particular take account of the following general factors in selecting potential candidates for redundancy:*

- a) *skills, qualifications, experience and aptitudes;*
- b) *period of service;*
- c) *standard of work performance;*
- d) *potential adaptability for alternative work.*

*As stated in Byelaw 1, these criteria shall be applied in as objective, fair, consistent and non-discriminatory a manner as possible.*

- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise:-
  - a) a Chairman; and
  - b) two members of the Standing Committee, not being persons employed by the School; and
  - c) two members of the academic staff nominated by the Academic Board.

**BYELAW 4** *The two Academic Board representatives to be appointed to the Redundancy Committee under Regulation 11 (3) (c) shall be selected by lot from a panel of ten representatives nominated annually for this purpose by the Board. The lot shall be drawn by the Vice-Chairman of the Academic Board, and the results reported to the Standing Committee. The composition of the Academic Board Panel shall have due consideration to the School's commitments to Equal Opportunities. The Standing Committee members shall be nominated by the Chairman of the Court or his deputy.*

## Notices of intended dismissal

12.

- (1) Where the appropriate body has approved a selection recommendation made under paragraph 11 (1) it may authorise an officer of the School as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.

**BYELAW 5** *Where selection for redundancy has been confirmed under Regulation 12(1), members selected shall in the written notice of the selection sent under Regulation 12(2) also be informed of the following matters additional to those specified in Regulation 12(3):-*

- a) the option of payment in lieu of notice in accordance with contractual entitlements;*
  - b) that the School shall make every effort to seek alternative employment in the School for them and shall take steps to inform them of any available vacancies;*
  - c) that the School shall also endeavour to assist members for whom alternative employment cannot be found in the School to find outside employment. Individual counselling and the provision of appropriate supporting resources shall also be made available to members made compulsorily redundant.*
  - d) the entitlements they have to compensation in accordance with the statutory redundancy payments scheme and the method of calculation of their redundancy pay;*
  - e) that subject to the working requirements of their Department/ Institute/ Centre/ Service, they shall be given permission to take time off work during their notice period to look for work or seek retraining opportunities in accordance with current legislation, following consultation with their Convener of Department/ Head of Institute/ Centre/ Service;*
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
    - a) a summary of the action taken by the appropriate body under this Part;
    - b) an account of the selection processes used by the Redundancy Committee;
    - c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
    - d) a statement as to when the intended dismissal is to take effect.

## Part III - Disciplinary and Dismissals and Removal from Office

### Disciplinary Procedures

13.

- (1) Minor faults shall be dealt with informally.

**BYELAW 1** *The following procedure shall be followed in dealing with minor faults under paragraph 13.1 of the Academic Annex:*

- i. Minor breaches of discipline may result in an informal oral warning being given by the Convener, Head of Institute/ Research Centre or immediate reporting officer of the member of staff. A note of the content of this warning shall be kept by the Convener/ Head of Institute/ Research Centre/ Head of Service.*
- ii. It is expected that in most cases an informal oral warning shall quickly resolve most difficulties without the necessity of recourse to the formal procedures in paragraphs 13 (2) to 20 of the Academic Annex.*
- iii. Examples of the type of conduct which may initially be dealt with informally are unexplained lateness or absence.*

- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:-

**BYELAW 2** *The formal procedure set out in paragraph 13 (2) shall also be used when an employee, having received an appropriate informal warning, fails to improve and maintain that improvement with regard to conduct or job performance.*

## Stage 1 - Oral Warning

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after twelve months, subject to satisfactory conduct and performance.

## Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Convenor or Head of the Institute, Research Centre or Service concerned. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the School Secretary seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Convenor or Head of the Institute, Research Centre or Service concerned but it will be disregarded for disciplinary purposes after two years subject to satisfactory conduct and performance.

### BYELAW 3

- i. *The formal procedure in stage 2 in paragraph 13 (2) shall be invoked by the Convener of Department, Head of Institute/ Research Centre or immediate reporting officer of the member of staff, who shall make it clear in writing to the member that the formal procedure is being followed, and the complaints to be considered.*
- ii. *Any Convener, Head of Institute/ Research Centre or immediate reporting officer proposing to invoke the formal procedures shall first consult Personnel Services.*
- iii. *Where an accredited trade union representative may be liable to disciplinary action, Personnel Services should be informed immediately so that contact may be made with a full-time trade union official.*
- iv. *In any case, where the School knows that a member of staff is a member of the LSE Association of the AUT, the Branch President shall be told by the School that a complaint has been lodged together with the nature of the complaint. Where the member of staff who is subject of a complaint is not to the knowledge of the School an A UT member, the Branch President shall be told that a complaint has been lodged against a colleague without the member concerned being named, together with the nature of the complaint.*
- v. *When an allegation of misconduct or unsatisfactory performance failing short of possible good cause for dismissal arises, an investigation shall be conducted by the Convener of Department, Head of Institute/ Research Centre, immediate reporting officer or their nominated representative, unless they are personally involved in any incident of alleged misconduct. A member of the Staffing Office shall also be involved in the investigation. The investigation shall include the questioning of witnesses and the employee concerned, who may be accompanied by a representative of the Local AUT or some other person of the employee's choice.*
- vi. *If the Convener, Head of Institute/ Research Centre is personally involved in the alleged misconduct, the investigation shall be conducted by a nominee of the Director, who shall be of equivalent status to the Convener Head of Institute/ Research Centre or immediate reporting officer.*
- vii. *A member may be suspended on full pay if, in the view of the Convener, Head of Institute/ Research Centre or immediate reporting officer or their nominated representative or nominee of the Director, that would assist the investigation. A suspension on full pay shall not normally exceed three working days, but*



