

EMPLOYEE RELATIONS APPEALS PROCEDURE

1 INTRODUCTION

In accordance with the ACAS Code of Practice, an individual has the right of appeal against a decision taken within the Disciplinary, Grievance, Supporting Performance Improvement, Redundancy and Absence Procedure.

The appeal procedure provides the individual with an opportunity to put forward their case for appeal and the University to address any unfairness in the original process

The appeal hearing is not a re-hearing of the original hearing but to consider areas where the individual believes there was insufficient consideration or to consider new evidence.

Individuals have the right to be accompanied by a trade union representative or work colleague throughout the appeal procedure.

A flowchart of the overarching appeal procedure is available in Appendix 1.

2 OBJECTIVES OF PROCEDURE

The objectives of this procedure are to:

- Provide an opportunity to address any unfairness in the original process.
- Provide individuals with the opportunity to challenge the original decision by focusing on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

3 PROCEDURE

An individual's written outcome letter will include the process to follow should they decide to submit an appeal against the decision.

3.1 Submission of an Appeal

The individual must submit their appeal to the Director of People and OD in writing using the **appropriate form** within 10 days of them receiving the outcome letter.

Ideally, the individual should include any evidence/information that they wish to be considered at the appeal hearing at the time of submission, but must submit it at least 2 working days in advance of the hearing.

3.2 Notification of Appeal Hearing

The individual will be provided with at least 5 working days' notice of the appeal hearing and will notified in writing of:

- the date, time and location of the appeal hearing along
- the impartial manager chairing the appeal hearing
- A copy of all available evidence that will be considered during the appeal hearing
- their right to be accompanied by a trade union representative or work colleague
- their right to call any witnesses
- the possible outcomes, appeal upheld, appeal partially upheld or appeal not upheld

3.3 The Appeal Hearing

The individual should note that an appeal hearing is not intended to repeat the full detailed investigation of the original hearing, but to focus on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

All appeals will be chaired by a manager who is impartial, has not been involved in the case at any stage and, where possible, will be more senior than the manager who made the original decision.

A representative from the Department of People and OD will be present at the appeal hearing to ensure procedures are adhered to and advise managers on equitable employment practice and consistency of approach.

The individual will be given full opportunity to state the grounds of their appeal, which may include calling witnesses. The manager will have the opportunity to respond to each of the points raised and to make representation to the appeal committee.

When all the evidence has been heard, the appeal hearing will be adjourned to allow the manager / appeal committee to consider the decision. Potential outcome of the appeal hearing will be:

