Staff Appeal Policy and Procedure

Contents

1. Our Culture and Values ..... **Error! Bookmark not defined.**
2. Introduction 3
3. Purpose 4
4. Scope of the procedure 4
5. Responsibilities 5
6. Representation 5
7. Procedure - Making an appeal 5
8. Appeal process 6
9. Failure to attend the appeal hearing 7
10. Confidentiality 7

Appendix 1 – Framework for an Appeal Meeting 8

POLICY HISTORY 9

1. Our culture and values

1.1 Reach South Academy Trust is committed to fostering a culture where all colleagues are treated with dignity, respect and fairness and are supported to achieve their full potential. We believe that high standards of conduct and professional behaviour are integral to delivering the best outcomes for our pupils and communities.

1.2 This policy is underpinned by the Trust's values:

Aspiration – We encourage all colleagues to aim high, embrace opportunities for growth and contribute positively to the success of our schools and Trust.

Excellence – We are committed to maintaining high professional standards and delivering high-quality education and services through accountability, professionalism and continuous improvement.

Resilience – We recognise that challenges and mistakes can occur and seek, wherever possible, to support learning, reflection and improvement whilst maintaining appropriate standards of conduct.

Integrity – We expect all colleagues to act honestly, ethically and professionally, demonstrating sound judgement and maintaining the trust placed in them by pupils, families, colleagues and the wider community.

1.3 The purpose of this policy is not solely to address misconduct where it occurs, but to promote a positive working environment in which our values are consistently demonstrated and high standards of behaviour are understood and upheld by all employees.

2. Introduction

2.1 Reach South Academy Trust recognises that it has a statutory obligation to adopt formal policies and establish workplace procedures to cover a range of different staffing matters across the Trust to ensure proper and adequate procedures are observed before any decision is taken to safeguard a fair decision process.

2.2 Staff have the right to appeal against decisions made in accordance with the Trust's policies and procedures which explicitly include an appeal stage. The purpose of the appeal process is to review the decision or outcome reached under the relevant policy or procedure, taking account of the grounds of appeal submitted by the employee. The appeal is not a re-hearing of the case previously presented under the relevant staff policy or procedure.

2.3 Where a member of staff has appealed against a decision to dismiss, the decision shall not take effect until the appeal has been determined, except where the dismissal is with immediate effect i.e. without notice.

2.4 After appropriate consideration, new evidence, material or witnesses may be deemed inadmissible by the independent Chair at an appeal hearing unless there are good reasons why they were unavailable at the time of the original hearing or where new evidence emerges. Where the case involves safeguarding matters, the manager/chair of the panel hearing the appeal will determine the most appropriate

way to hear witness evidence. The manager/chair will be independent and not previously involved in the hearing.

2.5 The outcome of an appeal against a decision may be to confirm, amend, substitute, overturn or remit the original decision.. Where an appeal against dismissal is successful, and the dismissal was with immediate effect, the individual will be immediately reinstated and paid for any period of time between the date of the dismissal and the appeal outcome.

2.6 The decision at appeal will be final.

3. Purpose

3.1 The purpose of this policy is to provide a clear framework for all staff who wish to appeal against a formal decision, outcome or action taken under a Trust policy or procedure that provides a right of appeal.

3.2 This policy and procedure will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, medical condition or marital status.

3.3 The procedure is written in line with the ACAS Code of Practice.

3.4 All proceedings under this procedure shall be held in private and shall be confidential.

4. Scope of the procedure

4.1 This policy and procedure applies to all Reach South Academy Trust staff who wish to exercise their right to appeal against a formal decision, outcome or action taken under any Trust policy or procedure that includes a right of appeal, including but not limited to:

- Disciplinary Policy
- Grievance Policy
- Improving Performance Policy
- Managing Attendance (Ill Health) Policy
- Flexible Working Policy
- Management of Change Policy
- Family leave Policy

4.2 This list is illustrative and does not restrict the application of this policy where another Trust procedure provides a right of appeal.

