

BYE-LAWS GOVERNING THE CONDUCT OF THE INDEPENDENT APPEALS PANEL (IAP)

1. These are the Bye-laws made by the National Executive Council (NEC) pursuant to Rule 14, Section 5, paragraph 1 of the Union's Rules and may be amended or rescinded at any time by resolution of the NEC.
2. An Appeal against a decision of the National Dispute Committee can only be brought by the charged member. The request for such an Appeal must be made in writing to the General Secretary within 14 days of receipt of the letter setting out the reasons for the Appeal.
3. The General Secretary will draw up a list of suitable people with knowledge and experience of the Trade Union movement who will make up a panel which will be agreed by the NEC. This list will be reviewed every 3 years.
4. A Hearing will be convened within six weeks of the panel being notified. Notice of that Hearing will be given, not only to the appellant, but also to the party who originally brought the complaint to the National Dispute Committee.
5. The National Dispute Committee will be asked to submit its written reasons for the decision that is being appealed against, together with the Minutes of the NDC Hearing and the documents that were before it at the Hearing. The Officer to the Independent Appeals Panel must receive these documents no less than twenty-one days before the date of the Hearing and copies sent to the parties involved.
6. The Appellant will at the time that Notice of the Hearing is given, be asked to submit in writing any further reasons and/or representations in relation to the Appeal, together with copies of any documents that the Appellant intends to refer to and to be received by the Officer to the Independent Appeals Panel no less than 14 days before the date of the Hearing, with confirmation of whether or not the Appellant intends to attend the Hearing.
7. The Appellant who may be represented by another member of the Union and the party who originally made the complaint, will have the right to be represent at the Hearing. If the Appellant decides not to attend the Hearing, a decision may be made by the Independent Appeals Panel in the absence of the Appellant.
8. The National Dispute Committee will be represented at the Appeal Hearing. In which case the Chair to the NDC or one of its members shall be called.
9. The Independent Appeals Panel shall have the right to interview any witnesses that it considers to be necessary in order to reach its decision.
10. The Independent Appeals Panel will review the case, and having considered the representation of the parties and the evidence available, decide whether the NDC was reasonable in reaching the decision it did and whether the penalty was appropriate.
11. In the event of the Independent Appeals Panel deciding that the decision of the National Dispute Committee was unreasonable or the penalty inappropriate, the Independent Appeals Panel may set aside the decision, or vary the penalty accordingly.

12. The Independent Appeals Panel will give its decision in writing as soon as possible after the Hearing.
13. The Officer to the Independent Appeals Panel will, in all circumstances, advise the General Secretary, the NEC, the Appellant's Branch and the original complainant, of the decision of the Independent Appeals Panel.
14. The Independent Appeals Panel shall ensure that all Appeals are heard and decided upon within 6 months of the Appeal being made, except in exceptional circumstances.
15. The Independent Appeals Panel has discretion to extend any time limits for compliance with the procedures set out in these Regulations should it not be reasonably practicable to comply.