- Appeal Upheld
- Appeal Partially Upheld
- Appeal Not Upheld

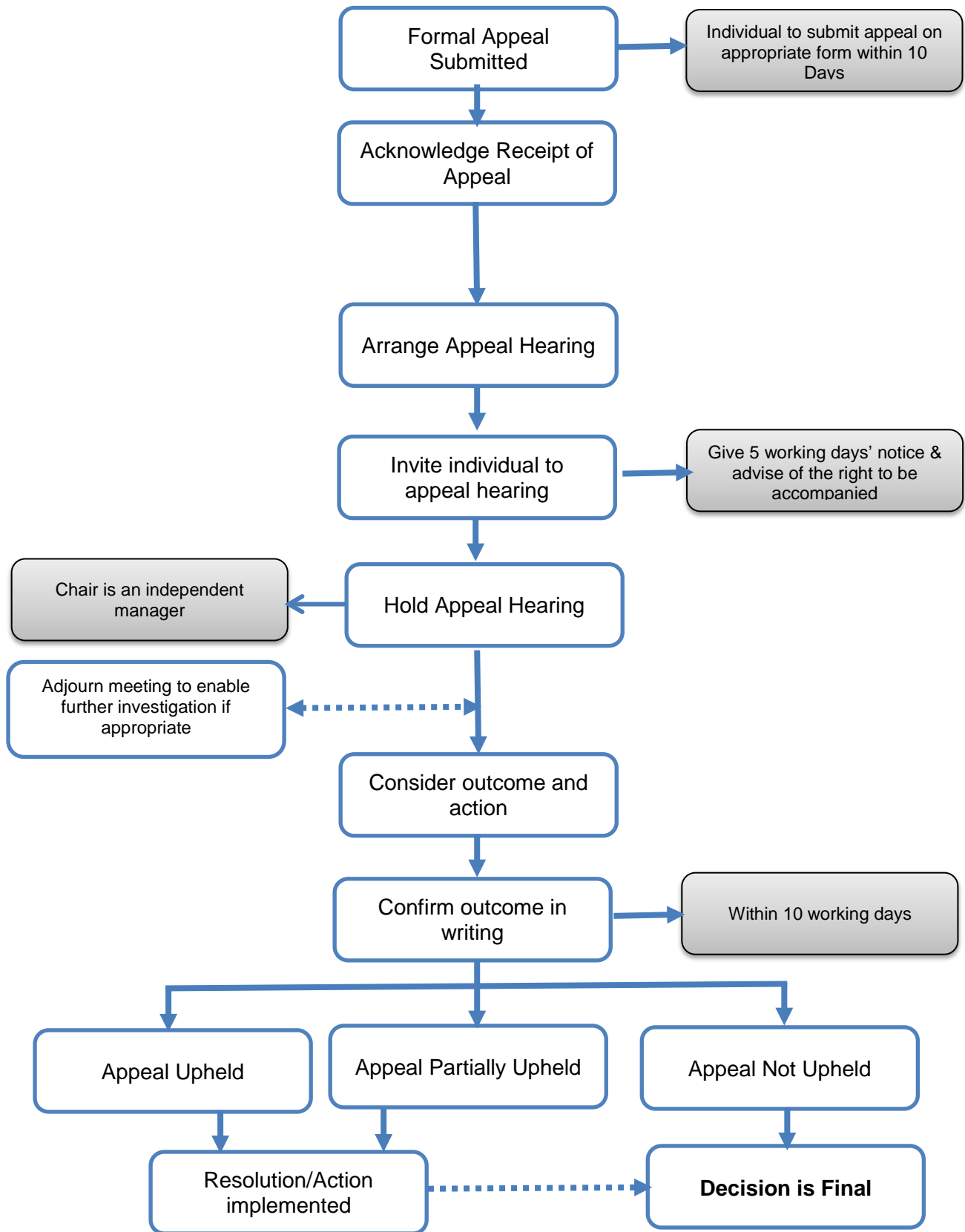
The outcome of the appeal will be issued to the individual, in writing, normally within 10 working days of the decision being made.

The appeal decision is final and there is no further opportunity for appeal - the internal process has been exhausted. If the appeal is against dismissal and is upheld, the individual will be re-instated and all back pay, to the date of dismissal, reimbursed and contractual rights reinstated.

Once the internal procedure has been exhausted, and an employee wishes to make a claim to an employment tribunal, they must first notify ACAS and complete an Early Conciliation Notification Form. ACAS offers conciliation to both parties with the aim of settling the matter without the need for a legal claim to be lodged. Further information is available from the [ACAS website](#).

Procedure Author – Employee Relations & Performance Adviser	Procedure Owner – Executive Director of Human Resources
Parent Policy Statement - Employee Relations, People & OD	Public Access or Staff Only Access – Public
Version 1 – Approved June 2018	Changes and Reason for Changes – Reviewed in accordance with relevant timescales and change to policy template

Appendix 1: Overarching Procedure



Appendix 2: Authority to Take Action – Absence Management Procedure

Sanction	Professional Services Staff		Academic Staff		Leadership Forum/ULT		Vice Chancellor's Executive Group		Principal	
	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal
Stage 1	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Stage 2	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Stage 3	Director, Senior Manager or designated depute	Appeals Committee	Dean of School, Senior Manager or designated depute	Appeals Committee	Line Manager	Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Stage 4 Dismissal/Summary Dismissal	Director, Senior Manager or designated depute	Appeals Committee	Dean of School, Senior Manager or designated depute	Appeals Committee	Line Manager	Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee

Notes:

- Appeals Committee for Professional Services and Academic Staff will consist of 1 member of University Leadership Team who will act as Chair and 2 members of the Leadership Forum.
- Appeals Committee (LF/ULT) will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeals Committee will consist of 3 lay members of Court.
- The Director of People & OD, or Head of HR Services/Head of HR (Reward, Performance & Employee Relations) will be in attendance at the Appeals Committee and Court Appeals Committee.

