

# HUMAN RESOURCES & PERFORMANCE



## ANNEX 3

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APPROVED AT ..... MEETING, ON .....DATE.....

## APPEALS POLICY

### **1. Policy**

- 1.1 The Peak District National Park Authority (PDNPA) is committed to establishing a fair and equitable working environment. It is recognised that employees should be given the opportunity of an appeal as the final stage to internal employment processes. The purpose of this policy is to provide a universal appeals process for a range of employment policies and procedures, for example, discipline, absence management, secondment, flexible working, learning and development etc.

### **2. Scope**

- 2.1 The Appeals Policy applies to all PDNPA employees excluding those covered by Chief Officers' terms and conditions of employment.

### **3. Process**

#### 3.1 Lodging an appeal

##### 3.1.1 All appeals should:

- be lodged in writing to the relevant person (usually the Head of Human Resources & Performance);
- be made within 5 working days of the date of the letter setting out the decision from the previous process (e.g. discipline, absence management etc)
- clearly set out the grounds of appeal

#### 3.2 The Appeal Hearing

- 3.2.1 A manager more senior than the person who made the original decision will usually hear an appeal. Alternative arrangements may be made in consultation with the Head of Human Resources and Performance (HR&P).

- 3.2.2 Where the appeal is against dismissal, an individual has the right to elect for their appeal to be heard by the Appeals Sub-Committee of Authority Members.

- 3.2.3 The Head of HR&P will be present at an appeal to provide procedural and employment law advice to the Chair and/or panel.

- 3.2.4 The appeal hearing will not be a re-hearing of the case. Its purpose is to:

- consider whether due process has been followed, particularly the requirements of relevant policies;
- review the evidence leading to the original decision, including inconsistencies, e.g. conflicting evidence/accounts; and, where applicable,
- decide on the appropriateness of the outcome and the course of action to follow

- 3.2.5 The decision of the Chair/panel will be final and there will be no further internal right of appeal.
- 3.2.6 An appeal will usually be heard within 10 working days of the appeal being lodged with HR&P.
- 3.2.7 Where an appeal is against a job evaluation decision, a post holder has right of appeal to the Job Evaluation Appeals Panel (as they are trained in the job evaluation scheme).

### 3.3 Documentation

- 3.3.1 Documentation to be relied upon at an appeal should be provided to the Head of HR&P and circulated to all parties at least 2 days prior to the hearing.

### 3.4 Right to be accompanied

- 3.4.1 The appellant has the right to be accompanied by a trade union official or PDNPA colleague at an appeal hearing (in accordance with statutory provisions).

### 3.5 Outcome

- 3.5.1 The appellant will be informed of the decision, in writing, setting out the reasons, within 5 working days of the appeal hearing. Exceptionally, a holding letter can be sent explaining the reasons for a different timescale.

## **4. Manager responsibilities**

- 4.1 *For the manager against whom the appeal is made* - To prepare and present reasons for their decision at appeal hearings as appropriate.
- 4.2 *For the senior manager hearing the appeal* - To conduct appeal hearings in a fair and reasonable manner and determine the outcome.
- 4.3 To take equality and diversity considerations into account.
- 4.4 To seek advice from HR&P.
- 4.5 To ensure notes are taken and stored securely.
- 4.6 To maintain confidentiality of information.

## **5. HR&P responsibilities**

- 5.1 To provide advice and guidance to managers and employees on the operation of this policy.
- 5.2 To organise hearings and circulate paperwork in a timely way.
- 5.3 To provide professional advice at any appeal hearing.
- 5.4 To monitor cases and provide management information.

5.5 To maintain confidentiality of information.

## **6. Employee responsibilities**

6.1 To ensure documentation, for which they are responsible, is provided in a timely way.

6.2 To advise any witnesses s/he wishes to call.

6.3 To arrange with their companion to attend the hearing, and brief the companion accordingly.

6.4 To maintain confidentiality of information.

## **7. Relevant Legislation and PDNPA Policy**

Work and Families Act 2006

Equality Act 2006

Employment Rights Order 2006

Employment Relations Act 2004

Employment Act 2002

Disability Discrimination Act 2005

Age Discrimination Act 2006

Data Protection Act 1998

Trade Union and Labour Relations (Consolidation) Act 1992

PDNPA Joint Performance and Achievement Review process

PDNPA employment policies

PDNPA Comprehensive Equality Policy (particularly Equality in Employment)

## APPEALS PROCESS

