



National College for
Teaching & Leadership

Induction appeals procedure

Updated April 2013

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1. Introduction

1.1 This document sets out the procedures for induction appeals and is intended for use by teachers, their representatives, employers, appropriate bodies and panel members hearing the appeals.

1.2 Since May 1999, every Newly Qualified Teacher (NQT) has been required to complete a statutory induction period if they wish to teach in a maintained school, including a maintained nursery school, or a non-maintained special school in England. This induction period, of three school terms or equivalent is undertaken once Qualified Teacher Status (QTS) has been achieved.

1.3 The appropriate body is the body that decides whether an NQT has met the induction standards. For maintained schools and non-maintained special schools, the Local Authority performs this function for the area concerned. For independent schools, including free schools and academies, the appropriate body can be the Local Authority or the Independent Schools Teacher Induction Panel (ISTIP).

1.4 For the purpose of this document, “parties” in the induction appeals process refers to the teacher, their representative (if they have one) and the appropriate body.

1.5 The national guidance on completing the induction period is set out in Induction for Newly Qualified Teachers (England) Statutory Guidance for appropriate bodies, local authorities, head teachers, school staff and governing bodies (2012).

1.6 If the appropriate body decides that an NQT has failed to complete induction satisfactorily or grants an extension to their induction period, the NQT (referred to as “the teacher” in the remainder of this document) has the right to appeal against this decision. The National College for Teaching & Leadership, acting on behalf of the Secretary of State, is the responsible body for dealing with such appeals.

1.7 The legal requirements for hearing induction appeals and the mandatory timescales for the appeal process are set out in the Education (Induction Arrangements for School Teachers) (England) Regulations 2012. The National College for Teaching & Leadership’s arrangements, as described in this document, have been drawn up in accordance with these Regulations.

1.8 A summary table of the timescales applying to the induction appeal process can be found at the end of this document.

2. Lodging an appeal

Notice of Appeal

2.1 Teachers may appeal once they have been formally notified by the appropriate body that they have failed to complete induction satisfactorily or have been granted an extension to their induction period. In order to appeal, the teacher must write to the National College for Teaching & Leadership stating they wish to appeal (this is referred to as "the Notice of Appeal").

2.2 The Notice of Appeal must be received by the National College for Teaching & Leadership no later than 20 working days after the teacher received the appropriate body's decision. This is calculated after adding one day to the date of the decision letter. A 'working day' means any day, including school holidays, other than a Saturday, a Sunday or a day which is a bank holiday.

2.3 The Notice of Appeal must contain the following information.

- the teacher's full name and address;
- the name and address of the school at which the teacher was employed at the end of their induction period;
- the name and address of the teacher's employer, if employed in a teaching capacity, at the date of appeal;
- the name, address and profession of anyone representing the teacher in this matter and whether the National College for Teaching & Leadership should send documents concerning the appeal to the representative instead of the teacher;
- whether the teacher requests a hearing by the National College for Teaching & Leadership's Induction Appeal Panel; and
- the teacher's grounds of appeal.

(Please note it is very useful if the Teacher could include their teacher reference number and date of birth on the Notice of Appeal.)

2.4 The teacher must send good quality copies of the following documentation with their Notice of Appeal:

- the document from the appropriate body notifying the teacher of its decision;
- any document from the appropriate body outlining its reasons for coming to its decision; and
- every other piece of evidence which the teacher intends to rely on during their induction appeal; for example, training needs assessments, notes of

professional review meetings, lesson observation records and the assessment report forms (Induct 1-3) completed at the end of each term.

2.5 The Notice must be signed and dated by the teacher for it to be valid. If any of the above information is missing, or if the Notice is not signed or dated, the National College for Teaching & Leadership will request this before it can accept the appeal.

2.6 In order for assist with the processing of an appeal, teachers would ordinarily be expected to provide the following additional information:

- the name of their initial teacher training institution;
- the route to QTS, e.g. PGCE;
- the phase and subject specialism, e.g. secondary history; and
- the term dates of the induction year.

2.7 Upon receipt of the Notice of Appeal, the National College for Teaching & Leadership will write to the teacher within three working days to notify them that their appeal has been received.

