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Appeals policy

June 2025

Executive Summary

This policy provides a clear and structured appeals process for employees who wish to challenge employment-related decisions. It ensures fairness, compliance with UK employment law, and adherence to ACAS guidelines. Key provisions include eligibility criteria, acceptable grounds for appeal, procedural steps, and timeframes for submission and resolution.

This policy takes precedence over any appeals processes detailed in existing policies.

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1.0 When would I use this policy?

1.1 This policy should be used when an employee wishes to appeal against a formal decision made under an employment policy listed in section 3.2. Appeals may relate to:

- disciplinary matters,
- grievances,
- performance management,
- absence management,
- redundancy and suitable alternative decisions,
- flexible working decisions,
- harassment and bullying cases,
- whistleblowing or
- discrimination claims.

1.2 This policy takes precedence over any appeals processes detailed in existing policies.

1.3 The appeals process for collective grievances is covered in the council's Grievance Policy.

2.0 Introduction

2.1 This policy provides a structured process for employees to appeal decisions made under various employment policies, ensuring fairness, compliance with UK employment law, and adherence to ACAS guidelines

3.0 Scope

3.1 This policy applies to all East Herts Council employees, excluding Chief Officers, who are subject to alternative procedures listed in the constitution.

3.2 This policy covers appeals related to the following:

- Disciplinary Policy,
- Grievance Policy,
- Managing Performance Policy,
- Absence Management Policy,
- Redundancy Policy (excluding voluntary redundancy),
- Flexible Working Scheme,
- Ending of Fixed Term Employment Policy and procedure,
- Harassment and Bullying Policy,
- Process for dismissal for some other substantial reason (SOSR) and

- whistleblowing and discrimination appeals.

3.3 Any formal appeal not covered by the policies listed above will follow the procedure in section 5.

4.0 Time limits and submission

4.1 Appeals must be submitted in writing within ten working days of the written decision.

4.2 Late appeals will not be considered unless there are exceptional circumstances.

4.3 Appeals must be submitted using the Appeal Submission Form (Appendix A) and sent to the HR Officer.

5.0 Grounds for appeal

5.1 Employees may appeal on the following grounds:

- **Procedural unfairness** A breach of the correct procedure.
- **Unreasonable decision:** A decision that no reasonable person would have made.
- **Disproportionate sanction:** A penalty too harsh for the offence.
- **New evidence:** Significant evidence unavailable during the initial decision.
- **Discrimination:** A decision that breaches the Equality Act 2010.
- **Whistleblowing retaliation:** An appeal related to unfair treatment following whistleblowing.

6.0 Appeals Procedure

6.1 Appeals will be heard by a senior manager not previously involved in the case. Dismissal appeals will be heard by a Director or the Chief Executive.

6.2 Employees have the right to be accompanied by a work colleague or trade union representative if they are a member of UNISON.

6.3 **Remote hearings** will be permitted where appropriate.

6.4 Witnesses may be called only to present new, relevant evidence.

7.0 Appeal meeting process

7.1 Appeals overview

Appeals are typically heard by senior management, such as a Service Manager or Director, who has not previously been involved. Appeals against dismissal are heard by the Director or Chief Executive.

7.2 Against Chief Officers

For appeals concerning the Chief Executive or Chief Officer follow the Constitution for appeals.

7.3 Step 1 - Written notification

- Human Resources will notify the employee of the appeal meeting at least five working days in advance, including their right to be accompanied.
- Meetings should occur within 10 working days of receiving the appeal submission.
- Employees must submit new evidence or notify HR of witnesses five working days before the meeting.
- The senior manager or director must present a detailed response, including all relevant documents, before the meeting.

7.4 Step 2 - Appeal meeting

The appeal meeting will focus on the grounds of appeal, allowing any new and relevant evidence.

Role of Human Resources

An HR Officer will accompany the senior manager or director to advise on procedures and take notes. An additional note taker may be appointed where appropriate.

