

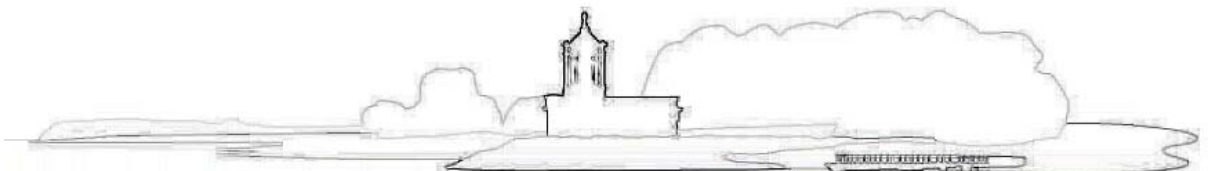


Rutland County Council

APPEALS POLICY AND PROCEDURE

Version & Policy Number	Version 1.2
Guardian	HR/Democratic Services
Date Produced	June 2013
Next Review Date	June 2016

Approved by Scrutiny	
Approved by Cabinet	
Approved by Full Council	



INTRODUCTION

The Appeals Policy should be read in conjunction with the Appeals Panel Procedure as outlined in Appendix 1. It outlines the policy and procedure to be adopted in conducting employee appeals heard by an Appeals Panel drawn from the Employment and Appeals Committee.

Contents

1.0	Policy	<i>Page</i> 4
2.0	Key Principles	4
	Appendix 1 – Appeal Panel procedure	7

1.0 POLICY

- 1.1 The Policy relates to all appeals that an employee can raise against a management decision during the course of their employment, as follows:
 - Dismissal
 - Redundancy
 - Job Evaluation
 - Grievance
- 1.2 Such appeals are those that can be referred to the Employment and Appeals Committee – Appeal Panel.
- 1.3 An Appeal panel will comprise:
 - 1.3.1 3 Members from the Employment and Appeals Committee
 - 1.3.2 Clerk to the Panel

The Panel will be attended by the Appellant and where elected, their representative, and a Management representative who will usually be supported by an HR representative. A member of staff from Democratic Services will be in attendance in order to make a record of the hearing.

A Member may not be selected to serve on an Appeal Panel if they have a disclosable pecuniary interest, or where they have another disclosable interest or a personal interest under the Council's Code of Conduct where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

- 1.4 This Policy does not apply to staff employed in Schools.

2.0 KEY PRINCIPLES

- 2.1 The Council acknowledges the employee's right to appeal against a decision as outlined in 1.1 and is committed to ensuring that all appeals are dealt with promptly and sensitively.
- 2.2 The potential outcomes and decision by the Panel are:

- 2.2.1 Original decision is upheld in its entirety
- 2.2.2 Original decision is upheld but with a different sanction imposed
- 2.2.3 Original decision is overturned.

The outcome of an appeal will never exceed the original sanction imposed and completes the internal procedure. The decision of the Appeal Panel is therefore final.

- 2.3 An Appeal should be submitted in accordance with the relevant procedure and a copy sent to Democratic Services. The letter of appeal should include details of the following:
 - 2.3.1 The date the Appeal is being submitted
 - 2.3.2 The grounds of appeal.
- 2.4 Where collective appeals are submitted or individual appeals are submitted of the same nature, the Panel will have provision to determine that the appeals are heard together by one Panel.
- 2.5 Democratic Services will make all arrangements for the Appeal hearing in accordance with timescales within the relevant policy and advise Panel Members, Management representatives and the Appellant(s).
- 2.6 Democratic Services will inform the Chairman of the Employment and Appeals Committee and seek a suitable date and check the availability of accommodation. They will advise on the protocol for appointing Members of the Committee to Appeals Panels.
- 2.7 Once the members of the Panel have been appointed, they should seek to agree between themselves which of them is to chair the hearing.
- 2.8 Employees have the right to be accompanied by a workplace colleague or Trade Union Representative who may present their case on their behalf.
- 2.9 If an employee or their representative is unable to attend the Appeal hearing on the date scheduled, they must notify Democratic Services as soon as possible. They should be asked to suggest an alternative date within a reasonable time frame.
- 2.10 The employee and their representative should make every effort to attend the Appeal hearing. If an employee continues to be unable to attend, the Panel may decide to proceed in their absence and a decision made on the evidence available. Where an Appeal Panel intends to hold the hearing in the employee's absence, this will be notified to the employee in writing beforehand.
- 2.11 Documentation will be submitted by Management and the Appellant(s) in accordance with relevant timescales in both hard copy (Arial 12pt

and 18pt) and electronic formats to Democratic Services. The Panel will have provision to defer an Appeal hearing if documentation is not submitted on time by either party.

- 2.12 In the event of the Appellant or Management representative wishing to supply supplementary documents or evidence during the course of the Appeal Hearing, the Panel may determine the appropriateness or otherwise. If the evidence is deemed allowable the Panel will provide necessary 'time' within the appeal hearing for all parties to consider in full the information provided.
- 2.13 Democratic Services will notify the Panel Members, Management representative and Appellant(s) of any witnesses to be called by either party, in advance of the Panel hearing. Notice of the intention to call witnesses should be given to the Democratic Services Manager at least five working days before the hearing. The Panel will have provision to allow other witnesses to be called that have not been declared in advance, in the interest of the continuation of the hearing and to avoid any undue delay or inconvenience.