Appropriate body's response

2.8 At the same time as it sends written acknowledgement of the Notice of Appeal to the teacher, the National College for Teaching & Leadership will write to the appropriate body identified by the teacher, to inform them that an appeal has been lodged.

2.9 The appropriate body has 20 working days from receiving the letter to make a written response to the appeal, stating whether it upholds the disputed decision and, if so, answering each point raised by the teacher in the grounds of appeal.

2.10 The appropriate body should provide the following information in its response:

- its official name and address;
- whether it upholds the disputed decision;
- the name of the official designated by it to deal with the appeal;
- reasons for its decision;
- whether it requests a hearing by an Induction Appeal Panel; and
- the name, address and profession of anyone appointed as its representative and an indication of whether subsequent documentation should be sent to him or her.

2.11 The appropriate body should provide good quality copies of the following documentation with its response:

- any document outlining the reasons for coming to its decision; and
- every piece of evidence which it intends to rely on during the induction appeal; for example, training needs assessments, timetables, notes of professional reviews, objective-setting and any other meetings with the teacher.

2.12 The National College for Teaching & Leadership will also write to the head teacher of the school where the teacher was employed at the end of their induction period and their current employer, if they are still employed in a teaching capacity, to notify them that the teacher has lodged an appeal.

The appropriate body can state at any time that it does not seek to uphold the disputed decision. In this case, the National College for Teaching & Leadership will allow the appeal, update the individual teacher report and will inform the parties within three working days of receiving the appropriate body's decision.

Extension of timescales

2.14 Where a teacher or appropriate body has reasons which prevent them from being able to submit their Notice of Appeal or response within the required timescale, they may apply for an extension. The National College for Teaching & Leadership may extend the time limit in circumstances where not to do so would result in substantial injustice. The reasons for any delay must be given in order for a decision to be reached on this matter.

2.15 If the appropriate body has not responded in the given timescale, the National College for Teaching & Leadership can decide to allow the appeal.

Arrangements for receiving additional documentation and evidence

2.16 The parties can submit any additional documentary evidence and written statements to support their cases before the hearing date has been set.

2.17 The National College for Teaching & Leadership is also able to request additional information if it believes that the appeal could be decided more fairly if this is provided.

2.18 The National College for Teaching & Leadership will ensure that all relevant information, including written representations and evidence received from the respective parties, is available to the panel and all parties involved.

Withdrawal of an appeal

2.19 The teacher may withdraw their appeal at any point during the process and must send the National College for Teaching & Leadership a signed letter if they decide to do this.

2.20 The teacher cannot bring a fresh appeal in relation to the disputed decision once they have confirmed they wish to withdraw their appeal.

2.21 If the teacher has failed to complete their induction period satisfactorily and withdraws their appeal, their name will be added to the list of teachers who have failed to successfully complete their induction period and it will be clear on their individual teacher report. Employers will have password-protected access to the information online and members of the public can apply, in writing, to the National College for Teaching & Leadership for access to specific information on the list.

2.22 If the teacher has been given an extension to their induction period and withdraws the appeal, the extension given will be clear on their individual teacher report.

3. Hearing arrangements

Setting the hearing date

3.1 Once the National College for Teaching & Leadership has received the appropriate body's response, if one or both parties have requested a hearing, it will ask the parties to provide details of their availability for the hearing. If both parties do not request a hearing, an induction appeal meeting will be arranged (see section 6) following the same timescales set out below.

3.2 Within 20 working days of the end of the period for the appropriate body's response (see paragraph 2.13), the National College for Teaching & Leadership will set a date, which will be as soon as possible, for the hearing and notify all parties of the date, time and venue.

3.3 The National College for Teaching & Leadership will provide both parties with information about the hearing procedure, including information about the consequence of not attending and about the right to submit written representations if not attending the hearing.

3.4 The date of the hearing will be at least 15 working days after the National College for Teaching & Leadership's letter notifying the parties of the hearing date is sent.

