

Sunderland City Council Appeals Panel

Introduction

- An employee has the right of appeal against any formal disciplinary action or their formal stage 1 grievance decision.
- The employee will make the appeal by setting out the grounds for their appeal in writing to their Chief Officer within 10 working days of receipt of the outcome letter.
- The Chief Officer will contact Human Resources & Organisational Development (HR&OD), and an appropriate Appeal Hearing will be arranged, without unreasonable delay.
- The employee will be invited to the Appeal Hearing in writing, which will include notification of their right to be accompanied by a trade union representative or an appropriate work colleague and any relevant documentation which will be provided to the Appeal Panel.
- The manager who made the decision at the previous hearing/meeting will be present at the appeal to explain their decision.

Terms of Reference

- In cases of dismissal or demotion or a decision made at formal Stage 1 of the Grievance Procedure, an appeal will be heard and determined by the Council's Elected Member Appeals Panel, advised by the Director of HR&OD (or their authorised officer).
- For any other formal action taken against an employee e.g. Final Written Warning, the appeal will be heard by the Chief Officer (or their authorised officer), advised by the Director of HR&OD (or their authorised officer).
- An employee can appeal a decision to instigate formal action under the Council's Disciplinary Procedure, Capability Procedure or the Attendance Management Policy. Appeals can also be made under Formal Stage 2 of the Council's Grievance Procedure.
- The appeal is a review of the decision that has been made.
- The decision made at the Appeals Panel will be confirmed in writing to the employee and will be final with no further internal right of appeal.

Order of Proceedings

- Introduce those present, explaining their role at the hearing.
- Explain that:
 - The purpose of the Appeal Hearing is to review the decision made at the disciplinary hearing or the Stage 1 Grievance hearing (as appropriate).
 - The employee will be given their opportunity to set out the grounds on which they are appealing the decision.
 - The decision of the Appeal Hearing is final.
- Ask the employee to explain why he or she is appealing the decision.

- Pay particular attention to any new evidence that is introduced and ensure the employee has the opportunity to comment on it.
- Once the grounds for appeal have been fully explored, summarise the facts and call an adjournment to consider the decision.

Adjournment

Was the decision soundly based?

In relation to disciplinary appeals, was the formal action taken a reasonable response?

Disciplinary Appeals

The outcome of the appeal will normally be one of the following:

- Uphold the original decision of the hearing.
- Reduce or substitute an alternative level of formal action.
- Remove the formal action imposed.
- Recommendations may also be made.

Grievance Appeals

The outcome of the appeal will normally be one of the following:

- Uphold the original decision.
- Overturn the original decision.
- Partly uphold the original decision.
- Recommendations may also be made.

Inform the Employee of the outcome of the Appeal

Without unreasonable delay, inform the employee of the outcome and confirm the decision and the reasons for the decision in writing, including that this is the final internal appeal.