*may be longer if that is considered necessary to assist the investigation. In every case, the member shall be informed in writing of the reason (s) for the suspension and the duration of it.*

- viii. *If following investigation, it is found that disciplinary action may be justified, a formal disciplinary hearing shall be arranged by Personnel Services, normally within five working days of the end of the investigations. The employee shall be informed in writing of the date, time and place of the hearing, and of the right to be accompanied by a representative of the Local AUT or another person of their choice.*
- ix. *The Disciplinary Panel shall normally comprise the Convener, Head of Institute/ Research Centre or immediate reporting officer, a further member of management if that is considered appropriate, and a member of the Staffing Officer who shall act as an advisor to the Panel. Where the Convener, Head of Institute/ Research Centre or immediate reporting officer is personally involved the Director shall make arrangements for his nominee(s) to be present to consider the evidence presented by the Convener/Head of Institute/ Research Centre or immediate reporting officer, and the employee, together with a member of the Staffing Office.*
- x. *The employee shall have the right to call witnesses to the hearing, and shall be afforded every opportunity at the hearing to state the member's case before a determination on the case is made.*
- xi. *There shall be provision for the adjournment of disciplinary hearings if any matter is raised which requires further checking or investigation before a decision as to penalty is taken.*
- xii. *Following consideration of the evidence, the Convener, Head of Institute/ Research Centre, immediate reporting officer or Director's nominee shall inform the member in writing within five working days of the hearing of the nature of the disciplinary action to be taken under paragraph 13(2).*

#### **BYELAW 4**

*The following byelaw elaborates on the provisions of paragraph 13 (2) stage 2 regarding the issue of written disciplinary warnings:*

- i. *At the discretion of the Disciplinary Panel and depending on the seriousness of the offence, a written warning may be imposed under Stage 2 without an oral warning (Stage 1) having previously been given.*
- ii. *At the discretion of the Disciplinary Panel a first written warning may be imposed as an intermediate stage between an oral warning and a final written warning. A first written warning shall normally be kept on the member's personal file in the Staffing Office for twelve months, after which time it shall be expunged, subject to satisfactory conduct and performance.*
- iii. *Except in cases of gross misconduct which shall be dealt with under paragraphs 14-20, there shall not normally be dismissal for a first offence.*

#### **BYELAW 5**

*This byelaw relates to the arrangements for the retention of written warnings issued under paragraph 13(2) stage 2. A copy of a final written warning shall also be kept on the individual's personal file in the Staffing Office for two years.*

## Stage 3 - Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the School Secretary within two weeks. The Vice-Chairman of the Appointments Committee shall hear all such appeals and his decision shall be final.

### **BYELAW 6**

- i. *On receipt of a notification of appeal against a disciplinary warning under paragraph 13(2), the Secretary shall arrange for an appeal to be heard under "Stage 3 " of the procedure within ten working days, or as soon as is reasonably practicable.*
- ii. *The Vice-Chairman of the Appointments Committee shall hear the appeal with a member of Personnel Services in attendance to advise on procedure. The appellant shall have the right to be accompanied by a representative of the Local AUT, or by another person of the appellant's choice, to introduce new evidence and to call witnesses to the appeal hearing as appropriate at the discretion of the Vice-Chairman of the Appointments Committee. The Vice-Chairman may, if it appears to him necessary to assist in the determination of the appeal, also call the Converter, Head of Research Centre/ Institute, immediate line manager, or Director's nominee, who imposed the disciplinary penalty to attend the hearing as a witness.*
- iii. *There shall be provision for adjournments of the hearing if the Vice-Chairman considers it necessary.*
- iv. *The decision of the Vice-Chairman on the appeal shall be conveyed to the appellant in writing within three working days of the appeal hearing, with a copy, if applicable, to his trades union representative. There shall be no further right of appeal.*

## **Preliminary examination of serious disciplinary matters**

14.

- (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by the Tribunal appointed under paragraph 16 may be made to the School Secretary who shall bring it to the attention of the Director.

### **BYELAW 7**

- i. *This byelaw sets out the arrangements for consideration of a complaint under the provisions of paragraph 14(1) of the "Academic Annex". It is expected that the complaint to the School Secretary shall be made by the Convener, Head of Centre/ institute or immediate reporting officer. If the complaint is against the School Secretary, it shall be lodged directly with the Director. The School Secretary shall notify the member of staff that a formal complaint has been lodged under this part of the disciplinary procedure within five working days of the receipt of the complaint and advise the member of the provisions of the procedure.*
- ii. *If the employee is known to be a member of the Local Association of the AUT, the School Secretary shall inform the Branch Secretary that a complaint has been made and shall be considered under the good cause provisions of the Academic Annex procedure.*
- iii. *The Director shall normally seek to conclude his investigations into the complaint within twenty-eight days of the receipt of the complaint, and shall notify his decision as to future action in writing to the member within five working days of the conclusion of the investigations.*
- iv. *The Director shall inform the employee in writing of his determination of the complaint, following the receipt of comments (if any) from the member within fourteen days of the receipt of comments or upon the expiry of the twenty-eight days provided for the submission of comments under paragraph 14(7). When the employee is a member of the Local Association of the AUT, the Director shall send a copy of his letter to the Branch President.*

- (2) To enable the Director to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such investigations or enquiries (if any) as appear to him to be necessary.
- (3) If it appears to the Director that a complaint brought to his attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the School or within the department or other relevant area, or is trivial or invalid he may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Director does not dispose of a complaint under sub- paragraph (3) he shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he sees fit, he may suspend the member on full pay pending a final decision.
- (5) Where the Director proceeds further under this Part he shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the Director shall consider the matter in the light of all the material then available and may -
  - a) dismiss it himself; or
  - b) refer it for consideration under paragraph 13; or
  - c) deal with it informally himself if it appears to the Director appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
  - d) direct the School Secretary to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within twenty-eight days the Director may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

## Institution of Charges

15.

