

Title: Appeal Procedure

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1.0 Appeal Procedure

2.0 Application of the Procedure

This procedure applies to a number of Cambridgeshire Constabulary Procedures, including:

Capability
Disciplinary (Police Staff Only)
Redundancy
Retirement
Retention Beyond Intended Retirement Age
Job Evaluation

N.B. This procedure does not apply to:

Fairness At Work Policy and Procedure
Business Interests Policy and Procedure

As they have appeal systems incorporated into the processes.

At Cambridgeshire Constabulary, an appeal is an opportunity for an individual who is not happy with the outcome, or decision made, within one of the above processes to request that reconsideration be made and the decision changed.

It is important to remember that, in most cases, an appeal meeting is not a re-hearing of the case being considered. The grounds of the appeal will determine the extent of the review of the case. Some examples of grounds for appeal are, new evidence has become available which supports a different decision, the appellant is not content that the process has been followed correctly, etc. Each procedure will have guidance as to the acceptance of grounds for appeal.

3.0 Making an Appeal

In exercising their right to appeal, the staff member must clearly state in writing the grounds of their appeal. These are the specific areas that will be explored at the appeal meeting.

The grounds for appeal should be made to the Director of People (ACPO), within 14 calendar days of first being informed of the original decision/outcome (if informed at a meeting this notification will be verbal). In exceptional circumstances an appeal may be accepted at the discretion of the Director of People outside of these timescales.

An appeal meeting will be arranged as below.

4.0 Arrangements for the meeting

Operational HR will arrange the appeal meeting, ideally within 15 working days of receipt of the employee's intention and grounds for appeal. The employee will be notified in writing before the appeal meeting (Appendix 1 – Standard Letters – Notice of Appeal Meeting). 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 on behalf of management,
- who will be in attendance and their purpose,
- timescales for submission of the detail surrounding the appeal.

The timescales outlined above are dependent upon the availability of senior managers. Where it is not possible to keep to these timescales, all parties will be advised.

5.0 New Information or Evidence

Any new information or evidence will be submitted to the Appeal Panel by Operational HR at least five working days in advance of the appeal meeting. New information/evidence will only be considered if it can be demonstrated that there was a compelling reason, which should be provided by the individual, preventing its submission at the original meeting.

The reason for inclusion at this time and the reason for exclusion at the original hearing will be stated and recorded in the notes of the appeal meeting.

It will be at the discretion of the Chair of the appeal meeting to determine whether or not the new evidence will, with advice from HR members, be taken into account at the meeting.

Details of any new information/evidence may be circulated to the line manager/manager presenting the case at the original meeting before the appeal meeting to allow reasonable time for consideration and/or investigation if necessary.

6.0 Attendees and Arrangements

6.1 Panel Members

The appeal will have 3 formal members in attendance, comprising of individuals outlined below.

1. An officer or staff member more senior in authority to the person who took the original decision and who was not involved in the original

decision will hear the appeal and act as the chair. An appeal against dismissal will be heard by an ACPO member.

2. An HR Manager will advise the appeal meeting Chair. If the appeal chair is an ACPO member, the HR advisor will be the Head of HR Policy and Support or the Head of Operational HR. If the chair is the Director of People, an HR advisor will not be required and an appropriate line manager will act to provide an operational management aspect.
3. An HR representative will be present as note taker in an appeal against a disciplinary outcome and if appealing against dismissal, the meeting will be taped by the note taker.

The individuals listed as 1 and 2 above act as the Appeal Panel.

6.2 The Management Case

The manager who made the original decision will be present to present the management case to the panel in the case of appeal against decision. In the case of new evidence it may be appropriate for the investigating manager to present the case.

The HR advisor from the original meeting may also be present to clarify any queries on precedents/inconsistencies in approach to similar cases.

6.3 Representation

The employee will have been notified of the right to be accompanied by a work colleague or staff association representative (UNISON or the Police Federation representative) at the appeal meeting.

6.4 Arrangements of Date

There may be occasions when a staff member is repeatedly unable or unwilling to attend a meeting. Where the member of staff is unavailable to attend a meeting on more than 2 occasions, the chair may conclude that a decision will be made on the evidence available. The member of staff will be informed where this is to be the case.

6.5 Expert Advisers

The attendance of other parties, as 'experts', will be dependent on the nature of the appeal.

7.0 Case Review

Prior to an appeal meeting the Chair and HR Manager (or Head of HR if the Chair is ACPO) will have the opportunity to review the full case including all notes presented at the original meeting. They will also review the specific

case for appeal. They may request further information or evidence from the appellant or the original decision maker.

8.0 What happens on the day

The individual who made the original decision will present the management case to the chair of the Appeal Panel and be present to answer any queries and explain why they considered the original decisions and actions to be appropriate.

