

# **APPEALS POLICY AND PROCEDURE**

## **Introduction.**

The following Appeals Policy and Procedure shall be adopted for all appeals as specified in the undernoted policies and procedures.

- Discipline Policy and Procedure
- Attendance Management Policy and Procedure
- Performance Management Policy and Procedure

The term Appeals Panel/ Officer, as used in the procedure, shall encompass any Manager considering an appeal.

At any appeal the Appellant can be represented by their Trade Union representative or employee of their choice.

Where the basis of the appeal is a dispute about matters of fact and there are other persons who have personal knowledge of these matters of fact, it shall be open to either the Appellant or Management to ensure that these persons be in attendance to be called as witnesses. It is the responsibility of Appellants to approach witnesses on their behalf, to ensure that witnesses are in attendance at the hearing and are willing to give evidence. For Company employees, paid time off to attend will be granted if Management are given prior notice. Similarly it is the responsibility of Management to ensure any witnesses for the Company's case are in attendance. Both the Appellant and Management shall give the Panel/Officer prior notice of witnesses and shall exchange their list of witnesses.

## **APPEALS.**

### **Appeals against all action short of dismissal or dismissal as a result of the termination of a temporary contract of employment**

Appeals against all action/decisions taken in accordance with the policies and procedures noted above, short of dismissal or dismissal as a result of the termination of a temporary contract of employment may be made to the relevant manager within 14 days of receipt of confirmation of the action. The Manager (or appropriate nominated officer) will arrange an appeal hearing normally within a further 14 days.

The procedure for the appeal hearing will be as per the Appeal Procedure.

## **Appeals against action or a decision taken by the Chief Executive in accordance with the above Policies and Procedures.**

Where action, or a decision taken by the Chief Executive, is the matter under appeal, the appeal will be heard by a specially convened sub-committee of the Board of Culture and Sport Glasgow.

## **Appeals against Dismissal taken in accordance with the Discipline/Attendance/Performance Policies and Procedures.**

Where an employee has been dismissed in accordance with above policies and procedures, the employee shall be notified in writing of the reason for such action, and if the employee considers the dismissal is unfair, an appeal may be lodged in writing with the HR Manager either individually or through a Trade Union within 14 days of receiving written notification of the action. Such appeals will be heard by an Appeal Panel of two Directors/Heads of Service, or equivalent, and an Officer with responsibility for HR matters.

Appeals shall be heard promptly by the Appeals Panel, normally not later than one month after lodgement unless there are exceptional circumstances. The Appellant (and a Trade Union representative or other employee of their choice) shall have the right to be heard. Details of the procedures adopted by the Panel will be supplied to Appellants.

Where an individual lodges an appeal against dismissal the Management representatives will be required to submit to the HR Manager at least 8 days prior to the hearing a report based on the disciplinary action and decision taken. In terms of the Appellant and/or his/her representative, reasons for the grounds of appeal should also be submitted in writing to the HR Manager no later than 8 days prior to the hearing.

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### **Appeals Procedure.**

- The Management representative shall put the case in the presence of the Appellant and the Appellant's representative.
- The Appellant and/or the Appellant's representative shall have the opportunity to ask questions of Management and any witness called by the Management.
- The Appellant and/or the Appellant's representative shall put the Appellant's case in the presence of the Management representative.
- The Management representative shall have the opportunity to ask questions of the Appellant and/or the Appellant's representative and of any witnesses called by the Appellant. The Appeals Panel/Officer shall have the opportunity to ask questions of either party and of any witnesses.

**Witnesses introduced by either party will be questioned by the other party's representative and by the Appeals Panel/Officer and will then retire. If necessary, the Appeals Panel/Officer can recall a witness to clarify any point in question.**

- The Management representative followed by the Appellant and/or the Appellant's representative shall have the opportunity if they so wish to sum up their case, introducing no new material.
- The Management representative(s), the appellant and the Appellant's representative shall then withdraw.
- The Appeals Panel/Officer, together with any officer(s) appointed to assist shall deliberate in private, only recalling the Management representative, the Appellant and the Appellant's representative to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.

## **Decision.**

If practicable, the Appeals Panel/Officer shall announce the decision to both parties at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the Appellant where practicable within 2 working days.

## **Confirmation of Decision.**

The form of the decision of the Appeals Panel/Officer to be announced shall be one of the following as appropriate:-

- “that the decision is reasonable in the circumstances and therefore the appeal is rejected. This decision concludes the Company’s Appeals Procedure.”
- “that the decision was reasonable in the circumstances. However, in the light of the mitigation offered it was decided to uphold your appeal in part and substitute the decision with (a level of warning and/or other action, as appropriate). This decision concludes the Company’s Appeals Procedure.”
- “that the decision was not reasonable and therefore your appeal is upheld in full. This decision concludes the Company’s Appeals Procedure.”
- “Due to the failure of the appellant and/or the Trade Union to attend the appeal hearing the appeal is refused and the decision stands. This decision concludes the Company’s Appeals Procedure.”

If the appeal has being considered and the Appellant remains dissatisfied with the decision, the appeal shall end at this level.

**Nothing in the foregoing shall infringe on the employees rights under current employment legislation**