

Great Aycliffe Town Council



APPEALS NOTIFICATION & PROCEDURE

Author of Policy: HR
Policy Effective from: March 2012
Revision Dates: 1 st Revision – March 2013
March 2014
Review Sub-Committee March 2016
Review Sub-Committee Nov 18, P& R Dec 19

Appeals Notification and Procedure

- 1 If the employee wishes to exercise the right of appeal, s/he must notify the Town Clerk in writing of the grounds of the appeal within five working days of the receipt of the written notification of the decision.
- 2 A pro-forma (see Appendix 1) should be included on which the employee can give notice of appeal, including identification of the grounds for the appeal.
- 3 The appeal will be heard by the Council's Member Appeal Panel. (Elected Members drawn from the Council's Personnel Sub-Committee, no more than five Members at any one time and the Town Clerk if the allegation is not against him.)
- 4 The Member Appeal Panel will hear appeals by employees arising from decisions taken by management under the normal operation of the Council's policies and procedures.
- 5 Records and notes of the meetings will be made available to the Town Clerk or Member Appeal Panel prior to any decision being made or hearing the appeal.
- 6 The employee will have the right of appearing before the Member Appeal Panel accompanied by a work colleague or an accredited trade union representative, will be able to call witnesses in support of his/her case and produce relevant information. Documentary evidence to be produced by either party will be made available for information as soon as is reasonable and practicable in the circumstances.
- 7 The employee will be given notice in writing in advance of the time and place of the hearing. The decision of the Member Appeal Panel will be communicated to the employee in writing as soon as practicable, and a copy will be forwarded to his/her representative as appropriate.
- 8 The Member Appeal Panel has delegated powers when dealing with Appeal matters, and the decision of the Member Appeal Panel will be final.
- 9 The procedure, which is followed at the Appeals hearing, is detailed overleaf.

Procedure for the Conduct of Appeals Against Dismissal or Other Disciplinary Action

1. Introduction by the Manager/Chairman of the Member Appeal Panel and a reminder to all present of:
 - a) the procedure under which the meeting has been called;
 - b) the manner in which the meeting will be conducted as set out below in paragraphs 2-11;
 - c) the degree of confidentiality;
 - d) those present and the purpose of the meeting;
 - e) the supporting papers.
2. Presentation by the Investigating Officer (the person who undertook the formal investigation) or nominated person to the Panel, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions from the member of staff and/or his/her representative on the evidence.
4. Questions from the Panel on the evidence.
5. Presentation by the member of staff and/or their representative, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
6. Questions from the management representative on the evidence.
7. Questions from the Panel on the evidence.
8. Opportunity for the management representative to summarise the management case.
9. Opportunity for the member of staff and/or representative to summarise his/her case.
10. Withdrawal by the member of staff and representative(s) and the management representative whilst the committee considers the matter.
11. Consideration of the matter by the Panel. The Town Clerk, or his representative, will be present during the deliberations. In the event that further information or clarification is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
12. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the Panel should decide on the balance of probabilities what version of the facts they accept.
13. If any new facts emerge during either presentations or the Procedure, the Appeals Panel should:

- a) decide whether further investigation is required;
 - b) if so, adjourn the appeal hearing and reconvene when investigation is completed.
14. Before reaching a decision the Panel should consider:
- a) all the information presented by both parties;
 - b) any mitigating circumstances;
 - c) whether the penalty imposed was reasonable in all the circumstances;
 - d) any decision must be reasonable and fair;
 - e) the member of staff's disciplinary record and general service.
15. Recall of parties concerned to hear the decision of the Panel orally (if appropriate and practical).
- The Chair of the Appeals Panel should clearly inform the member of staff of the decision.
16. Confirmation of the decision of the committee in writing to all parties.
17. The decision of the Member Appeal Panel will be final and there will be no further right of appeal.

**APPENDIX 1
PRIVATE & CONFIDENTIAL
GREAT AYCLIFFE TOWN COUNCIL
APPEAL FORM**

**To: Town Clerk
 Great Aycliffe Town Council
 Council Offices
 School Aycliffe Lane
 Newton Aycliffe
 Co Durham
 DL5 6QF**

Employee Name:

Job Title:

RE: APPEAL AGAINST:

- * Disciplinary Warning
- * Dismissal
- * Other action: (Please detail below)

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(* please delete as appropriate)

Date of Notification of Action:

Reason for the appeal:

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Employee Signature: **Date:**