APPEALS PROCEDURE

Appeals Procedure

Members of LINX which has had their membership terminated in accordance with clause 6 “Non-Compliance” of the LINX Memorandum of Understanding have the right of appeal against the action taken against them.

Any member wishing to appeal must do so in writing to the LINX Chief Executive Officer within 15 working days of receiving written or email confirmation of the termination of the membership.

The LINX CEO, or his/her appointed representative, will appoint an appeal panel and convene an appeal hearing.

The appeal hearing should take place within two weeks of receiving the written request although the council may in exceptional circumstances extend this period.

The chairman of the appeal panel will be a member of the LINX council or an appointed representative. The appeal panel will consist of the chairman of the panel and two or more members of the council.

A member has the right to be represented or to have its staff accompanied by a person of its choice. Where the member elects to be legally represented, it shall be responsible for any costs it may incur.

Where the decision of the appeal panel is that there was any unfairness or injustice at the time the termination of membership occurred, the panel will have the authority to rectify this at the appeal hearing. This may include overturning the decision to terminate membership completely, substituting some other sanction or changing any other sanction which has previously been imposed.

Procedure

Evidence

The chairman of the appeal panel may adjourn the hearing at any time, either so that evidence can be clarified or expanded upon, or for some other reason. The appellant may also request an adjournment at any point.

The Appellant’s Case

The appellant’s staff or its representative shall present its case in the presence of the appeals panel and may call witnesses. The chairman of the appeal panel shall have the opportunity to question the appellant’s staff attending the hearing, its representative and the appellant’s witnesses.

Summing Up

The chairman of the appeal panel shall invite the appellant's staff or its representative to sum up its case if he/she so wishes, advising that no new evidence may be introduced.

The appellant's staff, its representative and the appellant's witnesses will be asked to withdraw whilst those hearing the appeal have the opportunity to deliberate the case which has been presented to them.

Should a point of clarification be required, the appellant's staff and/or representative will be recalled.

The Decision

The decision of the appeal panel will be by a simple majority of the members of the panel, excluding the chairman. The chairman of the appeal panel will have a casting vote in the event of there being an equality of votes among the other members.

Once those hearing the appeal have reached a conclusion, the appellant's staff will be recalled to hear the decision. This will be confirmed to the appellant in writing within five working days. The appellant's staff and its representative shall be informed that there is no further right of appeal under the council's procedures.