Appendix 2: Authority to Take Action – Disciplinary Procedure

Penalty	Professional Services Staff		Academic Staff		Leadership Forum/ULT		Vice Chancellor's Executive Group		Principal	
	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal
First Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Final Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Alternative Sanction	Director, Senior Manager or designated depute	Disciplinary Appeals Committee	Dean of School, Senior Manager or designated depute	Disciplinary Appeals Committee	Line Manager	Disciplinary Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Dismissal/Summary Dismissal	Director, Senior Manager or designated depute	Disciplinary Appeals Committee	Dean of School, Senior Manager or designated depute	Disciplinary Appeals Committee	Line Manager	Disciplinary Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee

Notes:

- The Disciplinary Appeals Committee for Professional Services and Academic Staff will consist of 1 member of the University Leadership Team who will act as Chair and 2 members of the Leadership Forum.
- The Disciplinary Appeals Committee (LF/ULT) will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeals Committee will consist of 3 lay members of Court.
- The Director of People & OD, or Head of HR Services/Head of HR (Reward, Performance & Employee Relations) will be in attendance at Disciplinary Appeals Committee and Court Appeals Committee.

Appendix 2: Authority to Take Action – Grievance Resolution Procedure

	Academic and Professional Services Staff	Leadership Forum/ULT	Direct Reports to Principal	Principal
Stage 1 - Informal	Line Manager	Line Manager	Line Manager (Principal)	Line Manager (Chair of Court)
Stage 2 – Formal	Line Manager	Line Manager	Line Manager (Principal)	Line Manager (Chair of Court)
Stage 3 - Appeal	Grievance Appeal Panel	Grievance Appeal Panel	Court Appeals Committee (3 lay members of Court)	Court Appeals Committee (3 lay members of Court) (c)

Grievances will normally be heard by the line manager. This is subject to exceptions as noted at paragraphs collective grievance or where the line manager is involved in the grievance resolution procedure.

(a) Grievance Appeals panels will comprise :

- A manager who is senior to both the aggrieved individual and the manager who heard the formal grievance, a member of University Leadership Team is the chair.
- A representative from People & OD will be in attendance to ensure procedure is adhered to.

(b) Court Appeals Committee will consist of 3 lay members of Court and with Director of P&OD or designated nominee in attendance.

Appendix 2: Authority to Take Action - Supporting Performance Improvement Procedure

Sanction	Professional Services Staff		Academic Staff		Leadership Forum/ULT		Vice Chancellor's Executive Group		Principal	
	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal
First Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Final Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Alternative Sanction	Director, Senior Manager or designated depute	Appeals Committee	Dean of School, Senior Manager or designated depute	Appeals Committee	Line Manager	Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Dismissal/Summary Dismissal	Director, Senior Manager or designated depute	Appeals Committee	Dean of School, Senior Manager or designated depute	Appeals Committee	Line Manager	Appeals Committee (LF/ULT)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee

Notes:

- Appeals Committee for Professional Services and Academic Staff will consist of 1 member of the University Leadership Team who will act as Chair and 2 members of the Leadership Forum.
- Appeals Committee (LF) will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeals Committee will consist of 3 lay members of Court.
- The Director of People & OD, or Head of HR Services/Head of HR (Reward, Performance & Employee Relations) will be in attendance at the Appeals Committee and Court Appeals Committee.

Appendix 2: Authority to Take Action – Redundancy Procedure

	Professional Services	Academic Staff	Leadership Forum/ULT	Vice Chancellor's Executive Group	Principal
Appeal against Selection Criteria	Appropriate Line Manager	Appropriate Line Manager	Appropriate Line Manager	Appropriate Line Manager	Chair of Court
Appeal against dismissal	Appeals Committee	Appeals Committee	Appeals Committee (LF/ULT)	Court Appeals Committee	Court Appeals Committee

Notes:

- Appeals Committee for Professional Services and Academic Staff will consist of 1 member of the University Leadership Team who will act as Chair and 2 members of the Leadership Forum.
- Appeals Committee (LF) will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeals Committee will consist of 3 lay members of Court.
- The Director of People & OD, or Head of HR Services/Head of HR (Reward, Performance & Employee Relations) will be in attendance at the Appeals Committee and Court Appeals Committee.