



Appeals Policy

Purpose

To allow employees to apply for a reconsideration of a decision following the outcome of one of the following procedures:

- consultation, restructuring and redundancy
- disciplinary and dismissals
- grievance
- managing attendance
- managing individual capability
- right to request flexible working

Document Control

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1. Policy application

- 1.1 This policy applies to all Council employees except those employed under the delegated powers of Governing Bodies of community, voluntary controlled schools and trust schools. Governing bodies of these schools are strongly urged to adopt this policy for non-teaching staff within their delegated powers.
- 1.2 The policy does not apply to Chief Executive and Chief Officers for whom there are separate provisions.

2. Principles

2.1 Right of Appeal

- 2.1.1 All employees have a right to appeal against an employment decision following the outcome of one of the following procedures:
 - consultation, restructuring and redundancy
 - disciplinary and dismissals
 - grievance
 - managing attendance
 - managing individual capability
 - right to request flexible working
- 2.1.2 The opportunity to appeal against a decision is essential to natural justice, and appeals may be raised by employees on any number of grounds, for instance new evidence, undue severity or inconsistency of the penalty. An appeal cannot increase the severity of the original sanction.

2.2 The Appeal Process

- 2.2.1 An employee has seven calendar days of receiving a decision in respect of the above procedures to make an appeal, in writing, to the manager who made the original decision.
- 2.2.2 Appeals against the following decisions will be heard by an Appeals Committee consisting of 3 Elected Members
 - Dismissal as an outcome of the Disciplinary and Dismissals procedure
 - Dismissal as an outcome of the Managing Attendance procedure
 - Dismissal on the grounds of redundancy in individual situations that are not covered under collective consultation (as part of a Section 188 process)
 - Regrading appeals
 - Final stage hearings under the Grievance procedure

The Appeals Committee will be advised by a nominated representative of the Director of HR and Business Support.

2.2.3 The Personnel Committee will agree the appropriate arrangements for appeals relating to dismissals on the grounds of redundancy where these are part of a collective redundancy covered by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992

2.2.4 Appeals against the outcome of other procedures will be heard by a Tier 1 or 2 Director.

2.2.4 Other than in exceptional circumstances, hearings will be scheduled within 21 calendar days of receipt of the written request.

2.2.5 Employees:

- will have the right to be accompanied by another employee of the Council or a trade union representative plus any other support as required under the Equality Act 2010 at the Appeal Hearing.
- will be given a minimum of 7 calendar days notice of Appeal Hearing
- should make every effort to attend the Appeal Hearing as arranged. They may offer a reasonable alternative time within 7 calendar days of the original date if their companion cannot attend.

2.2.6 The Appeal Hearing decision will be made and the employee will be notified in writing within 7 calendar days.

2.2.7 This is the final stage of the internal appeal process.

3. Roles and Responsibilities

3.1 The roles and responsibilities of key stakeholders are summarised in Appendix One.

APPENDIX ONE
APPEALS – ROLES AND RESPONSIBILITIES

Employee Appeals Sub-Committee	Chief Executive and Chief Officers, Tiers 1 & 2	Manager who made the employment decision	Employee	HR including HR Operations
Every employee must use the procedure and guidance on Derbynet				
Fairness and Equality				
	To ensure this policy is implemented in a fair, consistent and non-discriminatory manner.	To provide reasonable adjustments as required.	To notify managers of reasonable adjustments required.	Provide advice and guidance to managers and employees.
General operation of the scheme				
	To ensure managers carry out their responsibilities.			Provide advice and guidance to managers and employees.
Making the appeal				
		Receives the appeal and acknowledges receipt	Makes appeal by completing appropriate form	Notes that employee has appealed
The appeal hearing				
Chairs the appeal hearing	Chairs the appeal hearing	Follows the appeal hearing process	Attends hearing and arranges for companion and any witnesses to be present	Attends and advises Appeals Committee/ Chair of appeal hearing
Follows the appeal hearing process	Follows the appeal hearing process			
Makes and communicates decision	Makes and communicates decision		Participates in hearing	