

## Appeal Procedure Checklist – Appellant

### Grounds for Appeal

Before you make an appeal against a decision made under one of the procedures outlined in the Appeal Procedure, ensure that you have considered whether you have grounds for an appeal.

Grounds for appeal will be outlined in the procedure which applies to your case, e.g. Disciplinary Procedure, Flexible working Procedure, etc.

If you are a member of a union or a staff association, seek assistance and guidance from a representative.

### Making an Appeal

Write to the Director of People (ACPO) within the timeframes for appeal as set out in your original letter from HR.

Set out the reason for your appeal and the grounds that you are basing it upon in your letter. If you do not have grounds for appeal it will not be allowed to progress.

### Appeal Meeting Arrangements

HR will write to you at least 10 days before the meeting, The letter will include the following information:

- the time, date and place of the appeal,
- the right to representation,
- the right to call relevant witnesses,
- who will hear the appeal,
- who will be in attendance,
- timescales for submission of the detail surrounding the appeal.

Contact your chosen companion and book them for the day.

Contact any individuals that you may wish to call as witnesses on the day and book them for potential attendance.

You will need to respond to HR with the information requested and submit your documentation in support of your appeal to the HR department. This will be copied and sent to attendees of the appeal meeting.

### Appeal Meeting

Attend the appeal meeting as organised by the HR department.

You will be sent a letter confirming the decision made by the Appeal Panel at the appeal meeting.

The Appeal Panel's decision is final and there is no further right of appeal.

## Appeal Procedure Checklist – Organising HR Manager

### Examining the Grounds for Appeal:

Re-examine the original case in light of the staff member's written appeal.

Consider whether the individual has genuine grounds for appeal. If they do not, inform the Director of People.

### Arranging the Appeal Meeting:

Book the appeal meeting within 15 working days of receipt of the written appeal.

The Chair and HR advising professional (usually an HRM) will act as the Appeal Panel.

Book the Chair for the appeal panel. This will be a more senior person than the one who took the original decision and was not involved in the original decision. An appeal against dismissal will be chaired by an ACPO member. If this is the case, check the ACPO member's diary commitments first.

Book the HR Manager as the advisor. If the chair is an ACPO member, the advisor will be a Head of HR (i.e., Policy and Support or Head of Operational HR). If the appeal is against dismissal, the advisor will be the Head of Operational HR.

Book an HR assistant as note taker.

Invite the manager who made the original decision to present the management case.

Book the venue for the meeting.

Write to the appellant, at least 10 days before the meeting, using the standard letter in the Appeal Procedure. The letter will include the following information:

- the time, date and place of their appeal,
- their right to representation,
- their right to call relevant witnesses,
- who will hear the appeal,
- who will be in attendance,
- timescales for submission of the detail surrounding the appeal.

### Upon receipt of supporting paperwork from the appellant:

Check the information provided by the appellant.

Produce a 'bundle' of documents for each of the following parties:

- the Chair,
- the HR advising professional,
- the HR note taker,

- the presenting manager
- the presenting manager's support
- the appellant,
- the appellant's companion

The bundle should be contained within a folder, with a contents page and dividers to make it easy for the attendees to understand the submission.

#### Written Records (after the meeting):

Written records are important in establishing that a fair procedure has taken place and the action taken has been reasonable in all the circumstances.

\*Place all relevant documents, including this checklist and the letter confirming the outcome, on the staff member's personal file.

#### Organisational Learning

Feedback should be shared with the other HRMs at the next Operational HR meeting.

Each HRM will share organisational learning with their SMT.

A Head of HR will share organisational learning with the HR DMT.

## Appeal Procedure Checklist – Chair

The appeal meeting provides an opportunity to gather additional information that will enable you to make a decision based on all relevant considerations.

Prior to the meeting – read the bundle of documents provided by HR.

At the meeting:

Introduce all parties present to the proceedings and the role they will play.

Explain the purpose of the meeting, emphasising the grounds for appeal.

Ensure that the employee understands that the original decision may be upheld or may result in a more severe penalty (depending upon the type of appeal).

Outline the format the meeting will take.

Explain to the staff member that they will have an opportunity to challenge evidence, call witnesses and provide any mitigating explanation.

Give the employee an opportunity to challenge any witness statements by asking questions of the witness.

To eliminate the possibility of any misunderstanding, agree a summary of the staff member's case.

If the employee's explanation is not satisfactory adjourn the meeting to reach a decision.

If further investigations are necessary, inform the employee of this and carry out those investigations without undue delay.

### Making a Decision:

Ensure that the decision is made in light of all relevant considerations.

As chair, you can change a previous decision if it becomes apparent that it was not soundly based – such action does not undermine authority but rather makes clear the independent nature of the appeal.

If a change to the previous decision is being considered, consider the following:

- Was the original decision made through a fair process with appropriate consideration? If not, why not?
- Was the original process followed carried out according to the Constabulary's policy and procedure? If not, why not?
- Was the original decision reasonable considering the facts of the case?
- If there is new evidence to be considered, what is the relevance to the original and the appeal case?

If the decision is overturned consider whether training for managers needs to be improved, if rules need clarification, or are if there other implications to be considered. Feed organisational learning back to the HR department.

Informing the appellant:

Inform the appellant of the results of the appeal and the reasons for the decision and confirm it in writing. Make it clear that the appeal panel's decision is final.

Agree the contents of the letter informing the appellant of the outcome, with the HR Manager and sign it.