

DISMISSAL APPEALS POLICY

Human Resources and Organisational Development



1. Policy

Approved by

Employees have the right to appeal against any decision to dismiss them. This policy sets out the process that will be followed in dealing with any such appeal.

HR & OD Management Team

Date

December 2011

2. In Scope

All appeals against dismissal, save where the matter is specifically deemed out of scope (below)

3. Out of Scope

Appeals against any action or decision other than dismissal
Employees in their probation period. Please see the General Appeals policy.
Where the employee is a Chief Officer.

4. Key Principles

These includes the following:

- If the employee wishes to appeal they must do so in writing within 5 working days of receiving the written confirmation of the decision to dismiss. The letter should be sent to the Assistant Director for Human Resources and Organisational Development, unless instructions to the contrary are given in the letter confirming dismissal. An appeal presented outside this timescale will only be accepted in exceptional circumstances and where good reason can be shown for the failure to appeal within the usual time limit.
- The letter of appeal should set out the grounds of the appeal. Examples are: the correct process was not followed at the investigatory and / or hearing stages, the decision to dismiss was unduly harsh; additional information has come to light that was not available for the initial hearing, etc.
- The employee should state whether the appeal is in respect of the whole decision or relates to only part of any finding or decision. This will enable the appeal hearing to be managed more effectively.
- During the appeal hearing the employee will only be able to refer to and pursue the grounds of appeal specified in their appeal letter.
- Appeals may be submitted by Trade Union Representatives where they have the consent of the employee to do so.
- The HR & OD Department will send a letter of acknowledgement to the employee.
- An appeal panel will be set up to include two Chief Officers and a HR adviser.
- The panel members will not have been directly involved in the decision which is subject to the appeal.
- The Chair of the appeal hearing will be responsible for ensuring that appropriate arrangements are made to hold the hearing and for the proper conduct of the hearing itself.

The Chair will, if necessary, make any final decision as to admissibility of evidence or the attendance of witnesses.

- The appeal hearing will be held as soon as reasonably practicable, therefore the Chair may set time-limits for each stage of the proceedings, including the hearing itself.
- The employee has a right to be represented by a trade union representative or work colleague.
- The dismissing manager from the original hearing, supported by HR, will arrange to send the Appeal Bundle (excluding the bundle used at the original hearing, which should already be in the employee's possession) to the employee at least 5 working days before the appeal hearing. All papers will be sent to the panel members in advance of the hearing.
- The appeal hearing will be an opportunity for the employee and the dismissing manager to state their case and explain their position as to the grounds of their appeal, for the panel to hear from witnesses (where appropriate) and to ask questions of either party.
- Following the appeal hearing, the panel will consider the facts of the case and reach a decision. The panel may dismiss or uphold the appeal. An appeal may be upheld in whole or in part.
- The panel's appeal decision will be given to the employee either on the day of the hearing or subsequently in writing. All decisions will be recorded in writing by the Chair of the hearing and will give reasons for the decision.
- Decision letters will be sent by special delivery to the employee, normally within 5 working days of the hearing. If this timescale cannot be made, the employee will be informed of this.
- The above procedure can be amended by the Chair of the Appeal if it is deemed appropriate to do so, provided all parties consent to this.
- The appeal decision is final and is the end of the internal process.

5. Other relevant guide/policies

Relevant legislation

[Disciplinary Policy](#)
[Capability Policy](#)
[Redundancy Policy](#)

The Employment Act 2008