



HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

HR Appeals
Procedure

2019/20



**DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE**

St Thérèse of Lisieux CMAT

This Appeals Procedure has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the Academy Trust Company on (02/03/2020) and will be reviewed after 12 months.

Signed by Chair of the CMAT Trust Board: 

Signed by the Chief Executive Officer: 

1. Scope

This policy applies to all staff based in the schools and within the central team of the Catholic Multi Academy Trust. The procedure applies to all HR policies and procedures except where they specifically provide for an alternative appeals process.

2. Registering an Appeal

All appeals must be registered with the HR Manager within 10 working days of the employee receiving their outcome letter, unless the relevant policy states otherwise. In order to lodge an appeal, the employee must complete Appeal Registration Form at Appendix A (if not already completed on initially registering). Only once the registration form has been received will arrangements be made for an appeal hearing.

3. Grounds for Appeal

When completing the Appeal Registration Form (Appendix A), the employee should specify the grounds for their appeal (e.g. procedural flaw, unreasonable sanction, new evidence) and whether they are appealing against the decision to impose a sanction or the level of sanction applied (as applicable).

4. New Evidence

Any new evidence submitted as part of an appeal should explain how it would have influenced the original decision and why it was not available at the original hearing / meeting. The panel may decide, during the course of the hearing, that further investigation of the new evidence is required before it can be properly considered. In such circumstances, the appeal hearing should be adjourned whilst this is undertaken. The investigation should be completed as quickly as possible and the appeal hearing reconvened at the earliest opportunity.

5. Convening an Appeal Hearing

The appeal hearing will be convened by the HR Department within 10 working days of receipt of the Appeal Registration Form. If possible, it should be scheduled to take place during the employee's normal working hours. Consideration must be given as to whether the employee requires any adjustments (e.g. hearing loop, disabled access).

HR will write to the employee to notify them of the details of the hearing giving them a minimum of 10 working days' notice. The letter is to include the employee's right to be represented by a work colleague or Trade Union representative and confirm the potential outcomes of the hearing.

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The employee will also receive copies of any relevant supporting documentation such as:

- Appeal Registration Form (or letter of appeal).
- Any new evidence or supporting documents submitted by the employee or management representative as part of the appeal.
- Statement from management in response to the points raised in the appeal.
- All documents used at the original hearing / meeting.
- Notes from the original hearing / meeting.
- Investigation report.
- The letter confirming the outcome of the original hearing / meeting.
- The names of any witnesses that are to be called by either party.

A copy of the documentation will also be provided to each panel member in advance of the hearing. The names of any witnesses that the employee wishes to call should be submitted no later than 5 working days prior to the appeal hearing. A note-taker should also be arranged.

6. Composition of an Appeal Panel

Appeals will be heard by a panel in accordance with the relevant policy and by persons not involved in the original decision making. If, due to a shortage of Directors or the nature of the case, it is not possible to identify previously uninvolved parties, HR will consult with all parties with a view to reaching agreement. Wherever possible, panels should be representative, for example, a mix of ethnicities, gender and age.

7. Witnesses

It is the responsibility of the person presenting the CMAT response to ensure that they invite any CMAT witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the appeal hearing. Please note that the employee's Trade Union Representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted. Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, the CMAT respondent and panel members.

8. Failure to Attend

If an employee fails to attend the appeal hearing without giving an acceptable reason, the hearing will proceed in their absence. Where an employee or their representative is unable to attend the date or time set for the meeting, a new hearing date will be arranged within 5 working days of the original hearing date. If the employee and or their representative, fails to attend the rearranged hearing without there being exceptional circumstances, the meeting will go ahead in their absence. Written representations will also be accepted.

9. Conducting an Appeal Hearing

The format for carrying out the appeal hearing is contained in Appendix B.

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10. Possible Outcomes

The possible outcomes of an appeal hearing are:

- Uphold the original decision and, if applicable, maintain any sanction;
- Overturn the original decision
- Implement a new decision along with any lesser sanction and/or other action.