3.5 Once the National College for Teaching & Leadership has fixed a date, it will try not to make any changes, but this may not always be possible. If the National College for Teaching & Leadership does have to change the date of the hearing, the new date will not be before the original date. The National College for Teaching & Leadership will write to inform the parties of any changes within three working days of the alteration being made.

Arrangements for receiving additional documentation and evidence after the hearing date has been set

3.6 If either party wishes to provide new evidence after the hearing date has been set, copies of this evidence will be sent to the other party to enable them to raise any objections to it.

3.7 If a party objects to the additional evidence, the Induction Appeal Panel will consider and decide whether the evidence can be included during the preliminary stage of the hearing, following the same procedure as set out in paragraph 3.9.

3.8 If the evidence is not objected to, it will be forwarded to the panel members in advance of the hearing and a statement will be made at the beginning of the hearing.

3.9 If either party wishes to provide new evidence on the day of the hearing, the other party is given an opportunity to consider it and asked whether they object to its admission. If there is no objection, the panel is advised but it is their decision whether to admit the evidence. If the other party objects to the evidence, the party submitting it makes representations on why it should be included and the objecting party gives representations on why it should not be included. The panel will consider the nature of

the additional evidence, the reasons for it being produced late and whether its admission will assist the hearing of the appeal. This could involve an adjournment for reading and consideration by the panel.

Circulation of hearing papers

3.10 The National College for Teaching & Leadership will prepare and circulate hearing papers, approximately two weeks before the date of the appeal, to the teacher (and representative if appropriate), appropriate body, legal adviser and members of the panel.

Confidentiality issues

3.11 Induction appeals are highly sensitive and the National College for Teaching & Leadership will take appropriate precautions in handling documentation and despatching hearing papers to the parties and participants. Each set of hearing papers is given a numerical code and a record is kept of the allocation of sets. It is important to ensure that care and attention is taken by everyone to preserve confidentiality and security.

Induction Appeal Panel

3.12 Induction appeals are heard by individually convened panels of three trained, publicly appointed panel members, one of whom will be appointed as the chair by the National College for Teaching & Leadership prior to the hearing.

3.13 During the hearing, the chair will have the lead role in ensuring the correct procedure is followed and that the process is as fair and straightforward as possible so that all parties can give their point of view.

3.14 No member of the panel will have considered an appeal by the same teacher before. For example, if a teacher fails the extension period granted by a panel and subsequently lodges an appeal, no member of the panel that heard the first appeal will be on the panel for the second appeal.

3.15 Panel members are asked to confirm that they have no conflict of interest which prevents them from considering the case. Where any member of the panel believes a conflict of interest may arise in connection with the parties, the panel member will make a declaration accordingly and seek advice on whether to disqualify themselves from sitting as a panel member in relation to that appeal. This may be where a panel member is related to, or knows, anyone involved with the induction appeal, or believes there may be a conflict of interest of any kind.

Legal adviser

3.16 A legal adviser, who may either be an employee of the National College for Teaching & Leadership or be appointed by the National College for Teaching & Leadership, will be present throughout the hearing and the discussion of the

recommendation. They will provide legal and procedural advice to the panel, but will take no part in the recommendation itself.

Rights of attendance and non-attendance by the parties

3.17 The parties do not have to attend the hearing if they do not wish to. However, they are strongly encouraged to attend because the panel will normally wish to receive their testimony and to ask questions if there is anything that is unclear in the documentary evidence.

3.18 The parties should be aware that, in normal circumstances, if they decide not to attend, the hearing will proceed in their absence. However, the panel may determine that it is unable to come to a recommendation on the basis of documentary evidence alone and request the attendance of the parties.

3.19 If parties are not attending and are not being represented at the hearing they may make written representations. These should be sent to the National College for Teaching & Leadership at least 10 working days before the hearing.

Representation at the hearing

3.20 The teacher can send a representative to the hearing, whether or not they themselves attend in person.

3.21 The appropriate body should have identified its representative in its response to the Notice of Appeal but may also choose to be represented by an independent solicitor, barrister or other representative.

3.22 The teacher and appropriate body will each be responsible for arranging and meeting any costs arising from their representation.

3.23 If represented, the teacher and appropriate body must provide the name, occupation and postal address of their representative to the National College for Teaching & Leadership at least 10 working days before the hearing.

