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UNIVERSITY

Staff Appeals Policy and Procedure

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Policy Statement

Purpose and Core Principles

The purpose of this policy is to provide a clear framework for employees who are appealing against a formal sanction applied by the University.

The Procedure, including any time limits, may be varied as appropriate and reasonable in any case.

Scope

This policy and procedure applies to all University employees who wish to exercise their right to appeal against formal warnings and termination of employment under relevant University procedures. These include;

- Disciplinary Policy and Procedure
- Managing Performance Policy and Procedure
- Sickness Absence Management Policy and Procedure
- Probation Policy and Procedure
- Dismissal Policy and Procedure
- Redundancy Policy

The Staff Appeals Policy and Procedure does not constitute part of the contract of employment. It may be amended at any time. Amendments will be subject to consultation with the recognised trade unions except those necessitated by a change in the law.

Responsibility

The People Team is responsible for providing advice and guidance to managers and employees on the application of this policy and procedure.

Review

This policy and procedure will be monitored and discussed with the trade unions on an annual basis and reviewed every three years or sooner in light of legislative changes and University requirements as appropriate. This will include an annual Equality Impact Assessment.

Procedure

1. Introduction

- 1.1 Employees have the right to appeal against decisions made in accordance with the University's policies and procedures which explicitly include an appeal stage. The purpose of the appeal process is to consider the grounds of appeal submitted by the employee and is not a re-hearing of the case previously presented under the relevant staff policy or procedure.
- 1.2 Where an employee appeals against a decision to dismiss, the decision shall not take effect until the appeal has been determined *except* where the dismissal is for gross misconduct or other circumstance where the dismissal is with immediate effect i.e. without notice.
- 1.3 New evidence, material or witnesses will not be admissible at an appeal hearing unless there are good reasons why they were unavailable at the time of the original hearing. Where the case involves particularly sensitive matters, the manager/chair of the panel hearing the appeal will determine the most appropriate way to hear witness evidence.
- 1.4 The outcome of an appeal against a decision may be to confirm, reduce, or dismiss the earlier decision. Where an appeal against dismissal is successful, and the dismissal was with immediate effect, the individual will be immediately reinstated and paid for any period of time between the date of the dismissal and the appeal outcome.
- 1.5 The decision at appeal will be final.

2. Making an appeal

- 2.1 An appeal against a formal warning or decision to dismiss must be received in writing by the People Director (dismissal)/Employee Relations Manager (formal warnings) no later than five working days after receipt of the written outcome letter. The employee should set out clearly the grounds for appeal in full, stating whether or not they will be represented and if so, by whom.
- 2.2 The People Team will arrange for the appeal to be heard as soon as is practicable.

3. Appeal Process

- 3.1 In the event of an appeal against a formal warning, the appeal hearing will be conducted by an appropriate manager (who has not been previously involved in the case) at the same level or senior to the manager (or Chair of the panel) who made the original decision. A member of the People Team will be present to provide professional advice.
- 3.2 In the event of an appeal against dismissal, the People Director will arrange for the appeal to be heard by an appeal panel consisting of three appropriate managers (who have not had previous involvement in the case). The Chair of the appeal panel will be at the same level or senior to the Chair of the panel who made the original decision. A member of the People Team will be present to provide professional advice.

- 3.3 The appeal will address the issues raised in the grounds for appeal as submitted to the People Director or Employee Relations Manager. Where the grounds for appeal are based on new evidence, material or witnesses, the employee must provide a clear explanation of the relevance of the information, stating why it was not possible to present it at the initial hearing. The employee should submit any additional documentary evidence to the People Director or Employee Relations Manager at the earliest opportunity and no later than five working days before the appeal hearing. It is for the manager hearing or chairing the appeal to determine if such information (and/or witnesses) is admissible.
- 3.4 The employee will be notified of the appeal hearing details in writing and will be given at least five working days' notice of the time, date and location of the hearing, or in the case of an appeal against dismissal, 10 working days' notice. The employee has the right to be accompanied and represented at the hearing by a full-time Trade Union officer, a Trade Union representative (who is an employee of the University), or a work colleague. The manager presenting the University's case may be accompanied and assisted by a representative from the People Team.
- 3.5 The manager or panel hearing the appeal, the manager presenting the University's case and the employee will receive all relevant information at least two days in advance of the hearing.
- 3.6 The order of proceedings at an appeal hearing is provided at Appendix 1.
- 3.7 Once the evidence has been considered, the following options are available:
- uphold the appeal;
 - substitute a different sanction;
 - reject the appeal and uphold the original decision.

4. Failure to attend the Appeal Hearing

- 4.1 In the event that the employee fails to attend the appeal hearing without prior notification and/or without substantial reason, then the manager/panel hearing the appeal will consider the case and make a decision in the absence of the employee.

5. Confidentiality

- 5.1 All related records (including those of the investigation and appeal hearing) will remain strictly confidential.

6. Related policies and documentation

Articles of Government
Disciplinary Policy and Procedure
Dismissal Policy and Procedure
Managing Performance Policy and Procedure
Probation Policy and Procedure
Redundancy Policy
Sickness Absence Management Policy and Procedure
ACAS Code of practice on disciplinary and grievance procedures
ACAS Guide – Discipline and grievances at work
ACAS Guide – Conducting Workplace Investigations

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Conduct of an Appeals Hearing

The following procedure will normally be followed. The University may make changes to this process where it deems that there are sensitive issues being considered:

1. At the beginning of the Hearing the manager/panel hearing the appeal and the advisor to the manager/panel (from the People Team) will be present. The parties will be called to enter; witnesses will remain outside the room until they are invited to give evidence. A note taker will also be present. The procedure to be followed will then be outlined.
2. The employee appealing, (or their representative) will be invited to present the grounds for appeal referring to documents and calling witnesses as necessary. This will typically be a summary of the main points set out in the employee's written statement, (as provided in advance to the manager/panel hearing the appeal). The manager/panel hearing the appeal, the person presenting the University's case (the University nominee) and his/her representative from the People Team will have the opportunity to put questions to the employee and/or their representative, and each witness at the end of their statements.
3. The University nominee will then be invited to respond to the grounds for appeal, calling witnesses and referring to documents as necessary. The manager/panel hearing the appeal, the employee and his/her representative will have the opportunity to put questions to each of the witnesses at the end of their statements and to the person presenting the University's case.
4. The manager/panel hearing the appeal (and advisor) may question the University nominee, the employee and representative and any witness concerning the evidence given.
5. Requests for short adjournments such as to confer may be made by any party.
6. Once all of the evidence has been presented and all questions asked, both parties will then be invited to make concluding statements, the employee followed by the University nominee. After hearing the case for both sides the parties will withdraw and the manager/panel hearing the appeal and the advisor will remain and consider the evidence presented in private.
7. The manager/panel hearing the appeal may recall both parties to seek further clarification on any point.
8. The outcome of the appeal will be confirmed in writing, normally within five working days of the appeal hearing. The decision of the manager/panel hearing the appeal is final. There is no further right of appeal under the University's procedures.