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<b>Related Documents</b>	
<b>Applicability</b>	This policy applies to all employees in the City Council, except those in schools. The employment procedures and action in relation to Chief Officers are conducted in accordance with the constitution. Please note: Information in paragraph 2.2 in relation to probationary periods.

## 1. INTRODUCTION

When an appeal is received, HR will provide support to managers in accordance with the principles set out below.

## 2. SCOPE

- 2.1. This policy applies to all employees in the City Council, except those in schools.

The employment procedures and action in relation to Chief Officers are conducted in accordance with the constitution.

- 2.2. Employees in their probationary period are not subject to the Formal Action policy or Managing Absence policy and any associated appeal specified within this document. They will be managed via the Probationary policy, available on Policyhub.

## 3. PRINCIPLES

Any decisions taken will be based on the circumstances of each case. All decisions will be:

<b>Proportionate</b>	based upon the circumstances
<b>Lawful</b>	we will not break the law
<b>Accountable</b>	managers will be accountable for their decisions
<b>Necessary</b>	to achieve the right outcome

## 4. FRAMEWORK

### 4.1. Types of appeal

An employee can appeal under the following circumstances:

- Where they consider that action taken against them under the Formal Action policy is wrong or unjust.
- Where they consider a grievance has not been satisfactorily resolved.
- Where they consider that action taken against them under the Managing Absence policy is wrong or unjust.
- Against a dismissal (including ill health retirement and redundancy dismissal).
- Where they are dissatisfied with the outcome of a request made under the Flexible working policy, Flexible retirement policy and Career Break policy.

- Where they are dissatisfied with the application of the procedure followed for any of the above.

All policies are available on Policyhub  
<http://policyhub/PolicyHub/UserInbox/Default.aspx>

#### **4.2. Authority to hear the appeal**

##### **All appeals (Except appeal against dismissal)**

- The appeal will be heard by management with no previous involvement in the case and will be established in accordance with PLAN.
- The appeal will be heard by the same level of management (or above) who made the decision that is being appealed against. Chosen from within the same directorate or where necessary or appropriate across the organisation.

##### **For appeal against dismissal**

- The appeal will be heard by the Employee Appeal Panel (the responsibility cannot be delegated down) and will be established in accordance with PLAN. Panel members will have no previous involvement in the case

##### **The Employee Appeal Panel (The EAP) consists of:**

The Deputy Chief Executive, a Director and HR

Or

2 Directors and HR

#### **4.3. Procedure**

##### **4.3.1. Submitting the Appeal**

The appeal should be submitted in writing to the manager/Chair of the panel who made the decision that is being appealed against within 10 working days of the date of receipt of the outcome letter.

The letter must clearly state why the original decision is being appealed and should include:

- What the grounds for the appeal are.
- What the employee's desired outcome is.

The manager/Chair of the panel will check that an appeal is the appropriate route. If the grounds for the appeal are not clearly stated in writing, the employee will be contacted to provide further information in order for the appeal hearing to be arranged.

**4.3.2. Inform the employee**

The appeal will be considered without unreasonable delay.

The employee will be invited in writing to the appeal hearing. The invite letter will inform the employee that they may be accompanied by a trade union representative or workplace colleague.

*Please note: Under the statutory right to request flexible working, the law requires that all requests, including any appeal, must be considered and decided on, within a period of 3 months from first receipt. Full details are available in the Flexible Working policy on Policyhub.*

**4.3.3. Hold formal appeal hearing with the employee**

The appeal hearing will be held and both sides will be given the opportunity to state their case.

**4.3.4. Confirm outcome in writing**

The outcome of the hearing will be confirmed in writing to the employee without unreasonable delay.

**The outcome of the appeal hearing is final. There are no further stages.**