



APPEALS POLICY

Lawn Primary School, Norbury Close, Allestree, Derby DE22 2QR

e-mail: admin@lawn.derby.sch.uk website: www.lawn.derby.sch.uk

Tel: (01332) 550178

Headteacher: Mrs S. Allison

Author: DCC Approved Policy

Approved by the Governing Body on: _____

Signed: _____

Date of Next Review: _____

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| Implementation date | |
| Author | Celia Dyson |
| Modified for adoption by Schools | Celia Dyson |
| Equality impact assessment date | 25 November 2010 |
| Handbook/master list updated | |
| Revised/updated | 1 January 2013 |

Purpose

To allow employees to apply for a reconsideration of a decision following the outcome of one of the following procedures:

- o redundancy
- o disciplinary and dismissals
- o grievance
- o managing attendance
- o managing individual capability o right to request flexible working

Introduction

1. Policy application
2. The Council, in consultation with recognised trade unions has agreed this policy for adoption by those employed under the delegated powers of Governing Bodies of community, voluntary controlled and trust schools. Governing bodies are strongly urged to adopt this policy for all employees within their delegated powers.
3. Principles.
4. Right of Appeal

2. All employees have a right to appeal against an employment decision following the outcome of one of the following procedures:

- o redundancy
- o disciplinary and dismissals
- o grievance
- o managing attendance
- o managing individual capability o right to request flexible working

The opportunity to appeal against a decision is essential to natural justice, and appeals may be raised by employees on any number of grounds, for instance new evidence, undue severity or inconsistency of the penalty. An appeal cannot increase the severity of the original sanction.

The Appeal Process

1. An employee has seven working days of receiving a decision in respect of the above procedures to make an appeal, in writing, to the Chair of Governors.

2. The Appeal will be heard by a Governor Appeal Panel and, other than in exceptional circumstances, will be held within 10 working days (pro-rata for part-time staff) of receipt of the written request.

Employees:

- will have the right to be accompanied by another employee of the school or a trade union representative plus any other support as required under the Equality Act 2010 at the Appeal Hearing.
- will be given a minimum of 5 working days (pro-rata for part-time staff) notice of Appeal Hearing
- should make every effort to attend the Appeal Hearing as arranged. They may offer a reasonable alternative time within 5 working days (pro-rata for part-time staff) of the original date if their companion cannot attend.

3. The Appeal Hearing decision will be made and the employee will be notified in writing within 5 working days (pro-rate for part-time staff).

This is the final stage of the internal appeal process.

Occasionally, when it is mutually agreeable to both employee and employer, the process may continue during non-working days.

Support and Guidance

A full description of the process including guidance and supportive information is available from Human Resources.

Roles and Responsibilities

The roles and responsibilities of key stakeholders are summarised in Appendix 1.

APPEALS – ROLES AND RESPONSIBILITIES

APPENDIX 1

| Governing Body | Governors Appeal Panel | Employee | HR |
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| | Fairness and Equality | | |
| To ensure this policy is implemented in a fair, consistent and non-discriminatory manner. | To facilitate reasonable adjustments as required. | To notify Head teacher of reasonable adjustments required. | Provide advice and guidance to Governor Appeal Panel. |
| | General operation of the scheme | | |
| To ensure Head teachers carry out their responsibilities. | | | Provide advice and guidance to managers and employees. |
| | Making the appeal | | |
| Chair of Governors receives the appeal and acknowledges receipt. | | Makes appeal by completing appropriate form | Notes that employee has appealed |
| | The appeal hearing | | |
| Representation from the Governor First Committee presents statement of case from the first hearing | Hold the appeal hearing Follows the appeal hearing process Makes and communicates decision | Attends hearing and arranges for companion and any witnesses to be present Participates in hearing | Attends and advises Governors Appeal Panel. |

| Governing Body | Governors Appeal Panel | Employee | HR |
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| | Document Retention | | |
| Ensure documents pertaining to the Appeal are treated in confidence and in line with the School' and Council's data protection and IT policies. | Ensure documents pertaining to the Appeal are treated in confidence and in line with the School and Council's data protection and IT | Keep a copy of documents and decision letters. | Ensure documents pertaining to the Appeal are treated in confidence and in line with the School and Council's data protection and |

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| | policies. | | IT policies. Ensure information is processed through VISION and that key letters are placed on the employee's personal file. |
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