4. Hearings

Pre-hearing meeting

4.1 The members of the panel and legal adviser hold a pre-hearing meeting immediately before the hearing commences. The purpose of this meeting is to:

- ensure that all members of the panel have the hearing papers and are confident that they are able to proceed;
- satisfy themselves that, if the school is in special measures, the processes set out in the guidance and Regulations have been adhered to; and
- divide areas of questioning between the panel members.

Venue of the hearing

4.2 The National College for Teaching & Leadership will normally hold induction appeal hearings at its offices in Coventry. The venue has full access for those with disabilities. When hearing papers are despatched, all parties will receive a map of the venue. If another venue is used, the National College for Teaching & Leadership will provide details of the location.

Duration of the hearing

4.3 Induction appeals will normally be held within office hours. Typically, hearings will be scheduled to commence at 9:30 am. and the parties should allow up to a full day for the proceedings. If the business of the hearing cannot be completed during the day, the hearing will be reconvened under arrangements set out in paragraph 4.25.

4.4 There will be a break for lunch of at least 40 minutes; the duration is determined by the chair and panel members on the day. Whilst coffee, tea and water will be supplied as a matter of course, the parties should make their own lunch arrangements. The day's hearing will finish at 5pm at the latest.

People present at the hearing

4.5 The following people will be present at the hearing:

- the three members of the panel;
- the panel's legal adviser; and
- those National College for Teaching & Leadership staff supporting the appeals process.

Those staff in attendance at the hearing will not participate in the discussion of the panel's recommendation.

4.6 The following people are entitled to be present at the hearing:

- the teacher;
- the teacher's representative;
- the teacher's witness(es) (subject to paragraph 4.17);
- the appropriate body's representative(s);
- the appropriate body's witness(es) (subject to paragraph 4.17); and
- any members of the public or press, if the hearing is in public (see paragraphs 4.11-4.13).

Hearing an induction appeal

4.7 At the start of the hearing, the chair will explain the procedure to everyone present and will introduce the panel members and confirm the identity of the parties, their representative(s) and any witnesses. The chair will also cover the declaration of interests, whether the hearing should be in public or private and the documentation before the panel.

4.8 The panel will usually follow a set format. However, hearings are conducted at the discretion of the panel and, on occasions, the panel may wish to depart from the format set out below, where this is appropriate in order to reach an informed decision on their recommendation.

4.9 Typically, the procedure will run as follows:

- The panel invites the teacher/representative to provide a brief opening statement, summarising their appeal.
- The panel invites the appropriate body to make a brief opening statement, summarising their response to the appeal. The appropriate body will also be invited to provide contextual information in relation to the school.
- Panel members ask any questions that may arise from these opening statements.
- The panel invites the teacher to set out their perception of term one and then to receive questions from the appropriate body and panel members.
- If the teacher wishes to introduce witness testimony then:
 - the witness receives questions from the teacher/representative;

- the witness receives questions from the appropriate body;
- the panel addresses any questions to the witness.
- The panel invites the appropriate body to set out their perception of term one.
- If the appropriate body wishes to introduce witness testimony then:
 - the witness receives questions from the appropriate body;
 - the witness receives questions from the teacher/representative;
 - the panel addresses any questions to the witness.
- The process is repeated for terms two and three.
- The panel invites both parties, beginning with the appropriate body, to make closing statements summarising their case.

4.10 At any time, the panel may adjourn the proceedings and deliberate in private.

Exclusion of the public and press

4.11 The role of the National College for Teaching & Leadership is to ensure that proceedings are seen to be fair and transparent. Accordingly, most hearings are open to the public and press. A notice detailing the time, date, venue and parties involved is posted on the Department for Education website approximately one week in advance of the hearing. Hearings are normally held in public, unless the panel determines that it is fair and reasonable for the hearing, or any part of it, to be held in private. This will be decided at the start of the hearing.

4.12 The panel may exclude the public and press from a hearing or part of a hearing where:

- it believes that a public hearing may adversely affect the fairness of the proceedings;
- it is necessary to protect children's interests; or
- either party requests that the hearing be in private and the panel is satisfied that this is not contrary to the public interest.

4.13 Both parties can request a private hearing, or that parts of the hearing be in private, but must provide reasons for the panel's consideration specifying why the hearing, or any part of it, should be held in private. This can be done in advance of, or on the day of, the hearing.

Recording the proceedings

4.14 The National College for Teaching & Leadership will make an audio recording of the hearing proceedings, using a tape recorder or other audio device, which can be transcribed for future reference by the National College for Teaching & Leadership if required.

4.15 The use of mobile telephones, pagers or other similar devices is prohibited whilst the hearing is in session. These should not be set to silent since the signal may interfere with the recording.

Witnesses

4.16 The parties may call witnesses to support their appeal but must give the witnesses' names to the National College for Teaching & Leadership at least 10 working days before the hearing.

4.17 The panel will determine which, if any, witnesses are to be called and whether the witnesses should be permitted to remain in the hearing when not giving evidence. This may be relevant if the panel considers a witness's presence could prejudice a fair hearing.

4.18 Witnesses may be recalled at the discretion of the panel. This may follow a request by one or more of the parties. This could occur if an unforeseen conflict in the evidence arose. If a witness is recalled, the panel will determine the scope of any further questions, but both parties will have the opportunity to ask further questions on the issues already raised.

Questioning of parties and witnesses

4.19 The panel will ask clear and direct questions, avoiding where possible any form of jargon. If the questions do not seem clear, the parties can ask for an explanation of what is meant before answering. The parties have the opportunity to raise additional points and questions, although the chair can limit their questioning.

4.20 It is important that witnesses should be available for full questioning by the panel and the parties. Parties will have to go through the chair when asking questions and the chair will aim to ensure that questioning is not confrontational.

4.21 As well as receiving questions from the panel, the parties may also want to ask questions. Both parties may address the panel on the evidence and generally on the subject matter of the appeal. This may include procedural questions to the panel and the questioning of each other's witnesses.

Additional documentation and evidence required during the hearing

4.22 Very occasionally, the panel may need more evidence to complete its deliberations. If so, the chair will explain what is required and proceedings will be adjourned. If the parties are able to produce the required evidence on the day of the hearing, then the panel will reconvene.

4.23 If the evidence cannot be produced on the day, arrangements may be made to reconvene the hearing. The National College for Teaching & Leadership will despatch written confirmation to the parties of the new date, time and venue within three working days of the date of the adjournment.

Adjournment and resumption of a hearing

4.24 Adjournments are within the control of the chair and may occur at any stage of the proceedings. This may be to deliberate in private, take legal or procedural advice, which will subsequently be announced by the chair in public, or to allow comfort breaks.

4.25 Where a hearing is adjourned and is unable to resume on the same day, the National College for Teaching & Leadership will inform the parties of the new date of the hearing within three working days.

5. Decision

5.1 The panel will consider its recommendation to the Secretary of State in private. It will consider each of the teacher's grounds of appeal in relation to all of the evidence. This includes the documentary evidence submitted by the parties before the hearing, as well as what is said during the hearing. The legal adviser will remain with the panel to provide legal advice as required. The National College for Teaching & Leadership staff member may, if required, offer procedural advice.

5.2 The panel will consider whether it is satisfied or not that:

- the teacher failed to meet the induction standards;
- there were any issues regarding support for the teacher during induction, and the issues were of sufficient importance so as to have seriously disadvantaged the teacher in meeting the standards;
- whilst there was insufficient evidence that the teacher met the standards, it appears that they would be able to meet them if their induction period were extended; or
- there are any other special circumstances that justify the appeal being allowed or the induction period being extended.

5.3 The recommendation of the panel will be decided by a vote of the members of the panel. Any question put to a vote of a panel will be put in the form of a motion. No member of a panel may abstain from voting. A recommendation cannot be made unless there are three panel members involved in the process.

5.4 The recommendation of the panel may be to:

- allow the appeal;
- dismiss the appeal; or
- extend the teacher's induction period for such duration as it thinks fit, or, where the teacher has appealed against an extension to their induction period, to substitute a different period of extension.

5.5 Following the panel's recommendation, the Secretary of State will decide whether to allow the appeal, discuss the appeal or extend, or substitute a different period of extension to the induction period. This decision will usually be made within one working day of the conclusion of the panel's deliberations and recommendation.

Announcement of the decision

5.6 The chair of the panel will notify the parties that the Secretary of State's decision will be sent to them in writing and that this will be despatched within three working days of the decision being made.

5.7 Written notification of the decision will also be sent to the head teacher of the school that employed the teacher at the conclusion of the induction period and to the teacher's current employer, if still employed in a teaching capacity.

5.8 If the National College for Teaching & Leadership is unable to despatch the decision within this timescale, it will contact all parties to advise when the decision notification will be despatched.

National College for Teaching & Leadership database

5.9 Following the hearing, the teacher's individual report and, if necessary, the list of teachers who have failed to successfully complete their induction period held by the National College for Teaching & Leadership will be updated to reflect the Secretary of State's decision.

6. Induction appeal meetings

6.1 When neither party has requested a hearing, an induction appeal meeting is arranged.

6.2 Once all panel members and the legal adviser are present, the meeting can begin.

6.3 The chair will go through the same procedure as the pre-hearing meeting set out in paragraph 4.1.

6.4 The panel must consider whether a hearing is necessary to make a recommendation on the appeal. The legal adviser will advise the panel on matters to be taken into account when making a decision on whether a hearing is necessary.

6.5 If the panel decides that a hearing is not necessary, they will begin by taking the teacher's grounds of appeal one at a time and comparing these with the appropriate body's responses. Where possible, the panel will work through the appeal documentation on a term by term basis. The panel's deliberations should take into account any additional material provided by the parties as supplementary evidence.

6.6 Once all the grounds of appeal have been discussed, the panel can highlight and discuss any other issues they feel are relevant to the appeal which can be identified from the hearing papers.

6.7 If the panel is able to reach a recommendation on the appeal, notice of the Secretary of State's decision, including full reasons, will be sent to the parties in accordance with the procedures set out in paragraph 5.6.

6.8 If the panel needs more evidence to complete its deliberations, the meeting will be adjourned and arrangements will be made to reconvene the meeting. The National College for Teaching & Leadership will request the evidence and will dispatch written confirmation to the parties of the new date and time of the meeting within three working days of the date of adjournment.

6.9 If, at any stage, the panel feels that a hearing is necessary, a date will be arranged and both parties will be contacted and asked to:

- attend the full hearing in person; and/or
- provide the information that the panel needs to continue with its deliberations should either or both of the parties decline the invitation to attend a hearing.

7. Miscellaneous

Equal opportunities and special needs

7.1 In addition to observing its own equal opportunities and race equality policies, the National College for Teaching & Leadership takes all necessary steps to meet its obligations under the relevant provisions of equal opportunities, human rights and race relations legislation. It aims to be sensitive, responding flexibly and, where possible, to accommodate the requirements of any party with a disability or special need.

7.2 If anyone involved in an induction appeal has any special needs they should contact the National College for Teaching & Leadership at the earliest opportunity to explore what provision can be made to accommodate those needs. An induction loop is available for the assistance of those with a hearing impairment.

7.3 To maximise accessibility to the induction appeal process, this document and other information produced by the National College for Teaching & Leadership can, upon request, be made available in other formats

Expenses

7.4 The National College for Teaching & Leadership will pay reasonable expenses to the teacher and up to two witnesses for each party attending an induction appeal. The National College for Teaching & Leadership may pay expenses for additional witnesses in exceptional circumstances, but the Agency needs to be contacted before the hearing to set out what the exceptional circumstances are. The National College for Teaching & Leadership will not cover costs of representation.

7.5 The teacher and witnesses may claim for reasonable travel expenses. If it is necessary for a witness to stay overnight before the hearing, the National College for Teaching & Leadership should be alerted, so that expenses may be claimed for any hotel booking that is made.

