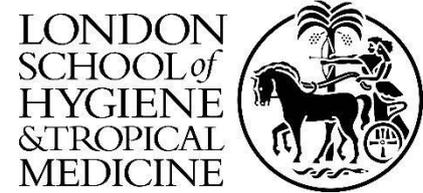


# HUMAN RESOURCES

## Appeals (Professional Support Staff)

### Policy and Procedures



## 1. Policy

- 1.1 Employees are entitled to appeal using this procedure, against any formal action/decisions made in accordance with:
  - Disciplinary and Dismissals Policy & Procedure for Professional Support Staff.
  - Performance Management Policy and Procedure for Professional Support Staff.
  - Sickness absence management policy.
  - Grievance procedure (under consultation).
- 1.2 An appeal hearing is the means by which the School provides employees with a consistent forum in which to present a case disputing that the action taken against them has been fair.
- 1.3 If the employee is able to demonstrate that the action taken against him/her was unfair, the appeal is the means by which decisions made are formally withdrawn or amended. If they are unable to do so, the fairness of the action will be confirmed and upheld.
- 1.4 The function of an appeal is not to conduct a full rehearing of the facts of the case, though it is inevitable that reference will have to be made to the earlier hearing. Normal grounds for an appeal will be:
  - coming to light of new information relevant to the case;
  - procedural irregularities;
  - Alleged unreasonableness of the decision.
- 1.5 This policy will be applied in a non-discriminatory way, in line with the School's Equality and Diversity policies.

## 2. Roles and Responsibilities

- 2.1 Employees have a responsibility to:
  - submit an appeal in accordance with the procedure
  - clearly state the basis of his/her appeal and provide all the relevant details;

- attend meetings held under the appeals procedure and provide the relevant details in relation to the appeal.
- 2.2 Managers who have made a decision have a responsibility to:
- be able to clearly explain and document the reasons behind that decision and provide any necessary details if a hearing is held.
- 2.3 HR have a responsibility:
- To provide advice in respect of the application of this procedure
  - To support the manager in the process of making an informed, fair and reasonable decision.
- 2.4 To ensure consistency of the application of this procedure, managers must seek the advice of their HR Partner before making any decisions.
- 2.5 Should an employee need assistance in understanding either the policy or procedure or any documentation in connection with this, s/he should seek advice from their HR Partner or a trade union representative.

### **3. Overseas Staff**

- 3.1 It is the intention that this policy will apply to staff working overseas. It may be necessary to adapt these procedures, for example, where attendance at hearings is not practicable these may be carried out via video-link.

### **4. Appeals Procedure**

- 4.1 An employee wishing to appeal against a decision made in accordance with the policies and procedures covered by this procedure, as detailed in paragraph 1.0, should inform the Human Resources Director in writing setting out in full the reasons for the appeal, and attaching any supporting documentation. This should be done within ten working days of receipt of written confirmation of the decision.
- 4.2 A copy of the appeal will be passed to the manager who made the decision for her/him to prepare a response, which s/he will present at the appeal hearing. The managers written response will be submitted to the Chair of the Appeal Hearing and the employee at least 3 working days before the Appeal Hearing.
- 4.3 As far as possible, hearings should be held within four weeks of receiving the notification of appeal.

## **5. In Attendance**

5.1 Appeals will normally be heard by someone at a higher grade than the person who made the original decision. However, Appeals against dismissal and/or Action Short of Dismissal will be considered by a panel of three individuals nominated by the School.

5.1.1 The Chair of the panel considering appeals against dismissal will normally be of a higher grade than the person who made the original decision and the remaining two panel members will be of appropriate seniority and nominated by the School.

5.2 The Chair of the appeal hearing will be accompanied by a member of HR acting as advisor. In cases where an Appeal Panel is convened the HR representative may form part of the Appeal panel and act in an advisory capacity.

## **6. Notification Procedures and Right of Accompaniment**

6.1 The Chair of the appeal hearing shall write to the employee giving at least five working days' notice of the time, date and location of the appeal hearing.

6.2 The employee shall be advised of his/her entitlement to be accompanied at the hearing by a work colleague or trade union representative. Appeal hearings are internal procedures. Therefore, attendance as a companion is restricted to other employees of the School or officials of recognised trade unions where appropriate. Solicitors, family members and all other nonemployees will normally be excluded from appeal hearings.

6.3 Should the employee wish to be accompanied by a Trade union representative or companion who is an employee of the School or call witnesses, it will be his/her responsibility to provide them with all the appropriate details, including the date, time and location of the hearing, as well as the details and documentation relating to his/her appeal.

6.4 The employee shall provide the HR Partner with the names of his/her companion and/or witnesses at least twenty-four hours before the hearing, if appropriate. The Chair will ultimately determine which witness will be called at the hearing.

6.5 The companion will be able to confer with the employee during the hearing and will be allowed to address the hearing in order to put forward and sum up the employee's case, respond to any view expressed at the hearing and ask questions of clarification of any witnesses. The companion will not be able to answer questions on the employee's behalf.

- 6.6 Employees shall take all reasonable steps to attend the hearing and may be accompanied by a work colleague or trade union representative. Should the chosen companion be unavailable on the given date, the employee shall immediately request a postponement by proposing an alternative date and time, which should be within five working days of the given date. Where this is not possible, the employee shall choose an alternative person to accompany him/her to the hearing.
- 6.7 Delays caused by the unavailability of the employee, their chosen companion, or witnesses, to attend on given dates without good reason, provided the specified notice has been given, will not be an acceptable ground for postponing the hearing. It may not be possible to postpone the appeal hearing more than once.
- 6.8 In circumstances where an employee does not attend the appeal hearing on the given date and does not provide prior notice this or where the employee does not provide good reason for postponing the hearing, the appeal will be considered withdrawn.

## **7. The Appeal Hearing**

- 7.1 At the Appeal hearing the employee and/or companion will be given the opportunity to state her/his case\*
- 7.2 The employee may be questioned, for the purposes of clarification by the Chair, the HR representative and the manager who made the decision. It should be noted that employees not companions, will be required to answer questions put to them during the hearing.
- 7.3 The manager who made the decision will be invited to explain the reasons for their decision. S/he may be questioned, for the purposes of clarification, through the Chair, by the Chair, the HR representative and the employee or companion.\*  
\*Employees and the manager who made the decision can call witnesses to support their case, either during their statement or after questioning has taken place. If witnesses are called, they may only remain at the hearing for the period of their evidence and questioning. The Chair of the appeal hearing reserves the right to call further witnesses or evidence at any stage of the hearing, if s/he feels that it would be helpful to do so.
- 7.4 The hearing will be adjourned while the facts of the case are considered, and a decision made by the Chair. The hearing shall normally be reconvened on the same day for the decision to be given orally to the employee; however, if the Chair requires additional time to make the decision, the hearing may be reconvened at a later date, or the decision communicated in writing.

- 7.5 The employee will normally receive written notification of the outcome of the appeal within seven working days of the hearing. S/he will also be advised that the outcome of the appeal marks the end of internal consideration of the case.

## **8. Possible Outcomes of Appeal Hearings**

### **8.1 If the appeal is upheld:-**

- 8.1.1 Decide a new course of action - in the case of disciplinary action this could include expunging the disciplinary action from the employee's record, or reducing the action to a lower stage in the procedure; where harassment applies, the decision to uphold or not the allegation may be revoked.

**OR**

- 8.1.2 In the case of dismissal reinstate the employee.

### **8.2 If the appeal is not upheld:-**

- 8.2.1 The decision or dismissal will stand.

An appeal hearing would not normally result in an increase in sanction against an employee.

### **The decision of the appeal panel is final**

### **Accessibility**

If you require any document in an alternative format, for example in larger print, please contact Human Resources.

#### **DOCUMENT CONTROL**

**Title:** Appeal Policy and Procedure for Professional Support Staff

**Applicable to:** Professional Support Staff

**Date last reviewed:** 23 September 2014

**Date Equality Impact Assessment Took Place:** 02 October 2014

**Date discussed and approved by Trade Unions:** 16 September 2014

**Date document approved by AAC:** 14 October 2014

**Procedure Owner:** HUMAN RESOURCES