4.3 The Appeals Policy does not constitute part of the contract of employment. It may be amended at any time. Amendments will be subject to consultation with the recognised trade unions except those necessitated by a change in the law.

4.4 This policy does not form part of your employment contract and the Trust may update it at any time in consultation with Trade Unions.

5. Responsibilities

5.1 Reach South Academy Trust HR staff will offer advice at all stages of the procedure, and it is strongly recommended that Head teachers and managers seek advice from HR.

6. Representation

6.1 At all stages of the formal procedure, employees have a statutory right to be represented by a recognised trade union representative or by a work colleague. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany the employee. Right to representation at informal stages of the process will be dealt with on a case by case basis and will depend on the circumstances

6.2 The employee is responsible for arranging their representation or person accompanying them, including notifying the person of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time that falls within five working days after the original date proposed. Consideration may be given to extending this period on a case by case basis.

6.3 It is good practice for management to try to agree a mutually convenient date for the meeting with the employee and their representative or work colleague in order to ensure that meetings do not have to be delayed or rescheduled.

6.4 The trade union representative or work colleague may address a meeting/hearing to put the case for the employee and/or sum up the case, may respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. The said representative or work colleague may not, answer questions on the employee's behalf.

6.5 The Trust will consider whether any additional support for the employee is required, for example to make reasonable adjustments for a disability or to be sensitive to the member of staff's circumstances.

7. Procedure - Making an appeal

7.1 An appeal against a formal decision, outcome or action taken under a Trust policy or procedure must be received in writing by the Director of People no later than five working days after receipt of the written outcome letter. The member of staff should set out clearly the grounds for appeal in full, stating whether or not they will be represented and if so, by whom.

7.2 The member of staff must provide details under the grounds for their appeal as follows:

- **New evidence comes to light that was not reasonably available at the time the original decision was made**
  The grounds of the appeal must detail the nature of new evidence.

- **They believe the procedure was not followed correctly**
  Summary of why the process was not followed correctly.

- **The outcome was unreasonable, disproportionate, unsupported by the available evidence, or alternative outcomes were not appropriately**

considered. Details reasons why outcome was unfair or the sanction was too severe

- **They believe the decision maker reached an incorrect conclusion or decision.** Details concerning why the employee believes the decision, conclusion or outcome was incorrect.

7.3 Failure to provide details of the grounds for appeal as described above may lead the Trust to decline to hear the appeal.

7.4 Unless agreed otherwise, the Trust does not consider itself technically obliged to convene an appeal if the request is received later than the timeframes requested in the policy.

8. Appeal process

8.1 Appeals will be heard by a manager or panel with appropriate authority who has had no previous involvement in the matter. The Trust will determine whether an appeal is heard by a single manager or a panel, taking into account the nature, complexity and seriousness of the decision being appealed. A member of HR may attend to provide professional advice.

8.2 In the event of an appeal against dismissal, the Director of HR will arrange for the appeal to be heard by an appeal panel consisting of two appropriate managers (who have not had previous involvement in the case). The Chair of the appeal panel will be at the same level or where possible senior to the Chair of the panel who made the original decision. A member of HR will be present to provide professional advice.

8.3 The member of staff will be notified of the appeal hearing details in writing and will be given at least 10 working days' notice of the time, date and location of the hearing. The employee has the right to be accompanied see section 4 - Representation. The management representative and/or original decision-maker may be accompanied and assisted by a representative from the HR Team.

8.4 Note taker – a note taker will be present at the meeting. This person should not be connected with the case and should not be controversial to any party. The notes of the meeting will be provided on request to any party to the meeting.

8.5 The appeal will address the issues raised in the grounds for appeal as submitted to the Director of HR. Where the grounds for appeal are based on new evidence, material or witnesses, the employee must provide a clear explanation of the relevance of the information, stating why it was not possible to present it at the initial hearing. It is for the manager hearing the appeal to determine if such information (and/or witnesses) is admissible.

8.6 Both parties will be required to submit any supporting evidence and should submit any additional documentary evidence to the Director of HR at the earliest opportunity and no later than five working days before the appeal hearing.

