

Scope

This policy applies to all employees at the Care Group. This policy does not form part of any contract of employment and it may be amended at any time following approval from the Board.

Definition

An appeal is a formal complaint made by an employee under the following circumstances:

- If they are dissatisfied with the outcome of their grievance procedure
- If they are dissatisfied with the outcome of their bullying and harassment procedure
- If they are dissatisfied with the decision of a disciplinary procedure
- If they are dissatisfied with the decision taken about them on the grounds of capability
- If they wish to appeal against their dismissal including the terms of the dismissal
- If they wish to appeal the outcome of their request for a career break
- If they are dissatisfied with the application of the procedure followed for any of the above.

The appeal may either be a review of the outcome or a re-hearing of the matter, depending on the grounds of the appeal.

Principles

Appeals are heard at the level of management above the one at which the action or decision complained about was taken. Where this is not possible another suitable manager may hear the complaint. In either case, the manager hearing the appeal should not have been involved in the original action or decision.

Every effort will be taken to ensure that cases are dealt with in a non-discriminatory and consistent manner.

Every effort will be made to ensure that appeals against dismissal are concluded before any notice period expires.

Employees raising an appeal should be able to do so without fear of victimisation.

All those involved in an appeal have a duty to act honestly and without malice. Individuals raising complaints maliciously may be subject to disciplinary action.

All those involved in an appeal procedure are expected to respect the confidentiality and privacy of others. Where appropriate, information may be withheld or anonymised in certain circumstances, for example to protect witnesses.

At any formal meeting employees may be accompanied by an accredited trade union representative or work colleague and the employee will be advised of this prior to the meeting. The companion will be allowed to address the meeting in order to present the employee's case.

Employees must take all reasonable steps to attend appeal meetings. Failure to attend a meeting without good reason may result in the appeal process being halted or decisions being made in the employee's absence.

Procedure

Step 1: Submitting the Appeal

The employee should submit their appeal to the next level of management, as directed in the original decision outcome letter. This should be done in writing within two weeks of the date the decision they wish to appeal was confirmed. The letter should describe the grounds of appeal and the resolution sought.

The appeal should be based on one of the following grounds:

- New evidence is available
- The original decision was unduly severe
- The original decision was inconsistent
- The original decision was not supported by the available evidence
- The relevant policy was not properly followed
- The outcome was not legal
- The outcome was in conflict with other policy and/or professional guidance or rules

The senior manager receiving the appeal will assess whether it is line with the grounds described above. If the decision is that there are no grounds for appeal the employee will be informed in writing of this, explaining the reason. This will usually be sent to the employee within two weeks of receipt of their appeal letter.

Step 2: The Appeal Meeting

Where there are grounds for appeal a meeting will be arranged to hear the employee's complaint. The senior manager will judge whether a review of the original outcome or a re-hearing of the matter is appropriate, depending on the grounds of appeal and the circumstances of the case.

It is important that appeals are resolved in a timely manner and also that the employee has sufficient time to contact and brief their companion if they have one, before the meeting. To allow this, at least one week's notice of the appeal meeting would usually be given.

If the companion will not be available at the meeting time arranged the employee can request that it is rearranged to an alternative date and time. In this case the alternative date should not usually be more than one week after the one originally arranged.

Relevant documents and information to be discussed in the meeting will be forwarded to the employee, usually at least one week ahead. The employee may submit evidence to support their complaint and should provide this at least one week ahead also.

The appeal meeting is chaired by a manager with appropriate level of seniority and experience for the concerns being considered and the possible outcomes. At least one other appropriate person will support the chair. This may be a special adviser with appropriate clinical knowledge if required. The *appeal meeting guide* describes how the meeting will usually be conducted.

At the meeting the employee will have the opportunity to explain their complaint and how they think it should be resolved.

Summary notes will be taken at the meeting either by a member of the panel or a note taker as appropriate. A copy of the summary notes will be sent to the employee and their representative [if appropriate] for comment. Provided comments are received within a reasonable timeframe, as defined by the hearing manager, they will be held with the original notes from the meeting.

Following the meeting the chair will inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved. This will usually be sent to the employee within two weeks of the meeting.

The decision from the appeal meeting is final and there will be no further right of appeal.

Produced 16 March 2016