The panel may also wish to make additional recommendations, e.g. training, guidance, etc.

11. Notification of Outcome

The employee is to be advised, in writing, within 5 working days of the outcome of the appeal hearing. A copy of the notes from the hearing should also be provided within 10 working days of the meeting. The employee will have no further internal right of appeal against the decision.

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APPENDIX A - APPEAL REGISTRATION FORM

To be completed and returned to the HR Manager within 10 working days of receiving written notification of the outcome of the hearing/meeting. Please include any relevant supporting documentation that you wish to be considered at the appeal hearing.

EMPLOYEE DETAILS

Name: _____

Correspondence Address: _____

Job Title: _____

OUTCOME OF MEETING/HEARING

Policy Hearing/Meeting/Decision was Held Under:

- | | |
|-----------------------------------|--------------------------|
| Attendance Management | <input type="checkbox"/> |
| Capability | <input type="checkbox"/> |
| Disciplinary | <input type="checkbox"/> |
| Grievance | <input type="checkbox"/> |
| Pay Policy | <input type="checkbox"/> |
| Performance Management | <input type="checkbox"/> |
| Probation | <input type="checkbox"/> |
| Restructuring and Redundancy | <input type="checkbox"/> |
| Right to Request Flexible Working | <input type="checkbox"/> |

Other: _____

Date of Hearing/Meeting: _____

Panel: _____

Outcome of Hearing/Meeting/Decision (NB this list is not exhaustive):

Where the appeal is against pay policy / decision

- | | |
|--------------------------|--------------------------|
| First Written Warning | <input type="checkbox"/> |
| Final Written Warning | <input type="checkbox"/> |
| Dismissal with Notice | <input type="checkbox"/> |
| Dismissal without Notice | <input type="checkbox"/> |
| Not Upheld | <input type="checkbox"/> |

- | | |
|---|--------------------------|
| Incorrectly applied policy | <input type="checkbox"/> |
| Failed to apply statutory guidance | <input type="checkbox"/> |
| Failed to take account of evidence | <input type="checkbox"/> |
| Took account of irrelevant or inaccurate evidence | <input type="checkbox"/> |
| Was biased | <input type="checkbox"/> |
| Unlawfully discriminated | <input type="checkbox"/> |

Other: _____

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GROUNDS OF APPEAL

Details of your Appeal:

(Please continue on a separate sheet of paper if necessary)

Name and Contact of Representative: _____

Names of any Witnesses to be called (if known): _____

Dates Unavailable: _____

Name: _____ **Date:** _____

Signature: _____

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Appendix B

The appeal hearing should follow the format below:

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation.
2. The employee and / or their representative will present the reason for their appeal, including any new evidence.
3. The employee and / or their representative may call witnesses to support their case.
4. The CMAT representative (i.e. the person who made the original decision) may question the witnesses.
5. The panel may question the witnesses. *(Steps 3-5 will continue until all of the employee's witnesses have been heard and questioned).*
6. The CMAT representative may question the employee and their representative on their case presentation.
7. The panel may question the employee and their representative on their case presentation.
8. The CMAT representative will present their response to the appeal, including any new evidence.
9. The CMAT representative may call witnesses to support their case.
10. The employee and / or their representative may question the witnesses.
11. The panel may question the witnesses. *(Steps 10-12 will continue until all of the management representative's witnesses have been heard and questioned).*
12. The employee and / or their representative may question the CMAT representative on their case presentation.
13. The panel may question the CMAT representative on their case presentation.
14. The employee and / or their representative will have the opportunity to sum up their case.
15. The CMAT representative will have the opportunity to sum up their case.
16. The CMAT representative, the employee and their representative will adjourn so that the panel can deliberate. Having deliberated on the matters placed before them, the panel will set out their decision and then recall (as appropriate) and advise those attending the hearing of the outcome. Alternatively, the outcome may be provided to both parties in written form.