7.6 The 'Claiming Expenses' page on the Department for Education's website gives advice on what can be claimed for and how to claim expenses. This page can be found in the regulation section at:

<http://www.education.gov.uk/schools/leadership/teachermisconduct>

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| <p><u>1. NQT DECIDES TO APPEAL AGAINST THE APPROPRIATE BODY'S DECISION</u></p> <p>The NQT sends their Notice of Appeal so that it is received by the NCTL no later than <u>20 working days</u> after the NQT has received the appropriate body's decision.</p> | <p><u>2. NCTL RECEIVES NOTICE OF APPEAL FROM NQT</u></p> <p>From when the appeal is received, the NCTL has <u>3 working days</u> to send a written acknowledgement to the teacher and copy the Notice of Appeal to other parties concerned.</p> | <p><u>3. APPROPRIATE BODY RECEIVES NOTICE OF APPEAL FROM NCTL</u></p> <p>The appropriate body sends its response that it is received no later than <u>20 working days</u> after it received the Notice of Appeal from the NCTL.</p> | <p><u>4(1). NCTL RECEIVES APPROPRIATE BODY'S RESPONSE</u></p> <p>The NCTL acknowledges, copies and despatches the response <u>within 3 working days</u> of receiving it.</p> | <p><u>5(1). NCTL FIXES THE HEARING DATE</u></p> <p>Within <u>20 working days</u> of the end of the period for the appropriate body's response, the NCTL sets the hearing date.</p> <p>The hearing is at least <u>15 working days</u> after the letter notifying the parties of the hearing date is sent.</p> | <p><u>6(1). THE PARTIES ACKNOWLEDGE THE HEARING DATE</u></p> <p>The parties must confirm their attendance and details of representation and witnesses at least <u>10 working days</u> before the hearing.</p> | <p><u>7. NCTL RECEIVES WRITTEN REPRESENTATION</u></p> <p>The NCTL has <u>3 working days</u> from when written representations were received to despatch copies of them to the other party</p> | <p><u>8. THE HEARING</u></p> <p>If the hearing is adjourned, the NCTL despatches written notification to the parties of the new date of the hearing within 3 working days.</p> | <p><u>9. DECISION</u></p> <p>Written notification of the decision is despatched to the parties within <u>3 working days</u> of the decision being made.</p> | |
| | | | <p><u>4(2). APPROPRIATE BODY DOES NOT SEEK TO UPHOLD THE DECISION</u></p> <p>If the appropriate body states that it is not upholding the decision the NCTL will allow the appeal within <u>3 working days</u> of receipt of the appropriate body's communication. The written decision is despatched to the parties within <u>2 working days</u> of the decision being made.</p> | <p><u>5(2). NCTL CHANGES THE HEARING DATE</u></p> <p>If the NCTL alters the hearing date, it will not be earlier than the original date. Written notification of the alteration is sent to the parties within 3 working days of the alteration being made.</p> | <p><u>6(2) WRITTEN REPRESENTATION</u></p> <p>If a party is not appearing at the hearing and wishes to make written representations, it should do this at least <u>10 working days</u> before the hearing.</p> | | | | |
| | | | <p><u>4(3). APPROPRIATE BODY HAS NOT RESPONDED WITHIN 20 WORKING DAYS</u></p> <p>If the appropriate body does not respond, the NCTL may allow the appeal without a hearing.</p> | | | | | | |
| | | | <p><u>4(4) NEITHER PARTY REQUEST A HEARING</u></p> <p>If a hearing is unnecessary, the appeal can be decided without a hearing.</p> | | | | <p><u>AT ANY TIME, THE NCTL CAN REQUEST ADDITIONAL MATERIAL</u></p> <p>The parties have <u>10 working days</u> from the date of the request to submit the additional material.</p> | <p><u>BEFORE THE APPEAL DATE IS SET PARTIES CAN SUPPLY ADDITIONAL MATERIAL</u></p> <p>The NCTL acknowledges receipt and despatches copies to the other parties within <u>3 working days</u>.</p> | <p><u>AT ANY TIME THE PARTIES CAN AMEND/WITHDRAW THEIR APPEAL/REPLY</u></p> <p>The NCTL acknowledges receipt and despatches copies to other parties within <u>3 working days</u>.</p> |

“Working day” means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.



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