- (1) In any case where the Director has directed that a charge or charges be preferred under paragraph 14(6)(d), he shall request the Standing Committee to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Standing Committee has been requested to appoint a Tribunal under paragraph 16 the School Secretary or, if he is unable to act, another officer appointed by the Director shall take charge of the proceedings.
- (3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.
- (4) It shall be the duty of the officer in charge of the proceedings
  - a) to forward the charge or charges to the Tribunal and to the member of the academic staff concerned together with the other documents therein specified, and
  - b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

## BYELAW 8

*This byelaw provides arrangements in respect of summoning a Tribunal set up under paragraphs 14 (6) (d) and 15 (4) of the 'Academic Annex'. The officer in charge of the proceedings shall normally arrange for a meeting of the Tribunal to be held within twenty-eight days of the Director's notification to the member that he has determined that the complaint should be considered by a Tribunal under paragraph 16. The employee*

*shall be given at least twenty-one days' notice of the date, time and place of the Tribunal hearing and shall be advised of the possible outcomes if the complaint is upheld.*

## **The Tribunal**

16. A Tribunal appointed by the Standing Committee shall comprise:
- a) a Chairman; and
  - b) one member of the Standing Committee, not being a person employed by the School; and
  - c) one member of the academic staff nominated by the Academic Board.

### **BYELAW 9**

*This byelaw provides arrangements for the selection of the membership of a Tribunal under paragraph 16 of the "Academic Annex".*

- i. *The member of the Academic Board to serve on the Tribunal shall be drawn from a panel of members nominated annually for that purpose by the Academic Board. This shall comprise ten members, consisting of three Professors, three Senior Lecturers/ Readers and four Lecturers. The names of the academic members of the Tribunal shall be drawn by lots from among this panel. The drawing of the lots shall be arranged by the Vice-Chairman of the Academic Board, who shall notify the member of staff on every occasion of the time and place at which the lots shall be drawn and shall inform the officer in charge of the proceedings and the member and the Local Association of the AUT, if the member is known to be an AUT member, of the result. The Standing Committee shall be asked formally to endorse the appointment of the Academic Board nominee to the Tribunal.*
- ii. *Academic Governors and members of the Executive of the Local Association of the AUT shall not be eligible for nomination to the Tribunal, but may vote and make nominations.*
- iii. *The Standing Committee member of the Tribunal shall be drawn from the Lay Governor membership of the Committee by lot, and the member notified of the result, together with the Local Association of the AUT if the member is known to be an A UT member. The Standing Committee shall be asked formally to endorse the appointment of the Lay Governor member to the Tribunal.*
- iv. *The Chairman of the Tribunal shall be appointed by the Standing Committee from among the lay governors of the Court of Governors who are not also members of the Standing Committee . The member shall be notified of the appointment to the Chair of the Tribunal together with the Local Association of the AUT, if the member is known to be an AUT member.*
- v. *The member shall, if he is an Appointed Teacher, be informed of the University nominations to the Tribunal.*
- vi. *The individual shall have the right to challenge the membership of the Tribunal for good cause, e.g. in respect of equal opportunities considerations.*
- vii. *Where an elected member of the Tribunal is unable to be present at any stage of the proceedings, they shall inform the Chairman who shall make arrangements to appoint a replacement. A majority of the Tribunal shall be continuously present; if this is not possible, the proceedings shall be stopped and recommenced with a new membership.*

Provided that in any case where the member of the academic staff concerned is an Appointed Teacher of the University, the Tribunal shall include, in addition to the members referred to under sub-paragraphs (b) and (c), two members nominated by the University, not being persons employed by the School.

### **BYELAW 10**

*It shall additionally be the responsibility of the officer in charge of the proceedings, under paragraph 16 of the "Academic Annex", to make the necessary liaison with the University of London for the nomination of two University nominees to the Tribunal where the member of the academic staff concerned is an Appointed Teacher of the University.*

## Provisions concerning Tribunal procedure

17.

- (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in bye-laws made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such bye-laws shall ensure –
  - a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
  - b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him to represent him are entitled to be present;
  - c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him is based; and
  - d) that full and sufficient provision is made –
    - i. for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Director for further consideration and for the correction of accidental errors; and
    - ii. for appropriate time limits for each stage (including the hearing) to the intent that any charge there under shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

### **BYELAW 11**

*Tribunal Procedures under paragraph 17 (2) of the "Academic Annex"*

- i. *The member of staff shall in the notification sent by the officer in charge under Byelaw 8, be reminded of the right to be represented at the Tribunal by a representative of the Local AUT or by another person of their choice, whether such a person is legally qualified or not.*
- ii. *The Tribunal shall take the form of an oral hearing held in private at which the member of staff and any person appointed by them to represent them are entitled to be present. Subject to ensuring provision for the matters covered in (M), (iv), (y), (vi) and (vii) below, the Tribunal shall have the power to determine the structure of its proceedings. The member shall have the right to request a postponement of the hearing in writing to the officer in charge who shall decide whether the request should be complied with, and shall inform the member of his decision.*
- iii. *The Director shall appoint a nominee to present the School's case against the member to the Tribunal, who shall not be the officer in charge of the proceedings. The presenter may be represented by another person. The employee shall be given a summary of the evidence on which the School shall rely. The employee shall endeavour to submit a written summary of the grounds of their defence to the officer in charge of the proceedings for circulation to the members of the Tribunal before the date fixed for the Hearing. Both sides shall submit their respective summaries in good time to allow the other to give due consideration to them.*
- iv. *The member of staff and their representative may call witnesses and question witnesses upon the evidence on which the case against them has been made. The employee shall notify the officer in charge at least two days before the Tribunal of the person (s) they intend to call as a witness. Up to two representatives of the Local AUT, or up to two other persons may attend the Tribunal as observers at the request of the member.*
- v. *There shall be provision for the adjournment of the Tribunal proceedings if any matter is raised which requires further verification or investigation before any decision is reached on the complaint; but the Tribunal shall maintain due regard for the importance of concluding its deliberations as expeditiously as possible. The normal expectation is that a Tribunal shall be completed in no more than five working days in total.*

