

Appeals Policy (for HR Policies)

ELT / SLT responsibility:	Director of Human Resources, Organisation Development & Marketing		
Applies to:	<ul style="list-style-type: none"> • All RNN Group Employees • RES Employees • National Fluid Power Centre Employees 		
Approved by:	• Equality Impact Assessment	Approval date:	15/12/23
Approved by:	• Joint Consultative and Negotiating Committee	Approval date:	28/2/19
Approved by:	• Executive Leadership Team	Approval date:	15/12/23
Approved by:	• RNN Group Board	Approval date:	28/2/19
Related documents:	<ul style="list-style-type: none"> • Disciplinary Policy & Procedure • Capability Policy & Procedure • Grievance Policy & Procedure • Suspension Policy • Formal Hearing Procedure • The role of companion statement • Supportive Measures Statement 		
Implementation date:	1 st January 2024	Review date:	January 2027
DOCUMENT CONTROL			
Date	Version	Action	Summary of changes
1 st May 2019	1.0	Policy first implemented	N/A
1 st January 2024	1.1	Policy amended	Policy reviewed. Added to new format.
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1 SCOPE AND PURPOSE

- 1.1 This policy shall apply to all employees of the RNN Group (hereinafter referred to as 'the Group'), other than "designated senior post holders" as defined in the Corporation's Articles of Governance.
- 1.2 The policy and procedure will be applied in accordance with the Articles of Governance of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, 'Disciplinary and Grievance Procedures', last updated April 2015 and the Union Recognition Agreement. It also takes into account European and UK legislation.
- 1.3 The purpose of this procedure is to provide an appeals process for staff in relation to a disciplinary, grievance, capability and redundancy decision.
- 1.4 This policy does not form part of the Contract of Employment and the Group reserves the right to depart from it where appropriate.

2 GENERAL PRINCIPLES AND TIMINGS

- 2.1 An employee who wishes to appeal against a grievance outcome, any first written warning, second written warning, final written warning or decision to dismiss (including Redundancy and Capability) should inform the Executive Director of Human Resources, Organisational Development and Marketing in writing within 8 working days of receipt of the written decision which forms the subject of the appeal. Such an employee shall be hereinafter referred to as the 'Appellant'.
- 2.2 The written notice of intention to appeal must include detailed grounds for the appeal in support of the Appellant's case. Appeals may be made on various grounds, including new evidence, undue severity or inconsistency of the penalty. Employees may also request to have an appeal meeting if they feel a grievance has not been satisfactorily resolved. If insufficient detail is provided further information may be requested prior to arranging a hearing.
- 2.3 Depending on what has happened, potential grounds of appeal could include:
 - the sanction imposed was too severe or disproportionate to the misconduct;
 - the sanction was inconsistent with one imposed for similar misconduct committed by another employee;
 - any extenuating mitigating circumstances have not been reasonably taken into account;
 - a failure to follow the Group's policies and procedures;
 - unfair selection for redundancy
 - insufficient information about the allegations of misconduct were provided to enable the Appellant to prepare for a hearing; or
 - challenge of the evidence on which the decision was based i.e. it is believed that a decision was made without evidence or without enough evidence to support it.
- 2.4 Appeals against anything up to and including a final written warning will be heard by a member of the Senior Leadership Team (SLT) who has not been involved in the matter. A HR Advisor will also be assigned.
- 2.5 Appeals against a dismissal will be heard by the Chief Executive Officer in all cases, unless unavailable or has previously been involved in the case. In this scenario the appeal hearing will be heard by a member of the Executive Leadership Team who has not been involved in the matter and to whom responsibilities have been delegated.
- 2.6 The appeal hearing will be arranged as soon as reasonably practicable, but in any case within 15 working days, after the notice of appeal has been received (assuming sufficient detail of reasons for appeal have been provided).

- 2.7 The Appellant shall be notified in writing of the day, time and place of the hearing, giving at least 5 working days' notice of the date, time and place fixed for the appeal hearing (unless an earlier date has been mutually agreed). This will include providing documents to be referred to during the appeal.
- 2.8 The Appellant will be notified of their right to be accompanied by a Trade Union representative/Official or work colleague of their choice. If the chosen representative of the Appellant is unavailable on the date of the appeal hearing, the Appellant may delay the date of the appeal once by up to 5 days to enable the chosen representative to attend. This is, however, negotiable under extenuating circumstances, for example if the representative is unavailable due to annual leave, and no other workplace representative/Official is available in their place. The location and timing of any alternative hearing should be convenient to both the Group and the Appellant.
- 2.9 The written notice of the hearing will ask the Appellant to identify if they require any reasonable adjustments at the hearing. The Group will consider reasonable adjustments as set out in the supportive measures statement in order to enable the Appellant to participate effectively.
- 2.10 Any further documents that the Appellant intends to refer to in the appeal hearing should be exchanged not less than 2 working days prior to the hearing, so that consideration may be given to this documentation/evidence.
- 2.11 Any evidence that has arisen since the original hearing may be considered at the appeal hearing to inform the chair's decision, providing it has been provided not less than 2 working days prior to the hearing and has been exchanged with the other party.
- 2.12 If the Appellant wishes to call relevant witnesses to the hearing, they should arrange this themselves and advise the HR Representative of this at least 2 days in advance of the hearing and identify which witnesses they intend to rely upon. The Appellant will be informed prior to the hearing if the Group intends to call relevant witnesses. All witnesses (employed by the Group) will be given paid time off work to attend.
- 2.13 If the employee is suspended and unable to make contact directly, they should contact the HR representative to discuss this.
- 2.14 The Group reserves the right to refuse to allow / make a witness available for questioning at the hearing, where this is considered appropriate to do so i.e. character witnesses, with no prior involvement in the matter.
- 2.12 The appeal will take the form of a review of the decision rather than a full re-hearing but will consider fully the reasons for appeal and evidence presented.
- 2.13 At the appeal, the original decision will be reviewed. The possible outcomes of the hearing are:
- To dismiss the appeal and accept the decision of the original hearing.
 - To adjust the decision of the original hearing and reduce the level of any warning/sanction issued.
 - To reject the decision of the original hearing and remove any warning/sanction issued.

The decision of the Chair of the Appeal hearing will be notified to the Appellant verbally within 5 working days and in writing within 10 working days of the appeal hearing and this decision will be **final and binding**.

- 2.14 In cases of dismissal, an Appellant who is successful as a result of appeal against dismissal shall be entitled to pay during the period from the date of the original decision to dismiss, until the date of reinstatement and will retain their continuous service. Any

remuneration received by the Appellant i.e. redundancy pay, must be paid back to the employer within a reasonable timeframe.

3 HOLDING THE HEARING IN THE APPELLANT'S ABSENCE

- 3.1 The Group believes that, in the vast majority of cases, it should be possible by using any or all of the measures outlined in the supportive measures statement to conduct a fair appeal process in which the Appellant fully participates. However, there may be exceptional circumstances when the Appellant will not be able to attend an appeal hearing, whatever measures are taken.
- 3.2 In such circumstances, the Group reserves the right to proceed with an appeal hearing in the Appellant's absence, although full consideration will be given as to whether or not this is necessary in the circumstances.
- 3.3 Where this is the case, the Appellant and their representative will be informed of the time and location of the hearing and will remain free to attend. The representative will be free to attend, even if the Appellant is not present.
- 3.4 The outcome of the hearing will be communicated to the Appellant verbally within 5 working days (if appropriate) and in writing within 10 working days of the appeal hearing. This will provide reasons for the decision reached.