

Appeals Procedure (Staff)

[QP2.21]

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1. Principles, Purpose and Scope

- 1.1 This procedure covers appeal hearings in relation to;
 - Appeals against dismissal in accordance with the College Disciplinary Procedure.
 - Grievance appeals where the stages through to stage 3 of the Grievance Procedure have been exhausted and the individual remains unsatisfied with the decision.
 - Dismissal on grounds of redundancy, capability on grounds of ill health, the ending of a fixed term contract or some other substantial reason.
- 1.2 This procedure does not apply when the appeal is against a verbal, written or final written warning as this is covered within the College Disciplinary Procedure.
- 1.3 In the case of an individual who wishes to appeal against the decision to end a fixed term contract, the appeal will be heard by the Assistant Principal (Organisational Development). This appeal should be submitted in writing to the HR Manager within **10 working days** following receipt of the dismissal decision.

2. Procedure, Timescale and Preparation for Appeal

- 2.1 An individual who is eligible to appeal through this procedure should submit their notice of appeal in writing, including the grounds of the appeal, within 10 working days of receipt of the decision against which the appeal is to be lodged. This should be addressed to the HR Manager.
- 2.2 The appeal hearing will be heard within 10 working days following the request for an appeal hearing unless mutually agreed otherwise.
- 2.3 Once a date for the appeal hearing is set any written statements of case must be provided by both the employee and the management representative at least 5 working days before the date of appeal hearing. These papers should be submitted to the HR Manager along with any documentation for the hearing. The documents will be circulated to the members of the Appeal Panel in advance of the hearing.
- 2.4 On conclusion of the appeal hearing the Panel will give their written decision as soon as possible but no later than 10 working days of the date of the appeal hearing.

3. Procedure at Hearings

- Chair to introduce those present.
- The College's representative shall put forward the College's case, calling witnesses as appropriate.
- The member of staff or their representative shall have the opportunity to ask questions of the College's representative and of any witnesses called by the College's representative.
- The Panel Members shall have the opportunity to ask questions of the College's representative and of any witnesses called by the College's representative.
- The member of staff or their representative shall put forward the Member of staff's case, calling witnesses as appropriate.
- The College's representative shall have the opportunity to ask questions of the member of staff or their representative and of any witnesses called.
- The Panel Members shall have the opportunity to ask questions of the member of staff or their representative and of any witnesses.
- Any witnesses shall withdraw once all questions have been asked of them.
- The College's representative and thereafter the member of staff or their representative shall have the opportunity to sum up their case. No further questioning or other contribution shall be allowed after the process of summing up has commenced.
- The College's representative and the member of staff and their representative shall then withdraw.
- The Panel Members shall deliberate in private, only calling the College's representative and the member of staff and their representative to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.
- If practicable, the Chair of the Panel shall announce the decision to the College's representative and the member of staff and their representative at the conclusion of the hearing or following a short adjournment. In any event, the decision shall be confirmed in writing to the Member of staff and a copy sent to the Member of staff's representative, by the chair, within **10 working days**.

4. Decisions Of The Panel

It is preferable that all Panel members agree on the decision, however, if this is not the case then the Panel shall reach its decision by voting, each member having one vote. A Majority vote will form the decision of the Panel.

The form of the decision to be announced by the Panel shall be one of the following as appropriate;

'The grounds of the appeal have been substantiated and the appeal is upheld'

'The grounds of the appeal have not been substantiated and the appeal is not upheld'

'The grounds of the appeal have been substantiated in part and the appeal is upheld in part.'¹

Where appropriate, reasons for the decision reached should be provided.

The decision of the appeal Panel will be final.

¹ This may apply to a grievance that deals with multiple issues.