

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

24 November 2010

APPEAL POLICY AND PROCEDURE – NEW POLICY

Purpose of Report

1. The purpose of this report is to update the Staffing Policy Committee on the proposed new Appeals Policy and Procedure.

Background

2. This policy has been produced to be used in conjunction with the majority of policies which include an appeal facility. This will ensure that the listed policies below follow the same appeal process. It will inform an employee how to make an appeal and provide managers with a clear procedure to follow.
3. Policies including the right of appeal covered by this policy are:

Grievance	Disciplinary
Flexible working	Flexible and age retirement
Capability	Dignity at work
Redeployment	Redundancy
Equal opportunities	Whistle blowing
Time to train	Absence management
Some other substantial reason termination	
4. Human Resources aim to create policies which are consistent in format, easy to read and understand, and are fit for purpose. This policy is in the new format which supports these aims.

Main Considerations for the Council

5. During a review of the above policies it was found that there was a lack of consistency in the appeal process in a number of policies. This included appeal deadlines, timescales, who the appeal should be made to, and the procedure itself.
6. The main changes to the policy and procedure include:
 - To make an appeal, an employee will need to do so in writing, using an appeal form, within 10 working days of receiving a written outcome or a decision made on their case.
 - The appeal manager will confirm receipt of an appeal in writing, within 5 working days.
 - The appeal hearing will be held within 25 working days of receipt of the appeal. Any extension on the time frames must be agreed in advance by both parties.

- At least 5 days prior to the hearing the employee will be:
 - given written notice of the hearing time and place
 - informed how the case will be heard and by whom
 - provided with any additional new management information /evidence that will be considered at the hearing.
 - At least 5 working days prior to the hearing the employee will need to provide the hearing panel with the following:
 - any additional details to support their appeal form, if applicable
 - the details of their representative, if applicable
 - the details of their witnesses, if applicable
 - The introduction of a clear appeal hearing format for managers and employees to follow. This includes a clear order of proceedings to ensure that all parties are given the opportunity to put their case forward and that witnesses and representatives know what to expect. It should be noted that there are new guidelines linked to the policy – Right to be Accompanied and Guide for Witnesses.
 - Providing links to relevant forms and to associated policies.
7. There are some exemptions from the one appeal process. This is because the processes and procedures they require are very specific and may require longer deadlines in order for appropriate investigation to be carried out. This applies to:
- Politically restricted posts, as appeals need to be referred to the Local Standards Committee.
 - Job evaluation.
 - Flexible Working for Parents and Carers of Adults.
 - Recovery of Overpayments.

Environmental Impact of the Proposal

8. None.

Equalities Impact of the Proposal

9. An Equality Impact Assessment was undertaken on 3 August 2010 and no negative impacts were identified. A recommendation was made however, to research whether appeals and their deadlines could be monitored using current HR systems. This is viable. In addition it was stated that employees without day to day PC access may need hard copies of the policies. Related policies will be amended to ensure hard copies of the appeals policy and procedure will be sent out with outcome letters.

Risk Assessment

10. None

Options Considered

11. None.

Recommendation

12. The Staffing Policy Committee is asked to support and approve the proposed Appeals Policy and Procedure.

**Barry Pirie
Service Director
HR & OD**

Report Author: Rebecca Williams, Human Resources Policy & Reward team

The following unpublished documents have been relied on in the preparation of this Report: None