

**The Good Shepherd Multi Academy Trust**

# **Appeals Policy**

**June 2017**



**The Good Shepherd  
Multi Academy Trust**

**Review; June 2020**

## Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

### **1. Procedure**

All employees have the right of appeal in the following circumstances:

- Where an employee disagrees with the outcome of the *disciplinary* process
- Where an employee feels that their *grievance* has not been satisfactorily resolved
- Where an employee disagrees with the outcome of the *capability* process
- Where an employee feels that their *bullying and / or harassment complaint* has not been satisfactorily addressed **and** the disciplinary procedure is not invoked. (It should be noted that where a complaint is being addressed through the disciplinary procedure then the complainant will not have the right of appeal.)

Appeals should be lodged in writing within 5 working days of being informed of the Trust's decision. Employees should submit the written appeal to the Chair of the Local Governing Body (LGB). The Trust CEO should be approached for central Trust staff issues, members of staff employed at more than one school or grievances against the LGB.

When lodging an appeal the employee should state the grounds upon which they seek to appeal.

For *Disciplinary/ Capability* appeals these may be

- The procedure was incorrectly applied
- Not all evidence that was available at the time was considered
- The sanction/decision was too severe
- Significant new evidence has come to light following conclusion of the process

For *Grievance* appeals these may be:

- Why they do not accept the original decision
- What outcome or resolution they are looking for. This needs to be reasonably achievable.

For *Bullying/ Harassment* appeals these may be:

- Why they do not accept the proposed actions and agreements
- What outcome or resolution they are looking for. This needs to be reasonably achievable.

Receipt of the letter of appeal should be acknowledged within 5 working days and a meeting arranged with the aggrieved employee, as soon as possible. The employee will be entitled to attend the appeal meeting and will be given an opportunity to state their case. The employee must take all reasonable steps to attend this meeting.

In schools the appeal will be heard by the Appeals Committee of the Local Governing Body made up of three members of the LGB who were not involved in the

original meeting or decision and who will have the authority to overturn the original decision. A representative of the Trust or the Trust's HR provider will be invited to attend to support /advise the panel on the proceedings.

In the case of a decision by the Chief Executive of the Trust the Appeals Committee shall be three members of the Personnel Committee of the Trust or any such body the Personnel Committee nominates for that purpose. All appeals against dismissal for misconduct will be heard by three members of the Personnel Committee of the Trust, supported by the Trust's HR provider.

All meetings provided for in this procedure will be arranged as quickly as possible. The purpose of this procedure is to resolve at the earliest opportunity any issues raised. While the Trust will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be arranged.

At all stages of the procedure an employee is entitled to be accompanied by a fellow employee or a trade union representative.

In most cases an appeal hearing will take place, however in the event that the grounds of appeal relate to the original procedure being incorrectly applied the Chief Executive of the Trust with advice from the Trust HR provider/Appeals Committee of the Local Governing Body may advise that a rehearing is held in place of an appeal hearing. The decision of the appeal hearing or the rehearing would be full and final and there would be **no further right of appeal**.

The Appeals Committee of the Local Governing Body will inform the employee whether the appeal will be an appeal hearing or a rehearing, based on the grounds of their appeal, to enable them to prepare.

## **2. Appeal Hearing**

An appeal hearing will be conducted as a review. The Appeals Committee will look at the fairness of the decision to determine if the decision was reasonable based on the evidence available at the original disciplinary/ grievance/ capability meetings. The whole case is not reheard, only the points which are pertinent to the appeal.

New evidence may be considered in the appeal hearing providing that it has been included in the documents submitted before the hearing. Where new evidence is submitted the employee should clearly state what the evidence is and why it is believed that it would alter the original decision.

Appeals will be dealt with speedily whilst still allowing the employee reasonable time to prepare their case. Employees should submit their statement of case and any supporting documents not less than 5 working days in advance of the appeal hearing.

If it is felt appropriate the Appeals Committee can request the attendance of the manager who originally dealt with the grievance/ capability/ disciplinary process at the hearing to present the case. They may also call any witnesses/ investigating officer from the original procedure.

The Appeals Committee will also consider any representations made by the employee, the employee's representative or work colleague.

The Appeals Committee must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether or not to

uphold the original decision. In reaching a decision the hearing panel will respond to the points raised in the written appeal and any new evidence that has come to light..

## **2.1 Structure of the Appeal Hearing**

The appeal hearing will be conducted as follows:-

- Introductions will take place and the roles of the people present will be agreed.
- The purpose of the meeting will be explained and an explanation will be given as to how the meeting will be conducted.
- The approach will be formal, but polite and the meeting will be a two way process with the objective of ascertaining the true facts of the case.
- The employee will be given the opportunity to state his/her case. This will include presenting any evidence, reference to any witness statements and the calling of witnesses as required. There will then be the opportunity for questions to be asked related to the evidence presented.
- The allegation(s) will be outlined by the original manager/headteacher. This will include presenting any evidence, reference to any witness statements and the calling of witnesses as required. There will then be the opportunity for questions to be asked related to the evidence presented
- Both parties will then be given the opportunity to summarise their case.
- The meeting will adjourn and a decision will be reached by the Appeals Committee. In reaching a decision the Appeals Committee will respond to the points raised in the appeals letter and any new evidence received as part of the process.

Following the adjournment the employee will then be recalled and will be informed of the decision. The decision will be confirmed in writing within 5 working days.

The decision at this stage will be final. There is **no** further right of appeal.

## **2.3 Rehearing**

For a rehearing the Appeals Committee of the Local Governing Body will repeat the process for a disciplinary/ capability meeting in accordance with the disciplinary /capability procedure and come to their own decision. If an investigation has not already been carried out, the Appeals Committee should consider whether one is necessary.

## **3. Potential outcomes**

In the case of *Disciplinary* appeals the outcome will be either:

- The employee's appeal is upheld; in this case the sanction may be removed or replaced with a lesser penalty, such as demotion or another form of warning. The employee's records will be amended to reflect the outcome of the appeal.
- The employee's appeal is not upheld and the original decision will stand.

In the case of *Capability* Appeals the outcome will be either:

- The employee's appeal is upheld; in this case the sanction may be removed or replaced with a lesser penalty, such as demotion or another form of warning. The employee's records will be amended to reflect the outcome of the appeal.
- The employee's appeal is not upheld and the original decision will stand.

In the case of *Grievance* appeals the outcome will be either:

- The employee's appeal upheld and a new course of action to remedy the grievance suggested.

- The employee's appeal is not upheld and the original decision will stand.

In the case of *Bullying/ Harassment* appeals the outcome will be either:

- The employee's appeal upheld and a new course of action to remedy the situation is suggested, including invoking the disciplinary procedure.
- The employee's appeal is not upheld and the original decision will stand.

Any appeal **must not** result in any increase in penalty against the person making the appeal..

#### **4. Keeping Written Records**

Notes should be taken of all key points raised during disciplinary/ capability/ grievance meetings and appeals and a copy given to the employee. In certain circumstances (for example to protect a witness) some information may be withheld. This information may be required at an Employment Tribunal.

These records are to be kept confidential and retained in accordance with this procedure and the Data Protection Act 1998.