



Appeals Procedure

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Introduction

This procedure sets out the specific process to follow for appeals under the grievance, capability, disciplinary, complaints and academic promotion procedures.

This procedure does not apply to appeals against HERA re-grading requests, which has a separate appeals process.

Employees to whom Ordinance 41 applies¹ are also covered by this procedure, which should be read in conjunction with the Ordinance.

In the interests of responding to an appeal equitably and fairly, both the appellant's case and the respondent's case will be presented at the appeal hearing and both parties will have the opportunity to challenge statements or seek clarifications. The respondent may be the line manager or decision maker in cases of discipline, capability and promotion or the named party or parties in the case of grievances and complaints.

Where the relevant policy does not require a panel for appeal, references to Chair or panel in this procedure shall be taken to mean the person hearing the appeal.

The composition of the panel will depend on the nature of the appeal as detailed in the relevant policy, which should be read in conjunction with this procedure.

¹ Ordinance 41 applies to academic staff, the Registrar and Secretary, the Librarian, and professional services staff grade 7-11 employed before October 2016.

Process

The appellant should submit a clear and concise statement setting out the grounds for their appeal within the timeframes set out in the relevant policy, usually 14 calendar days from the date of the outcome letter, or 28 days in the case of dismissal under ordinance 41. Lengthy, vague or rambling statements will not be accepted. It is in the interest of the appellant to make their points sufficiently clear and concise to enable the panel to fully understand the grounds for appeal. The panel will not usually need to review all the information considered at the original hearing.

The appeal will be heard by either a Chair sitting alone, with P&C support, or by a panel in accordance with the specific policy. See Appendix I for those with authority to take action.

The Chair will review the letter of appeal to determine, prima facie, whether there are sufficient grounds for it to go to a full hearing. If he/she decides there are insufficient grounds the appeal will be dismissed. If there are sufficient grounds for appeal the case will proceed to an appeal hearing.

The appeal will not involve a full re-hearing of the case but a review of the decision already made in relation to the grounds for appeal i.e. to determine if the previous decision was fair, consider whether there were any factual or procedural errors and judge the reasonableness of the decision in relation to the policy.

At all stages of the appeal, both parties may be accompanied in accordance with the relevant policy. Representatives may help the appellant or respondent present their case but may not answer questions on their behalf.

The appellant's statement comprising the grounds for appeal and the management response statement should be provided to both parties one week prior to the appeal hearing.

The documents the panel will have available are:

- A written record of the original decision (this will normally be the outcome letter setting out the reasons for the decision)
- The appellant's grounds for appeal
- The respondent's statement
- A copy of the relevant policy/procedure
- A copy of this appeals procedure

All parties should make every effort to attend the appeal on the date scheduled. If there are exceptional circumstances, the appeal may be re-arranged for a different date but the appellant and respondent should be aware that this may cause delays in the process and undue anxiety in resolving the matter promptly. Should either party not be able to attend the re-arranged date, decisions may be made in their absence on the basis of the information available.

The structure of the appeal should be as follows:

1. Chair introduces the panel and sets out the ground rules and scope of the appeal.
2. Appellant presents case/grounds for appeal
3. Questions to appellant from respondent or their representative through the Chair
4. Questions to appellant from the Chair/panel
5. Respondent presents their case
6. Questions to respondent from the appellant or their representative through the Chair
7. Questions to respondent from the Chair/panel
8. Appellant summarises their case
9. Respondent summarises their case

The Chair/panel may seek to clarify, reflect and summarise at any point and the Chair may, if needed, seek to move the appeal forward by directing either party to return to the salient points of the case.

Decision

The appeals panel or decision-maker will adjourn the meeting to consider the information presented and come to a decision. If it is not possible to reach a decision the same day, the appellant will be advised of the timescales at the conclusion of the hearing. Decisions will normally be communicated in writing within one week or as specified in the relevant policy.

The decision of the appeal panel shall be final within the procedures of the University.

Any actions taken under the original policy/process will still be in effect until the appeal decision is made.

Appendix 1

Type of Appeal	To whom	Appeal heard by
Appeal against a formal warning under the disciplinary or capability procedure	Director of People and Culture	A Senior Manager not previously involved in the case
Appeal against a formal warning under the disciplinary or capability procedure (ordinance 41)	Registrar and Secretary	Pro-Vice-Chancellor
Appeal against dismissal	Director of People and Culture	A Head of Section with no previous involvement
Appeal against dismissal (ordinance 41)	Registrar and Secretary	Council will appoint a person not employed by the University who has held judicial office or is a barrister or solicitor of ten years standing
Appeal against an Academic Staffing Committee (ASC) probation or promotion decision	Director of People and Culture	Chair of ASC will appoint an appeals panel
Appeal against a grievance or complaint decision	Directly to next level of management, usually Head of Section	Next level of management, usually Head of Section

Type of Appeal	To whom	Appeal heard by
Appeal against a grievance or complaint decision (ordinance 41)	<p>Directly to next level of management, usually Executive Dean or Head of Section</p> <p>If still dissatisfied can appeal to the Vice Chancellor</p>	<p>Next level of management, usually Executive Dean or Head of Section.</p> <p>Council appoints a grievance committee</p>
Appeal against a flexible working decision	Directly to the next level of management, usually Head of Section	Next level of management usually Head of Section

Document Control Panel

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