



DERBY CITY COUNCIL

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

Implementation date	1 February 2011
Author	Barbara Rusk/Nyree Treece
Equality impact assessment date	25 November 2010
Handbook/master list updated	
Revised/updated	July 2018

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.
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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 ten calendar days from the date of the letter notifying them of the decision made at a hearing in respect of the above procedures to make an appeal, in writing, to the manager who made the original decision.
- 2.2.2 The Appeal will be heard by a Tier 1 or 2 Director and, *other than in exceptional circumstances*, will be held within 14 calendar days of receipt of the written request.
- 2.2.3 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.

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

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

Roles and Responsibilities

The roles and responsibilities of key stakeholders are summarised in Appendix 1.

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APPEALS – ROLES AND RESPONSIBILITIES

Chief Executive and Tier 1 & 2 Officers	Manager who made the employment decision	Employee	Strategic HR Team
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 and/or details in writing.	Notes that employee has appealed
The appeal hearing			
Chairs the appeal hearing Follows the appeal hearing process Makes and communicates decision	Follows the appeal hearing process	Attends hearing and arranges for companion and any witnesses to be present Participates in hearing	Attends and advises Chair of appeal hearing
Document Retention			

Chief Executive and Tier 1 & 2 Officers	Manager who made the employment decision	Employee	Strategic HR Team
Ensure documents pertaining to the Appeal are treated in confidence and in line with the Council's data protection and IT policies.	Ensure documents pertaining to the Appeal are treated in confidence and in line with the Council's data protection and IT policies.	Keep a copy of documents and decision letters.	Ensure documents pertaining to the Appeal are treated in confidence and in line with the Council's GDPR and IT policies. Ensure information is processed through open text and that key letters are placed on the employee's personal file.