



Appeal policy

The policy has been developed recognising the statutory requirements covering maternity, paternity and adoption provisions, as well as the wider issues concerning working families, such as parental leave provisions.

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Consultation groups	JCC, Trust Leader and Head of Governance.
Approved by	HR Committee
Approval date	March 2023
Adopted by	All schools
Adopted date	TBC
Implementation date	Immediate effect
Policy/document owner	Director of Operations
Status	Trust mandatory
Frequency of review	Every three years
Next review date	May 2025
Applicable to	This policy applies to all staff.

Document History

Version	Version Date	Author	Summary of Changes
V2.0	7.1.2019	Louise Barber – Director of Operations	New policy adapted from the EMSS template (2018) following review of existing DSAT arrangements.
V2.0	11.2.2019	Louise Barber – Director of Operations	Taken to JCG 11.2.19 – no changes made.
V2.1	3.7.2019	Louise Barber – Director of Operations	Agreed at JCG 3.7.19 to increase 5 days to 10 days in section 2.1.L
V2.2	May 2022	HR Manager	Policy reviewed in line with the LTS Appeal Policy (2021) to check for legislative and statutory changes. Some working altered to bring up to date but generally the policy reflects previous version.
V3.0	June 2022	Director of Operations	Agreed at JCC 8.6.22 with minor tweaks: Section 6 – changed 5 days to 3 days for submitting witnesses. TU's requested that outcome letters state the name of the person to send any appeal to avoid unnecessary delay.

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1.0 Scope

For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

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 Trust/Governing Body.

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

This policy does not include appeals that are made under the following policies:

- Pay policy
- Right to request Flexible Working

2.0 Purpose

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.

3.0 Appeal Process – Registering an Appeal

An employee wishing to appeal against a decision to impose a sanction must do so within 5 working days of receiving their outcome letter.

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.

Where a panel 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.

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.

Appeals submitted outside of this timeframe will only be accepted in exceptional circumstances.

4.0 Appeal Process – Grounds for an Appeal

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.

5.0 Appeal Process – Management Response

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.

A copy of the management's response will be made available to the employee/panel members prior to the hearing.

The school will determine the format of the hearing, based on the employee's appeal submission, e.g. a full/partial re-hearing.

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.

6.0 Appeal Process – Convening an Appeal Hearing

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.

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.

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.

A copy of the documentation will also be provided to each panel member in advance of the hearing.

The names of any witnesses that the employee wishes to call should be submitted no later than 3 working days prior to the appeal hearing.

A note-taker will also be arranged to take notes at the hearing.

7.0 Composition of an Appeal

Appeals should be dealt with impartially and, where possible, should be heard by a panel of people who were not involved in the original decision-making process.

- Final Warnings issued as part of an on-going formal process:

The appeal will be heard by either the Headteacher (if they have not been previously involved with the case) or a panel.

- Final Warnings & Dismissal following a hearing:

The appeal will be heard by a panel. The appeal will be heard by a panel who have not had any previous involvement with the process.

Where the Head Teacher is the decision maker they may wish to be accompanied by a Senior Trust Leader as stipulated in the Scheme of Delegation.

The format for the hearing can be found at Appendix B.

8.0 Witnesses

Both parties are responsible for ensuring that they invite their own witnesses to support their case at the hearing.

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`.

Witnesses will only be required in the room whilst questions are being asked of them by the employee, their representative, manager and panel members.

9.0 Failure to Attend

If an employee fails to attend the appeal hearing without providing an acceptable reason, the hearing may proceed in their absence.

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.

If the employee fails to attend the rearranged hearing the appeal will go ahead in their absence, unless there are exceptional circumstances.

10. Possible Outcomes

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.

The panel may also wish to make additional recommendations, e.g. training, guidance, for either the employee, the manager or both.

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.

11. Notification of Outcome

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.

The decision of the panel will be final and the employee will have no further right of appeal.

12. Policy Review

This policy will be reviewed every three years to assess its effectiveness, and will be updated as required.

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
- Capability
- Disciplinary
- Grievance
- Probation
- Organisational Change
- Request for Flexible Working
- Pay Policy

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.
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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.

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