

## Appendix 3 – Appeal Procedure

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Staff have the right of appeal against any dismissal or any formal sanction within 10 working days of the decision being communicated:

- Appeals against dismissal to be sent to the Director of People and Inclusion for a members' appeal.
- Appeals against any other sanctions should be addressed to the relevant Director/Assistant Director for the service.

The appeal must state the reasons for the appeal, which will be one of the following:

- Any part of the procedure was wrong or unfair.
- The dismissal/ sanction was for an unfair reason.
- There is new evidence.

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.

Following acknowledgement of receipt of the appeal, the Chair of the Appeal Panel plus their HR representative may agree in advance with the appellant and their representative whether the appeal:

- Hears all of the evidence and submissions made to the original hearing (appeal based on findings being unfair)
- Focuses on the issues surrounding the decision (appeal based on the penalty being unfair) – there is no reconsidering all of the evidence, but the management representative may briefly summarise the case.
- Focuses on any new evidence (as this is the reason for the appeal) – it may be considered alongside all the other evidence or may be the main focus – the management representative may briefly summarise the case.
- Focuses on the issues surrounding the procedure (appeal based on procedure not being used correctly) – management representative may briefly summarise the case.

The Chair of the Appeal Panel may request for the Employee to provide further information regarding the reason for their appeal, if insufficient information is provided within their 'Employment Appeal Form'. The appeal hearing date will not be set until such information has been provided.

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.

## **Appeals against dismissal.**

Following acknowledgement of receipt of the appeal, the Director of People and Inclusion will provide the necessary information to the Democratic Services team, who will co-ordinate and arrange the hearing in consultation with all parties.

The panel is made up of the Chair of the Human Resources and Appeals Panel and elected Members of the Council supported by a HR representative. A member of Democratic Services will be present to take notes of the hearing.

## **Appeals against other sanctions.**

Following acknowledgement of receipt of the appeal, the Director/ Assistant Director for the service will make arrangements for the appeal to be heard.

The panel is made up of 2 Senior Managers who have not previously been involved in the case, supported by a HR representative. A note taker may also be present at the hearing.

## **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.
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.