If the original meeting had an HR representative in attendance, they may also be present to clarify any queries on precedents/inconsistencies in approach to similar cases.

Those making representations for the individual appealing will inform the panel when witnesses will be called.

9.0 Outcomes of the Appeal Meeting

- The original decision is upheld, in which case any actions/decisions will be confirmed.
- The original decision is overruled, in which case any actions/decisions will be rescinded.
- A new action/decision is made. If the decision warrants it, this may result in a more severe penalty or a less favourable decision (depending upon the type of appeal).

The result of the appeal will be communicated to the individual in writing and will either be hand delivered to the individual internally or sent to an external address by recorded delivery (Appendix 2 – Standard Letters – Outcome of Appeal Meeting).

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

10.0 Confidentiality

At all times, appeal proceedings and records will be kept confidential.

11.0 Objectivity and Consistency

Each case will be dealt with as objectively as possible. All those involved will keep an open mind and not pre-judge issues. A consistent approach will be taken across the organisation. Guidance as to the approach to follow is shown at Appendix 3.

12.0 Records

Copies of the appeal panel's decision and reason behind it will be given to the employee and placed with the original decision. If the panel overturn the original decision, this will be reflected upon the employee's file in HR.

13.0 Monitoring

Monitoring of all cases will be undertaken by HR to ensure consistency and that no direct or indirect discrimination has taken place. Monitoring will also identify learning points which will be used to aid the effective handling of future meetings.

Appendix 1
Standard Letters – Notice of Appeal Meeting



Creating a safer
Cambridgeshire

PRIVATE AND CONFIDENTIAL

Name
Address
Address
Address
Postcode

Date of letter

Dear *Insert Name of Appellant*

Appeal Meeting – *Insert Area of Appeal*

You have appealed against the decision made regarding *Insert Area of Appeal* on *date of decision* confirmed to you in writing on *date*.

I am writing to confirm that the meeting to consider your appeal against a *Insert Area of Appeal* has been arranged for *Date*. It will be held in *Venue* starting at *Time*.

Insert name of chair will hear the appeal and will be advised by HR Manager *Insert Name*, HR Assistant *Insert Name* will be attending in a note taking capacity.

You have the right to be accompanied at the hearing by a staff association representative or a colleague. I believe that you intend to be accompanied by *Insert name of companion*. You or your companion can submit documentary evidence or information that was not considered by the original decision makers prior to the meeting. Please let me have copies of any evidence or information you wish to produce by *date*.

You are also entitled to call witnesses that you feel can add value to your case. Please provide names and explanation as to the context of their appearance at the appeal.

In summary, please ensure you have informed me of the following by *date – 5 days before the appeal*:

- Whether you will be accompanied at the appeal and by whom.
- The new documentary evidence or information you wish to submit or witnesses that you wish to appear on your behalf.
- Names and detail of witnesses.

If you do not attend the appeal hearing without good cause, you should be aware that the Chair might decide to proceed in your absence. The decision of the appeal meeting is final and there is no further right of review.

Please find enclosed a copy of this letter for you to pass on to your representative.

Yours sincerely

Insert Name
HR Manager
Division

Appendix 2
Standard Letters – Outcome of Appeal Meeting



PRIVATE AND CONFIDENTIAL

Name
Address
Address
Address
Postcode

Date of letter

Dear *Insert Name of Appellant*

Appeal Meeting – *Insert Area of Appeal*

You appealed against the decision made regarding *Insert Area of Appeal* on *date of decision* confirmed to you in writing on *date*.

The appeal meeting to consider your appeal was held on *Date*.

I am writing to inform you of the decision taken by *Insert name of chair* who conducted the appeal meeting, the decision to *Insert Original Decision stands/ the decision to Insert Original Decision to be revoked* and that *Specify the action to be taken*.

You have exercised your right of appeal under the Cambridgeshire Constabulary *Insert relevant policy name* and the Appeal Procedure and this decision is final and there is no further right of review.

Yours sincerely

Insert Name
Chair of Appeal Panel

Appendix 3

How to conduct an appeal meeting

At the meeting

The chair should:

- Introduce those present to each other, explaining their presence if necessary;
- Explain the purpose of the meeting, how it will be conducted, and the powers the person/people meeting the appeal have. Depending upon the grounds of appeal, make it clear to the appellant that the meeting is not a re-hearing of the original case;
- Ask the appellant to confirm why he or she is appealing;
- Where it has been decided to allow new information, pay particular attention and ensure the appellant has the opportunity to comment on it;
- Decide which witnesses to call for the management side of the case and for what purpose;
- Once the relevant issues have been thoroughly explored, summarise the facts and call an adjournment to consider the decision; (only the Appeal Panel members and the note taker will remain in the room).
- The chair 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.
- 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.