



Thistly Meadow Primary School

APPEAL POLICY



**Leicestershire
Traded Services**

Appeal Policy

This policy applies to all staff including the Head Teacher.

For Maintained Schools: Dismissal Appeals: The Local Authority has the right to be represented at appeals against dismissal and this will normally be a member of the LTS HR team. The panel must consider any advice offered by the Local Authority when making their decision.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.

For the purposes of this policy the Head Teacher will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.

1. Purpose

- 1.1 This procedure will be followed where an employee indicates that they wish to appeal against a decision to implement a sanction resulting from a formal HR process.

2. Appeal Process – Registering an Appeal

- 2.1 An employee wishing to appeal against a decision to impose a sanction must do so within 5 working days of receiving their outcome letter.
- 2.2 In cases where a final written warning was issued, for example, during the formal stages of the Attendance Management process, appeals will be submitted to the Head Teacher or the member of the SLT who managed the case.
- 2.3 Where a panel of Governors made the decision to implement a warning or dismiss an employee at a formal hearing, appeals will be submitted to the Chair of the hearing panel.
- 2.4 In order to register an appeal the employee must complete the Appeal Registration Form (Appendix A). Once this has been received by the relevant person arrangements will be made for an appeal hearing to take place.
- 2.5 Appeals submitted outside of this timeframe will only be accepted in exceptional circumstances.

3. Appeal Process – Grounds for an Appeal

- 3.1 When completing the Appeal Registration Form the employee must clearly specify the grounds for their appeal and outline the reasons for example, where they believe:
- the disciplinary/grievance **outcome** was too severe, or was wrong,
 - any disciplinary or grievance **procedure** was wrong or unfair, or
 - the employee has new evidence which was not available previously, but which may alter the original decision.

4. Appeal Process – Management Response

- 4.1 The Presenting Officer from the original hearing and/or Chair of the original panel will compile the management response to the employee's points of appeal.
- 4.2 A copy of the management's response will be made available to the employee/panel members prior to the hearing.
- 4.3 The school will determine the format of the hearing, based on the employee's appeal submission, e.g. a full/partial re-hearing.
- 4.4 Where new information comes to light that may significantly affect the decision of the original panel, a new process should be undertaken and a new hearing convened. In such circumstances the school will seek advice from their relevant HR Adviser.

5. Appeal Process – Convening an Appeal Hearing

- 5.1 Management will arrange for the appeal hearing to take place without undue delay, and where possible, it will be scheduled to take place during the employee's normal working hours.
- 5.2 Written notification of the date, time and location of the appeal hearing will be sent to the employee allowing a minimum of 10 working days' notice. This letter will detail the employee's right to be accompanied at the hearing by a work colleague or Trade Union representative and confirm the potential outcomes.
- 5.3 The employee will receive a copy of all the documentation being submitted for consideration, which should include:
 - Appeal Registration Form,
 - Any new evidence or supporting documents submitted by either party,
 - The 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.
- 5.4 A copy of the documentation will also be provided to each panel member in advance of the hearing.
- 5.5 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.
- 5.6 A note-taker will also be arranged to take notes at the hearing.

6. Composition of an Appeal Panel

- 6.1 The appeal will be heard by either an individual/panel who have not had any previous involvement with the process.
- 6.2 Where the Head Teacher is the decision maker they may wish to be accompanied by a Governor/trustee.
- 6.3 The format for the hearing can be found at Appendix B.

7. Witnesses

- 7.1 Both parties are responsible for ensuring that they invite their own witnesses to support their case at the hearing.
- 7.2 Where an employee wishes to invite a work colleague to attend the hearing as a witness in support of their case, they must inform the school at the earliest possible opportunity. The school will then make the necessary arrangements to allow the employee to be released from duty and ensure appropriate cover`.
- 7.3 Witnesses will only be required in the room whilst questions are being asked of them by the employee, their representative, manager and panel members.

8. Failure to Attend

- 8.1 If an employee fails to attend the appeal hearing without providing an acceptable reason, the hearing may proceed in their absence.
- 8.2 Where an employee or their representative is unable to attend with good reason or 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.
- 8.3 If the employee fails to attend the rearranged hearing the appeal will go ahead in their absence, unless there are exceptional circumstances.

9. Possible Outcomes

- 9.1 Possible outcomes of an appeal hearing are:
 - a. The panel uphold the original decision and maintain the sanction;
 - b. The panel overturn the original decision and implement a new decision with an alternative sanction.
- 9.2 The panel may also wish to make additional recommendations, e.g. training, guidance, for either the employee, the manager or both.

- 9.3 The appeal panel may **NOT** determine that the sanction of the original panel is increased. Where new information comes to light that may significantly alter the decision of the original panel, a new process should be undertaken and a new hearing convened. In such circumstances the school will seek advice from their relevant HR Adviser.

10. Notification of Outcome

- 10.1 The employee will be notified in writing of the outcome of the appeal hearing within 3 working days. A copy of the notes from the hearing will also be provided at the earliest opportunity.
- 10.2 The decision of the panel will be final and the employee will have no further right of appeal.

Appendix A – Appeal Registration Form

Appeal Registration Form

To be completed and returned to the Head Teacher/Chair of the original panel within 5 working days of receiving written notification of the outcome of the formal meeting/hearing. Please include any relevant supporting information you wish to be considered in support of this appeal.

Employee Details

Name: _____

Home Address: _____

Job Title: _____

Outcome of the Hearing/Meeting

Policy Hearing/Meeting/Decision was Held Under:

Attendance Management	<input type="checkbox"/>
Capability	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>
Grievance	<input type="checkbox"/>
Probation	<input type="checkbox"/>
Organisational Change	<input type="checkbox"/>
Request for Flexible Working	<input type="checkbox"/>
Pay Policy	<input type="checkbox"/>

Other: _____

Date of Hearing/Meeting: _____

Date Outcome Letter received: _____

Panel: _____

Outcome of Hearing/Meeting/Decision:

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: _____

Details of your Appeal (please state clearly your points for appeal):

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

Name and Contact Details of Representative: _____

Names of any Witnesses to be called (if known): _____

Dates Unavailable: _____

Name: _____ **Date:** _____

Signature: _____

Appendix B: Conducting an Appeal Hearing

The appeal hearing will 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 witnesses to support their case and may put questions to the witness.
4. The management representative may question the witnesses.
5. The panel may question the witnesses.
6. The witness leaves the room. *(Steps 3-6 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 witnesses to support their case and may put questions to the witness.
11. The employee and/or their representative may question the witnesses.
12. The panel may question the witnesses. *(Steps 10-12 will continue until all the management representative's witnesses have been heard and questioned).*
13. The witness leaves the room. *(Steps 10-13 will continue until all the management'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. At this point no new evidence is presented.
17. The management representative will have the opportunity to sum up their case. At this point no new evidence is presented.
18. The management representative, the employee and their representative will adjourn so that the panel can deliberate. 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. In circumstances where this is not possible the individual will be informed that they will receive the outcome of the hearing in writing.