- vi. *The Tribunal shall act only on evidence produced before it. Any evidence, oral or documentary, shall be given in the presence of the member of staff or his representative unless he chooses not to appear in person or be represented. Copies of any written documents received by the Tribunal shall be given to both sides. The Tribunal shall have the power to permit appropriate modification of the statement of alleged offence or to the grounds of defence and to admit appropriate additional evidence as the case proceeds.*
- vii. *A full transcript of the Tribunal shall be taken and a copy sent to both the parties and their representatives, if any.*
- viii. *The Tribunal may reserve the right to take independent legal advice on any matter it deems appropriate. All parties shall be kept fully informed of all advice which the Tribunal's legal adviser tenders to the Tribunal.*
- ix. *Having considered all the available evidence, the Tribunal shall formulate its decision on the charge(s). The Tribunal may reach its findings and determine its recommendations by majority. The fact of a majority decision shall be recorded in the statement of the Tribunal's decision(s), with any dissident member being entitled to append a statement of their reasons. Where it finds any charge proven, the Tribunal may dismiss the charge or charges for want of prosecution, remit the charge or charges to the Director for further consideration and for the correction of accidental errors, or formulate a recommendation or recommendations to the Director as to disciplinary penalty, which may include dismissal or removal from office.*

## Notification of Tribunal decisions

18.

- (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Director and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

### **BYELAW 12**

*The Tribunal shall, under paragraph 18 of the "Academic Annex", notify its decision on any charge referred to it together with its finding of fact and reasons for its decision and recommendations as to penalty in writing to the Director and each party to the proceedings, including the Local AUT if the defendant is known to be an AUT member, within three working days of the Hearing. The right of appeal under Part V of the "Academic Annex shall be notified.*



## **Powers of the appropriate officer where charges are upheld by Tribunal**

19.

- (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be –
  - a) to discuss the issues raised with the member concerned; or
  - b) to advise the member concerned about his future conduct; or
  - c) to warn the member concerned; or
  - d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed three months after the Tribunal's decision; or
  - e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.
- (3) Where the appropriate officer has decided under paragraph (1) to dismiss a member of the academic staff who is an Appointed Teacher of the University, the officer shall inform the Vice-Chancellor of the University so that, subject to the outcome of any appeal by the member of the academic staff under Part V, the University may withdraw from the Teacher the status or title of Professor or Reader of the University.

## **Appropriate Officers**

20.

- (1) The Director shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that office.

### **BYELAW 13**

*The Director as appropriate officer shall, under paragraph 20 of the "Academic Annex", inform the member in writing of his decision as to penalty within five working days of the receipt of the Tribunal's recommendations. A copy of the Director's decision shall be sent to the Secretary of the Local Association of the AUT, if the member is known to be a member of the AUT.*

- (2) Any action taken by the appropriate officer shall be confirmed in writing.

### **BYELAW 14**

#### *Costs*

- i. *All reasonable costs of both parties concerning all internal proceedings shall be borne by the School. The officer in charge of the proceedings shall determine in advance of any commitment to expenditure, what constitutes reasonable costs incurred in producing evidence oral or written for the member's case.*
- ii. *Assessment of reasonable costs of the defendant's legal representations shall be referred by the officer in charge to an independent external evaluator. Any disputed costs shall also be referred to an independent external evaluator.*

## **Part IV - Removal for Incapacity on Medical Grounds**

21.

- (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Director or an officer acting as his delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

22.

- (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer -
  - a) shall inform the member accordingly; and
  - b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.

#### **BYELAW 1**

*Byelaw sets out the arrangements under which a medical report shall be obtained under paragraph 22 of the "Academic Annex".*

- i. *The employee's permission for the application to his doctor for a medical report shall be attached to the School's letter of enquiry to the doctor. The doctor's report shall be returned through the School's Health Service.*
- ii. *The appropriate officer shall, in accordance with the requirements of the Access to Medical Reports Act 1988 inform the member:-*
  - a) that he has the right to withhold consent to the application being made;
  - b) that he has the right to state that he wishes to have access to the report for up to six months after it is supplied;
  - c) that he has rights concerning access to the report before and after it is supplied;
  - d) that he has the right to withhold consent to the report being supplied to the employer;
  - e) that he has the right to request amendments to the report.
- i. *When the member states that he wishes to have access to the report, the School shall so inform the member's doctor when making the application and at the same time inform the member that the report has been requested.*
- ii. *The member must contact his doctor within twenty-one days of the date of application to make arrangements to see the report, or his rights under the 1988 Access to Medical Reports Act shall be lost.*
- iii. *If the member considers the report to be incorrect or misleading he may make a written request to the doctor to make appropriate amendments. If the doctor refuses, the member has the right to ask the doctor to attach a statement to the report reflecting the member's view on any matter of disagreement. The member may withhold consent to the report being supplied to the School.*
- iv. *The School's notification to the member that it intends to make an application to their doctor for a medical report shall advise them to contact the Local Association of the AUT, if they are a member of it and require its advice.*
- v. *If the member intends and is eligible to seek early retirement on ill-health grounds under USS rules, then two medical reports shall be required, to be submitted to the USS Medical Advisor, who may require a further independent medical report to be obtained.*
- (2) If the member shares that view the School shall meet the reasonable costs of any medical opinion required.



- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one person nominated by the Standing Committee; one person nominated by the member concerned or, in default of the latter nomination, by the Academic Board; and a medically qualified chairman jointly agreed by the Standing Committee and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

## **BYELAW 2**

- i. The School Secretary or the appointed nominee of the School Secretary shall be responsible for making the necessary arrangements to determine the membership of the Board in accordance with paragraph 22(3), and for the proceedings of the Board in accordance with this byelaw. The Director or his representative shall refer such medical and for supporting evidence as he may have to the Board. The Board may question the Director and for his representative. The member and for their representative shall have the right to see the medical evidence submitted by the Director to the Board in advance and shall have the right to submit such medical and for supporting evidence as the member and for their representative may have. The Board may question the member and for their representative. The Board may seek clarification or further information on the evidence submitted. It may require the member to undergo medical examination by and for be entitled to rely on a certificate or opinion from one or more medical practitioners of its choice. In the light of a refusal to undergo a medical examination at the Board's request, the Board may come to a decision on the basis of the evidence available to it. The Director and for the Director's representative and the member and for their representative may be present during any examination by the Board of evidence submitted by either party or sought by the Board. The Director and for the Director's representative and the member and for their representative shall then withdraw and the Board shall consider its recommendation. The proceedings of the Board shall be in private but a member may request a member of the Local AUT or any other person of their choice to be present as an observer. The Board shall have the power to adjourn its hearing of the case of a member if it is considered necessary to enable the Board to reach a decision on the case. Such adjournments shall not lead to undue delay on the Board's determination of the case. The Board shall report its decision to the Director and to the member in writing within three working days. If the member is taking ill-health retirement under USS rules and USS requirements as to medical reports have been met, a retirement date shall be agreed between the member and the Director, and the appropriate USS
  - ii. benefits shall be paid to the member. The Director may also determine that an ex gratia payment may be made to the member, depending on the individual circumstances of the case.
- (4) The Board may require the member concerned to undergo medical examination at the School's expense.

## **Termination of Employment**

23. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the School Secretary or his delegate to terminate the employment of the member concerned on those medical grounds.

**BYELAW 3**

*This byelaw provides for notifications additional to those provided in paragraph 23 of the "Academic Annex".*

The appropriate officer shall also inform the member, if following the receipt of medical reports, the Board determines that the member should not be required to retire on ill-health grounds or infirmity. The Director shall inform the member of the right of appeal against a decision taken under Part IV of the Academic Annex. Note: Applications for retirement on grounds of ill-health initiated by a member of staff shall be considered under arrangements set out in a separate School procedure.

## **Part V - Appeals Procedure**

### **Purpose of Part V**

24. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

#### Application and interpretation of Part V

- 25.
- (1) This Part applies -
    - a) to appeals against the decisions of the Standing Committee as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part 11;
    - b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);
    - c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
    - d) to appeals against discipline otherwise than in pursuance of Part 111; and
    - e) to appeals against decisions reached under Part IV
 and "appeal" and "appellant" shall be construed accordingly.
  - (2) No appeal shall however lie against –
    - a) a decision of the appropriate body under paragraph 10 (2);
    - b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
    - c) any finding by a Board set up under paragraph 22 (3).
  - (3) In this Part references to "the person appointed" are references to the person appointed by the Standing Committee under paragraph 28 to hear and determine the relevant appeal.
  - (4) The parties to an appeal shall be the appellant and the School Secretary and any other person added as a party at the direction of the person appointed.

### **Institution of Appeals**

26. A member of the academic staff shall institute an appeal by serving on the School Secretary, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

### **Time for appealing and notices of appeal**

- 27.

- (1) A notice of appeal shall be served within twenty-eight days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).
- (2) The School Secretary shall bring any notice of appeal received (and the date when it was served) to the attention of the Standing Committee and shall inform the appellant that he has done so.

#### **BYELAW 1**

*This byelaw provides for notification by the School Secretary to the AUT of appeals under paragraph 27 (2) of the Annex. Where it is known that the member of staff lodging an appeal under Part V of the Academic Annex is a member of the LSE Association of the AUT, the Branch Secretary shall be informed by the School Secretary. Where the member of staff lodging the appeal is not to the knowledge of the School a member of the AUT, the Secretary of the Local Association shall be informed that an appeal has been lodged by a member of staff without their being named, and under which Part of the Annex the decision appealed against falls.*

Where the notice of appeal was served on the School Secretary outside the twenty-eight day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

### **Persons appointed to hear and determine appeals**

28.

- (1) Where an appeal is instituted under this Part the Standing Committee shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.