Witnesses

- Original witnesses are not required unless new evidence related to the appeal's grounds is introduced.
- Employees must notify HR five working days prior to the meeting if they wish to call a witness.

Meeting process

1. The senior manager or director ensures all parties understand the grounds of appeal.
2. The employee presents their case and evidence, followed by questioning.

3. The senior manager or director responds and is also subject to questioning.
4. The employee has the right to sum up their case.
5. The meeting closes for consideration.

7.5 Step 3 - Written notification of outcome

- The employee will receive the decision in writing within five working days.
 - The decision is final, and the council's grievance procedure cannot be used for further challenges.
 - An appeal will not result in an increased penalty, and if a dismissal appeal is successful, the employee will be reinstated with full back pay.
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Appendix 1: Appeal Submission Form:

Employee Name:

Service:

Job title:

Date of Appeal submission:

Policy Under Which Appeal is Being Made: _____

Decision Being Appealed: _____

Grounds for Appeal (tick as appropriate):

- Procedural unfairness
- Unreasonable decision
- Disproportionate sanction
- New evidence
- Discrimination
- Whistleblowing retaliation

Details of Appeal:

(Provide an explanation of why you are appealing and attach any supporting evidence)

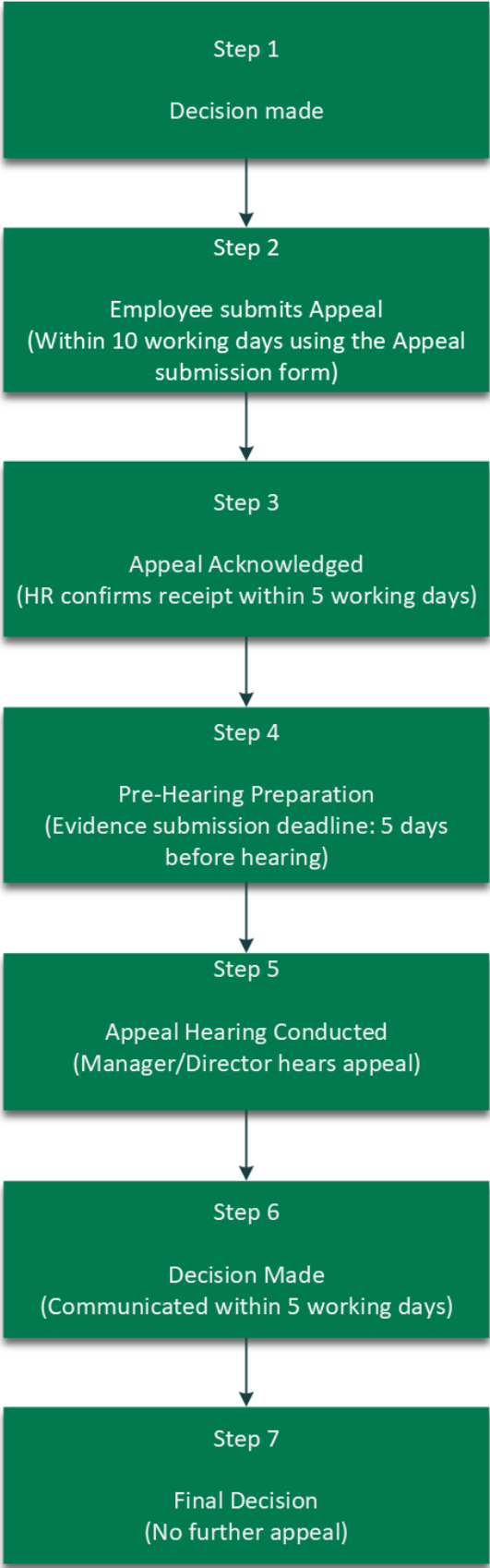
Desired Outcome:

Signature: _____

Date: _____

Submit to: HR Officer within **10 working days** of the decision.

APPENDIX 2 – APPEAL PROCESS



Appendix 3: Change log
2025 Policy issued.