

Appendix 4: Appeal Procedure

Staff have the right of appeal against the outcome of a grievance within 10 working days of the decision being communicated:

- Appeals against the outcome of a Grievance process are to be sent to the Director of People and Inclusion for a members' appeal.
- The appeal must clearly state the reasons for the appeal, which can include new evidence becoming available and/or any part of the procedure was wrong or unfair.

Upon receipt of an appeal, the Director of People and Inclusion or Director/ Assistant Director for the service will provide acknowledgement in writing, ideally within 2 working days.

Appeal hearings should ideally take place within 30 working days of receipt of the written request. Where this is not possible, the applicant should be informed as soon as practically possible.

Process

- The Chair of the original Hearing will present the management case to the hearing panel and may be accompanied by the HR representative who advised them during the Hearing. The HR representative's role is to provide support during the hearing if required, not to present the case.
- The applicant and respondent will be given at least 12 working days' notice of the date of the appeal.
- All statements and documentation to be referred to at the hearing (including any new evidence to be considered) will be submitted 6 working days prior to the hearing date, along with the names of any witnesses to be called.
- Papers will be distributed to Panel members, applicant and respondent 5 working days prior to the appeal.

Procedure

The Chair of the appeal Hearing will introduce everybody and explain the following procedure to both sides: -

1. The employee will be given the opportunity to state his/her case, explaining the reasons for the appeal.
 2. Management may ask the employee questions.
 3. The panel and the HR representative may also take the opportunity to ask questions.
 4. Management will state the nature of the case, and the reasons for the sanction/dismissal.
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5. The employee and representative may ask management questions.
 6. The panel and the HR representative may also take the opportunity to ask questions.
 7. If appropriate, there may be a general discussion to establish all the facts and/or clear up any misunderstandings.
 8. Management and employee may summarise the main points of their case. No new evidence or information may be included.
 9. The panel will adjourn to consider the case, with the HR representative.
 10. If the Chair wishes to clarify any points of evidence, both sides will be recalled.
 11. The Chair will reconvene the hearing to deliver the decision of the Hearing.
 12. The decision of the Chair will normally be given verbally at the end of the Hearing and will be confirmed in writing to both parties.
 13. There is no further right of appeal, so the process ends.
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Bury
Council