8.7 The member of staff's statement should set out clearly the grounds on which they are contesting the outcome. It should be sufficiently detailed to enable the manager and panel to understand on what basis the appeal was lodged.

8.8 The management statement should set out the reasons for the action taken/conclusion reached. It should be sufficiently detailed to enable the member of staff to understand on what basis the decision was reached, and to prepare their own case.

8.9 All parties involved in the appeal will receive all relevant information at least five working days in advance of the hearing.

8.10 Both parties should provide details of any witnesses they intend to call. It will be the responsibility of member of staff and management to call and brief their own witnesses.

8.11 Witnesses will not normally be required to be in attendance for the whole of the appeal meeting. Each witness will be called to give evidence and will then leave the room. Wherever possible the witness will be told at this point whether they are free to leave or are likely to be recalled.

8.12 The order of proceedings at an appeal hearing is provided at Appendix 1.

8.13 Once the evidence has been considered, the following options are available:

- To not uphold the appeal and endorse the original action taken.
- To uphold the appeal.
- To partially uphold the appeal and provide an alternative outcome, recommendation(s) or action, where appropriate, and/or in disciplinary cases substitute a lesser sanction.

8.14 The decision will be confirmed in writing within five working days of the hearing date.

8.15 Where an appeal is upheld, the manager or panel hearing the appeal may make recommendations or direct appropriate actions to ensure the appeal outcome is implemented.

9. Failure to attend the appeal hearing

9.1 The member of staff must take all reasonable steps to attend this meeting. In the event that the member of staff fails to attend the appeal hearing without prior notification and/or without substantial reason, then the manager/panel hearing the appeal may deem it appropriate to consider the case and make a decision in the absence of the staff member.

10. Confidentiality

10.1 All related records (including those of the investigation and appeal hearing) will remain strictly confidential and will be retained in accordance with the Trust's Data Protection and Records Management arrangements. Records may be retained beyond the conclusion of a matter where necessary to support legal compliance, employment tribunal proceedings, safeguarding obligations or other legitimate organisational requirements.

Appendix 1 – Framework for an Appeal Meeting

The following procedure will normally be followed. The Trust may make changes to this process where it deems that there are sensitive issues being considered:

The Chair of the panel will:

- Introduce those present.
- Explain the purpose of the meeting.
- Advise all present of the order of the procedure, which will be followed at the meeting, and to ensure that it is understood by the employee and where appropriate their representative:

The following procedure should be adopted:

- The member of staff or their representative will present their case.
- The member of staff or their representative will call any witnesses during the presentation of their case.
- The manager may ask questions of the member of staff and any witnesses, as may the panel.
- The member of staff or their representative will have a final opportunity to question the witnesses.
- The management representative and/or original decision-maker will present the reasons for the decision and call any witnesses, where applicable. The member of staff or their representative may ask questions of the manager and any witnesses, as may the panel.
- The manager will have a final opportunity to question the witnesses.
- The member of staff or their representative will sum up their case. The summing up shall not introduce any new matter.
- The manager will sum up their case. The summing up shall not introduce any new matter.
- Following summing up both parties, the employee and the presenting manager, will leave the room.

It should be noted that the panel members may:

- Ask for clarification of any statements made during the course of the proceedings.
- Decide to adjourn at any stage, or at the request of either party. The duration of the adjournment will be made clear and a decision reached on the time the meeting is to be reconvened.
- All parties have the right to request an adjournment as appropriate.

When all the evidence has been presented the meeting should be adjourned for the panel, with Human Resources support in attendance, to reach a decision on the case. Both parties may be recalled if points of uncertainty need to be clarified.

Once a decision has been reached the employee, their representative and the manager should be recalled and informed of the manager's/Chairperson's decision.

The decision of the appeal panel is final.

POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
December 2021	Consultation with all recognised Trade Unions	All recognised Trade Unions	N/A	N/A
April 2022	Implementation of new policy	HR	April 2022	April 2025
September 2026	Policy updated to provide a consistent appeals framework for all Trust employment procedures.	People Team	October 2026	September 2029