#### **BYELAW 2**

*This byelaw provides for the appointment by the Standing Committee under paragraph 28.1 of the Annex of a person to hear an appeal meeting the qualifications for appointment stipulated in paragraph 28.2 of the Annex.*

*The Standing Committee shall draw up a list comprising not less than six persons from among the membership of the Court of Governors who satisfy the criteria under paragraph 28 (2). The Chairman of the Standing Committee shall nominate a member from the panel to hear an appeal.*

- (2) *The persons described in this sub-paragraph are persons not employed by the School holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.*
- (3) *Subject to sub-paragraph (5) the person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.*
- (4) *The other persons who may sit with the person appointed shall be –*
  - a) *one member of the Standing Committee not being a person employed by the School; and*
  - b) *one member of the academic staff nominated by the Academic Board.*

#### **BYELAW 3**

*This byelaw provides for the appointment of other members to sit with the person appointed to hear an appeal following paragraph 28 (4) of the Annex where, under paragraph 28 (3), that person has decided that justice and fairness shall be best served by their sitting with two other persons.*

*The member of the appeals panel to be appointed as a lay member of the Standing Committee shall be drawn by lot from the eligible members. The person hearing the appeal, the appellant, and the Standing Committee shall be informed of the result at the earliest opportunity. The Secretary of the Local Association of the AUT shall also be informed.*

*The member of the Academic Board to serve on the appeals panel shall be drawn by lot from the appropriate list of members appointed by the Board to serve on either the Redundancy Committee under Part H (Byelaw 4 of Part 11 refers) or the Disciplinary Tribunal under Part III (Byelaw 9 (i) and (6) of*

*Part III refers), save that the panel member who sat on the Committee/ Tribunal taking the original decision shall be withheld from the lot. The Board member appointed to hear an appeal under Part IV shall normally be drawn from the membership of the panel of members appointed to serve on the Disciplinary Tribunal under Part III. A member nominated by the Academic Board under paragraph 22 (3) to serve on a Medical Board in default of a nomination by the member concerned shall not be eligible to serve on an Appeals Panel considering a decision reached under Part IV. The person appointed to hear the appeal and appellant shall be informed of the Academic Board member of the Appeals Panel (if any) as soon as possible and the Secretary of the Local AUT shall also be informed.*

- (5) In the case of an appeal against a decision taken under paragraph 19 to dismiss a member of the academic staff who is an Appointed Teacher of the University the person appointed shall sit with –
- a) one member of the Standing Committee not being a person employed by the School; and
  - b) a member of the academic staff nominated by the Academic Board; and
  - c) two persons nominated by the University not being persons employed by the School.

#### **BYELAW 4**

*This byelaw provides for the appointment of members of an appeals panel under paragraph 28(5) of the Annex.*

*The members appointed to the panel under paragraphs 28 (5) (a) and 28(5)(b) of the Annex shall be selected following the procedure set out in Byelaw 3 above. The School Secretary shall liaise with the University of London on the nomination of two University nominees to the panel where the member of the academic staff concerned is an Appointed Teacher of the University. The person appointed to hear the appeal and appellant shall be informed of these nominees as soon as possible and the Secretary of the Local AUT shall also be informed.*

## Provisions concerning appeal procedures and powers

29.

- (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in bye-laws made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such bye-laws shall ensure –
  - a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
  - b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
  - c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.

### **BYELAW 5**

*This byelaw provides for Appeals Hearing procedures under paragraph 29(1) of the Academic Annex.*

- i. *The member of staff shall, in the notification sent of the right of appeal against decisions reached under Parts II, III or IV of the Annex be reminded of their right to be represented at the hearing by a representative of the Local AUT or by another person of their choice, whether such person is legally qualified or not.*
- ii. *The Appeal shall take the form of an oral hearing held in private, at which the appellant and any person appointed by them to represent them are entitled to be present. The appellant shall be informed by the person responsible for the administrative arrangements for the appeal hearing of their rights under the procedure. Subject to ensuring provision for the matters covered in (iii) to v) below, the person or persons hearing the appeal shall have the power to determine the structure of the appeal proceedings, bearing in mind always the intent of the Annex that any appeal shall be heard and determined as expeditiously as reasonably practicable.*
- iii. *The administration of the appeals proceedings shall be the responsibility of an officer appointed by the School Secretary who was not the officer in charge of the original proceedings under Parts II, III or V.*
- iv. *The appellant shall provide a written summary of the grounds of their appeal to the officer in charge for circulation to the person|persons hearing the appeal and the School's presenter. The School's case against the appellant shall be presented to the Appeals Hearing by the School Secretary, who may be represented by another person. The appellant shall be given a summary of the evidence on which the School's case shall rely. Both parties shall submit their respective summaries in good time to allow the other to give due consideration to them.*
- v. *Witnesses may be called by the appellant with the consent of the person|persons hearing the appeal. Where that consent is given by the panel the School presenter or their representative shall also have a corresponding right.*
- vi. *The appellant may submit in writing fresh evidence that was not available to the body when it reached its original decision under Parts II, III or IV of the Annex. The School shall be given the opportunity to consider the new evidence and comment on it before any decision is taken by the person or persons hearing the appeal.*
- vii. *The person|persons hearing the appeal may postpone or adjourn the hearing if they consider it to be necessary for any reasons; but shall maintain due regard for the importance of concluding their deliberations as expeditiously as possible.*

- viii. *The appeal may be dismissed by the person (s) hearing it for want of prosecution (i.e. if the appellant does not do anything about activating it).*
  - ix. *The person/ persons hearing the appeal shall be able to correct accidental errors which may be found in the determination of the original decision under Parts II, III or V of the Annex.*
  - x. *The Local Association of the AUT shall be informed of the outcome of the appeal.*
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may –
- a) remit an appeal from a decision under Part II to the Standing Committee as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
  - b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
  - c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
  - d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

## Notification of decisions

30.

The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under paragraph 29 (3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Standing Committee as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Director and to the parties to the appeal and to the Vice-Chancellor of the University in the case of an appeal by a member of the academic staff who is an Appointed Teacher of the University.