APPEALS PANEL PROCEDURE

1. INTRODUCTION

- 1.1 The purpose of this procedure is to ensure that an appeal hearing conducted by the Employment and Appeals Committee is conducted in a fair and equitable way.
- 1.2 If at any stage, the Panel considers that further information is required from either party, then the hearing will be adjourned and re-arranged to enable full consideration of any new information.
- 1.3 The order of events will generally follow the procedure outlined in Paragraphs 3 and 4. However, dependent on the circumstances of each case, the Appeal Panel has discretion to vary the order. The Chairman of the Panel will advise the Appellant, their representative and the Management representative at the commencement of the Appeal hearing.

2. PROCEDURE FOR THE HEARING

- 2.1 Democratic Services will circulate the agenda for the Appeal hearing five clear working days in advance. This will have attached the written case submissions of both the Appellant and Management. It will also identify which of the Council's representatives will be attending the hearing to include, the Panel, the Clerk, the Democratic Services Officer, the Management representative and their witnesses (if any) and the HR Adviser.
- 2.2 Members of the panel should not discuss the details of the appeal amongst themselves or with anyone else before the hearing. If they have any preliminary questions they should be addressed to the Clerk or to the Democratic Services Officer who circulated the agenda, depending on the nature of the enquiry.
- 2.3 The Panel and the Clerk will convene 60 minutes before the scheduled start of the hearing, in private, for a briefing by the Clerk on the procedure and to raise any preliminary matters arising. Members will decide which of them is to chair the hearing if this has not previously been agreed.
- 2.4 At the start of the hearing, the Panel Chairman will advise those present that she/he will chair the hearing and will introduce the Members and officers supporting the Panel.
- 2.5 The Panel Chairman will ask the parties and any representatives to introduce themselves and any witnesses they intend to call. The Panel Chairman will also ask the Appellant to confirm that she/he is content with the

composition of the Panel. If the Appellant objects to the composition, the Chairman will adjourn the hearing and the Panel will consider the objection in private, advised by the Clerk. Upon resuming the hearing, the Panel Chairman will announce the decision on the objection. (The following assumes that the decision is to proceed with the hearing).

- 2.6 Witnesses to be called by either party will be required to wait outside the room until called.
- 2.7 The Panel Chairman will ask for any declarations of interest by Elected Members on the panel. Any interest should have been made apparent by the Member(s) concerned before the hearing but it is possible that the appreciation of an interest arises only on the day of the hearing. Should an interest become apparent during the course of the hearing, the interest should be declared immediately and consideration given as to whether the interest is so significant to warrant the hearing being adjourned and reconvened with a different panel membership at a later date.
- 2.8 The Panel Chairman will confirm that the hearing will be held in private and will outline the procedure to be followed as set out in this procedure. Questions arising will be resolved with advice from officers (and possibly retiring to discuss) if necessary.
- 2.9 When the Members have the opportunity to ask questions each Member will have the opportunity to ask any questions.

3. THE APPELLANTS CASE

- 3.1 The Appellant (or representative) will present their case. Witnesses may be called.
- 3.2 The Management representative may ask questions of the Appellant (or representative) and any witnesses.
- 3.3 The Panel members may ask questions of the Appellant (or representative) and any witnesses.

4. MANAGEMENT CASE

- 4.1 The Management representative will present their case. Witnesses may be called.
- 4.2 The Appellant (or representative) may ask questions of the Management representative and any witnesses.
- 4.3 The Panel members may ask questions of the Management representative and any witnesses.

5. FINAL QUESTIONS

- 5.1 The Panel Members may ask final questions of any of the participants on any issues which have emerged during the hearing.

6. SUMMING UP

- 6.1 Both parties will have the opportunity to sum up if they wish. The order of summing up should follow the order of presentation of cases.

7. REACHING A DECISION

- 7.1 The parties and any witnesses will withdraw to enable the Panel to consider its decision (or, if more convenient, the Panel will withdraw for this purpose). The Clerk to the Panel will remain with the Panel.
- 7.2 If the Panel wishes to clarify any point with one party, it will be done in the presence of the other party.

8. COMMUNICATING THE DECISION

- 8.1 In the event that the Panel is able to reach a decision on the day of the hearing, this will be communicated to the parties together with a summary of the reasons for it. In the event that deliberations continue beyond normal working hours the Panel will communicate its decision and reasons in writing within 7 working days of the hearing. In the event that it is not possible to adhere to this timeframe, the reason for the delay will be advised to the parties in writing within the 7 working day period.
- 8.2 The Clerk will draft the decision letter for Democratic Services to circulate to the Chair and panel members for their comments. The final letter will be signed by the Chair and sent to the Appellant and Management side by Democratic Services.

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk