



LONG FIELD ACADEMY

# Appeals Procedure for Staff

<b>Formulation Date:</b>	<b>March 2013</b>
<b>SLT Responsibility:</b>	<b>Business Director</b>
<b>Governors' Reviewing Committee:</b>	<b>PLM</b>
<b>Ratified on:</b>	<b>10<sup>th</sup> July 2013</b>
<b>Reviewed:</b>	<b>February 2017</b>
<b>Next Review Date:</b>	<b>February 2018</b>

# Model Appeal Policy

## Scope

This policy applies to all teaching and support staff based in Long Field Academy. It also covers centrally employed teaching staff where applicable. The procedure applies to all HR policies and procedures except where they specifically provide for an alternative appeals process (e.g. final warnings issued under the Capability and Attendance Management policies will not be considered using this policy).

## Composition of an Appeal Panel

Appeals will be heard by a panel of three Governors who were not involved in the original decision making process. If, due to a shortage of Governors or the nature of the case, it is not possible to identify three previously uninvolved Governors, the Chair of the Appeal Panel should consult with all parties with a view to reaching agreement. Wherever possible, panels should be representative.

## Registering an Appeal

All appeals must be registered with the Principal/Chair of Governors within 5 working days of the employee receiving their outcome letter, unless the relevant policy states otherwise.

## Grounds for Appeal

When completing the Appeal Registration Form the employee should specify the grounds for their appeal (e.g. procedural flaw, unreasonable sanction, new evidence) and whether they are appealing against the decision to impose a sanction or the level of sanction applied if applicable.

## New Evidence

Any new evidence submitted as part of an appeal should explain how it would have influenced the original decision and why it was not available at the original hearing/meeting. The panel may decide, during the course of the hearing, that further investigation of the new evidence is required before it can be properly considered. In such circumstances, the appeal hearing should be adjourned whilst this is undertaken. The investigation should be completed as quickly as possible and the appeal hearing reconvened at the earliest opportunity.

## Convening an Appeal Hearing

The appeal hearing should be convened as soon as possible by the Principal / Governing Body. If possible, it should be scheduled to take place during the employee's normal working hours. Consideration must be given as to whether the employee requires any adjustments (e.g. hearing loop, disabled access).

The Principal/representative for the Governing Body will write to the employee to notify them of the details of the hearing giving them a minimum of 10 working days notice. The letter should include the employee's right to be represented by a work colleague or Trade Union representative and confirm the potential outcomes of the hearing.

The employee should also receive copies of any relevant supporting documentation such as:

- Appeal Registration Form (or letter of appeal);
- Any new evidence or supporting documents submitted by the employee or management representative as part of the appeal;
- Statement from management in response to the points raised in the appeal;
- All documents used at the original hearing/meeting;
- Notes from the original hearing/meeting;
- The letter confirming the outcome of the original hearing/meeting;
- The names of any witnesses that management intend to call.

A copy of the documentation should also be provided to each panel member in advance of the hearing. The names of any witnesses that the employee wishes to call should be submitted no later than 5 working days prior to the appeal hearing. A note-taker should also be arranged.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union Representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted. Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, manager and panel members.

### **Failure to Attend**

If an employee fails to attend the appeal hearing without giving an acceptable reason, the hearing will proceed in their absence. Where an employee or their representative is unable to attend due to an unforeseen event a new hearing date should be arranged within 5 working days of the original hearing date, subject to panel availability. If the employee fails to attend the rearranged hearing without there being exceptional circumstances, the meeting will go ahead in their absence.

### **Conducting an Appeal Hearing**

The appeal hearing should follow the format below:

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation.
2. The employee and/or their representative will present the reason for their appeal, including any new evidence.
3. The employee and/or their representative may call a witness to support their case.
4. The management representative (i.e. the person who made the original decision) may question the witness.
5. The panel may question the witness.
6. Steps 3-5 will continue until all of the employee's witnesses have been heard and questioned.

7. The management representative may question the employee and their representative on their case presentation.
8. The panel may question the employee and their representative on their case presentation.
9. The management representative will present their response to the appeal, including any new evidence.
10. The management representative may call a witness to support their case.
11. The employee and/or their representative may question the witness.
12. The panel may question the witness.
13. Steps 10-12 will continue until all of the management representative's witnesses have been heard and questioned.
14. The employee and/or their representative may question the management representative on their case presentation.
15. The panel may question the management representative on their case presentation.
16. The employee and/or their representative will have the opportunity to sum up their case.
17. The management representative will have the opportunity to sum up their case.
18. The management representative, the employee and their representative will leave the room so that the panel can deliberate.
19. Having deliberated on the matters placed before them, the panel will set out their decision and then recall and advise those attending the hearing of the outcome.

### **Possible Outcomes**

The possible outcomes of an appeal hearing are:

- Uphold the original decision and, if applicable, maintain any sanction;
- Overturn the original decision (in whole or part) and implement a new decision. (In cases where new evidence has been presented at the Appeal Hearing, this could include increasing the original sanction).

The panel may also wish to make additional recommendations, e.g. training, guidance, etc.

### **Notification of Outcome**

The employee should be advised, in writing, of the outcome of the appeal hearing. A copy of the notes from the hearing should also be provided. The employee will have no further right of appeal against the decision.

## Appeal Registration Form

To be completed and returned to the Principal/Chair of Governors within 5 working days of receiving written notification of the outcome of the hearing/meeting. Please include any relevant supporting documentation that you wish to be considered at the appeal hearing.

### Employee Details

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Job Title: \_\_\_\_\_

### Outcome of the Hearing/Meeting

#### Policy Hearing/Meeting was Held Under:

- |   |                          |
|---|--------------------------|
| Attendance Management (dismissals only) | <input type="checkbox"/> |
| Capability (dismissals only)            | <input type="checkbox"/> |
| Dignity at Work                         | <input type="checkbox"/> |
| Disciplinary                            | <input type="checkbox"/> |
| Grievance                               | <input type="checkbox"/> |
| Pay Policy                              | <input type="checkbox"/> |
| Probation                               | <input type="checkbox"/> |
| Restructuring and Redundancy            | <input type="checkbox"/> |
| Right to Request Flexible Working       | <input type="checkbox"/> |

Other: \_\_\_\_\_

Date of Hearing/Meeting: \_\_\_\_\_

Panel: \_\_\_\_\_

#### Outcome of Hearing/Meeting:

- |                          |                          |
|--------------------------|--------------------------|
| First Written Warning    | <input type="checkbox"/> |
| Final Written Warning    | <input type="checkbox"/> |
| Dismissal with Notice    | <input type="checkbox"/> |
| Dismissal without Notice | <input type="checkbox"/> |
| Not Upheld               | <input type="checkbox"/> |

Other: \_\_\_\_\_

## Grounds of Appeal

**Details of your Appeal:**

(Please continue on a separate sheet of paper if necessary)

**Name and Address of Representative:** \_\_\_\_\_

\_\_\_\_\_

**Names of any Witnesses to be called (if known):** \_\_\_\_\_

\_\_\_\_\_

**Dates Unavailable:** \_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_