### **BYELAW 6**

#### *Payment of salary pending outcome of Appeal Proceedings*

*The Standing Committee shall determine whether, pending determination of an appeal against a decision to dismiss a member of staff reached under Parts II, III or IV of the Annex, they should be paid all, part, or none of their salary. If an appeal against dismissal is allowed by the person/ persons hearing it, or it is allowed following further consideration after remittance by the person/ persons hearing the appeal under paragraph 29 (3) of the Annex, the appellant shall be paid any part of their salary which was withheld.*

### **BYELAW 7**

#### *Costs*

All reasonable costs of both parties to an appeal concerning all internal proceedings shall be borne by the School. The officer with responsibility for the administration of the proceedings shall determine in advance of any commitment to expenditure what constitutes reasonable costs incurred by the appellant in producing oral or written evidence for their case. Assessment of reasonable costs of the appellant's legal representation shall be referred by the officer with responsibility for the administration of the proceedings to an independent external evaluator. Any disputed costs shall also be referred to an independent external evaluator.

## Part VI - Grievance Procedure

### **Purpose of Part VI**

31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the department or other relevant area by methods acceptable to all parties.

### **Application**

32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -

- (a) to matters affecting themselves as individuals: or
- (b) to matters affecting their personal dealings or relationships with other staff of the School, not being matters for which express provision is made elsewhere in this Annex.

**BYELAW 1** In respect of the application of the procedure set out in paragraph 32 of the Academic Annex, it should be noted that formal procedures already exist in the School in relation to a number of matters relating to the application or interpretation of the terms and conditions of employment of an individual member of staff, such as discipline, dismissal for disciplinary and non-disciplinary reasons, racial and sexual harassment and matters relating to decisions on the Annual Review. Where there are such other procedures members of staff are advised to use them. This Grievance Procedure shall not apply to any matter which has been, or is being dealt with under the Disciplinary and Dismissal Procedures.

## Exclusions and Informal Procedures

33. (1) If other remedies within the department or other relevant area of the institution concerned have been exhausted the member of the academic staff may raise the matter with the Convener or Head of the Institute, Research Centre, Service or other relevant area.

### **BYELAW 2 Informal Procedures (paragraph 33(1) of the Academic Annex)**

1. The value of pursuing informal conciliatory measures in the resolution of grievances involving members of the School and for the LSE Local Association of the AUT is fully recognised. It is intended that such measures should continue to be used as far as possible, notwithstanding the existence of a formal Grievance Procedure. Recourse should normally be had to the formal procedures only after such informal conciliatory measures have been fully explored and exhausted.
  2. An informal approach and discussion with the Convener/ Head of Institute/ Centre/ Service is expected before a grievance is formally notified to them.
  3. When an informal approach is made in a preliminary attempt to settle a grievance or grievances the Convener/Head of Institute/ Centre/ Service shall normally respond orally or in writing within five working days of the matter being raised. If it is not possible to respond within this timescale, the Convener/ Head of Institute/ Centre/ Service shall inform the aggrieved party when they shall receive a response.
  4. The party which brought the grievance and the Convener/ Head of Institute/ Centre/ Service shall keep an agreed written record of the nature of the grievance and the resolution agreed by these informal means.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Convener or Head of the Institute, Research Centre, Service or other relevant area the member may apply in writing to the Director for redress of the grievance.
- (3) If it appears to the Director that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Director he shall inform the member and the Grievance Committee accordingly.



(4) If the Director is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -

- (a) a complaint under Part III;
- (b) a determination under Part IV; or
- (c) an appeal under Part V

he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member and the Grievance Committee accordingly.

(5) If the Director does not reject the complaint under sub-paragraph (3) or if he does not defer action upon it under sub-paragraph (4) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

### **BYELAW 3 Notification of Grievance to the Director (paragraphs 33(2)-(S))**

1. The party bringing the grievance shall register their wish to take the matter to the next stage of the procedure by submitting details of a grievance to the Director in writing normally within five working days of receiving the response of the Convener/ Head of Institute/ Centre/ Service to an informal approach for resolution of the grievance(s), but in any event as soon as is reasonably practicable.
2. The Director shall make a determination on a formal grievance submitted to him under paragraph 33(2) as expeditiously as possible and normally within ten working days of having received written details of the grievance and shall inform the member of the course of action he proposes to take under paragraphs 33 (3), (4), (5) of the Academic Annex.

### **Grievance Committee Procedure**

34. If the grievance has not been disposed of informally under paragraph 33(5), the Director shall refer the matter to the Grievance Committee for consideration.
35. The Grievance Committee to be appointed by the Standing Committee shall comprise:-
  - (a) a Chairman; and
  - (b) one member of the Standing Committee not being a person employed by the School; and
  - (c) one member of the academic staff nominated by the Academic Board.

### **BYELAW 4 Provisions for electing the members of the Grievance Committee provided for under paragraph 35.**

The Chairman of the Standing Committee or his deputy shall appoint a Chairman of the Grievance Committee and a member of the Standing Committee to membership of the Committee.

Me Academic Board representative shall be selected by lot from a panel of ten representatives nominated annually for this purpose by the Board. The lot shall be drawn by the Vice-Chairman of the Academic Board and the result reported to the Standing Committee. The composition of the Academic Board panel shall have due consideration to the School's commitment to equal opportunities.

**Procedure In connection with determinations; and right to representation**

36. The procedure in connection with the consideration and determination of grievances shall be determined in byelaws in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

**BYELAW 5                      Procedural Provisions as to the Grievance Committee (paragraph 36)**

1. If the Director determines under paragraph 34 that the Grievance shall be referred to the Grievance Committee for consideration, the following procedures shall apply:
  - (a) A meeting of the Grievance Committee shall be arranged within twenty-eight working days of the Director's determination as to how the grievance shall be further handled under paragraph 33. The aggrieved party shall be given at least twenty-one days notice of the time, place and date of the Grievance Committee meeting.
  - (b) Both parties shall have the right to make oral and written representations to the Grievance Committee. Written representations shall be submitted in good time to enable them to be considered by both parties in advance. The party bringing the grievance shall have the right to be accompanied by a representative of the Local AUT, or by any person of their choice.
  - (c) The Grievance Committee shall meet in private and shall have the power to determine its own procedure subject to the provisions of this byelaw.
  - (d) The member shall have the right to request a postponement of the hearing and where any such request is made, the reason for it must be stated. The Grievance Committee shall have the discretion to agree or refuse such requests.
  - (e) There shall be provision for the adjournment of the Committee proceedings if any matter is raised that requires further checking or investigation before any decision is reached on the grievance, but the Committee shall seek to conclude its deliberations as expeditiously as possible.
  - (f) The Grievance Committee shall notify the aggrieved party in writing of its findings on the grievance within ten days of its final meeting and of any proposals which it is making to the Standing

Committee for the redress of a grievance which is well-founded.

- (g) The decision of the Standing Committee shall be notified to the party bringing the grievance, the Convener, Head of Institute/ Centre or Head of Service, and to the members of the Grievance Committee within ten days of the Standing Committee meeting.
- (h) There is no right of appeal against any action for redress agreed by the Standing Committee.

#### **Notification of decisions**

- 37. The Committee shall inform the Standing Committee whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.

### **Part VII - Provisions as to the Director**

- 38. The Council of Management (in this Part called "the Council") may request its Chairman to remove the Director from office for good cause in accordance with the procedure described in this Part.
- (1) A complaint seeking the removal from office of the Director for good cause may be made by not less than three persons being members of the Council to the Chairman of the Council.

#### **BYELAW 1      Submission of complaint against the Director under paragraph 38(1) of the "Annex"**

*The complaint against the Director shall be submitted in writing by the members of the Council to the Chairman and shall provide a summary of the nature of the complaint and evidence for it. The Chairman of the Council shall inform the Director in writing of the receipt of the complaint and, following consideration of it, of what further action, if any, is proposed in accordance with paragraphs 38(2) or (3). If the Chairman determines that a Tribunal shall be appointed, a special meeting of the Court shall be convened with due notice. The Chairman shall authorise another Officer other than the Director to give the necessary notice of the meeting. The Chairman shall first instruct the Secretary to summon a meeting of the Standing Committee. If the Standing Committee concurs there is a prima facie case to consider.*

- (2) If it appears to the Chairman of the Council, on the material before him, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he shall request the Council to appoint a Tribunal to hear and determine the matter.
- (3) If it appears to the Chairman of the Council that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid he may recommend to the Council that no further action be taken upon it.
- (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.

- (5) A Tribunal appointed by the Council shall comprise:
- (a) an independent Chairman; and
  - (b) one member of the Council, not being a person employed by the School; and
  - (c) one Teacher of the University (who may either be a member of the academic staff for the purposes of this Part or a person employed as a Teacher by the University or by another one of its Schools).

**BYELAW 2 Appointment of Tribunal to consider a charge or charges against the Director under paragraph 38(5) of the “Annex”**

The Chairman of the Council shall recommend the membership of the Tribunal, in accordance with paragraph 38(5), to the Council, following such consultation both inside and outside the School as is considered to be appropriate.

- (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.

**BYELAW 3 Procedure of Tribunal (paragraph 38(6) of the Annex)**

While the Tribunal is free to determine its own procedure, subject to the principles justice and fairness, it shall also wish to keep in mind statutory requirements and the need to deal with the charge or charges against the Director as expeditiously as possible.

The Chairman shall consult the Standing Committee and the Court on the recommendations of the Tribunal, and shall determine what action to take in respect of the recommendations having taken due account of their views.

- (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chairman of the Council and to the Director drawing attention to the period of time within which any appeal should be made.
- (8) Persons appointed to hear such an appeal shall be persons independent of the School holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.

**BYELAW 4 Person appointed to hear an appeal from the Director (paragraph 38(8) of the Annex)**

The person appointed to hear an appeal from the Director shall be drawn from the panel of not less than six persons who may be called upon to hear an appeal under Part V of the “Annex”.

The Director shall be informed of the person appointed as soon as possible.

While the person appointed to hear the appeal is free to determine procedure, subject to the principles of justice and fairness, they shall also wish to keep in mind statutory

requirements and the need to deal with the charge or charges against the Director as expeditiously as possible.

The person hearing the appeal shall, in determining the procedure under which the appeal is considered, keep in mind statutory requirements and the need to deal with the appeal as expeditiously as possible. The Director shall be informed in writing of the appeal procedure.

Where the charges are upheld and not dismissed on appeal the Chairman of the Council shall inform the Director of the action to be taken or whether or not this shall result in the Director's dismissal.

- (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his recommendations, if any, as to the appropriate penalty, to the Director and to the Chairman of the Council.
- (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chairman of the Council shall decide whether or not to dismiss the Director.
- 39. Where a complaint is to be referred to a Tribunal under this Part, the Chairman of the Council may suspend the Director from his duties and may exclude the Director from the School without loss of salary and benefits.
- 40. "Good cause" in this Part has the same meaning as in paragraph 5.
- 41. For the purpose of the removal of the Director for incapacity on medical grounds, Part IV shall have effect subject to the following modifications:-
  - (a) for references to a member of the academic staff there shall be substituted references to the Director;
  - (b) for any reference to the office of Director there shall be substituted a reference to the office of Chairman of the Council;
  - (c) for paragraph 23 there shall be substituted -
 

“23. If the Board determines that the Director should be required to retire on medical grounds, it shall ask the Chairman of the Council, as the appropriate officer, to decide whether or not to terminate the appointment of the Director on those grounds.”