

Appeal Policy & Procedure

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Appeal Policy

1. Introduction

This policy should be read in conjunction with the Appeal Procedure.

2. Purpose

The purpose of this Policy is to provide a clear guidance for raising, and a process for managing, appeals against formal sanctions or outcomes following formal HR processes. It is also to ensure that decisions were fair and reasonable in all circumstances and that the appropriate process was followed in reaching decisions.

This policy applies to all employees in work-related circumstances regardless of their status or length of service.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

3. Key Principles

- CPCA is committed to ensuring that all appeals are considered fairly, consistently and without undue delay.
- All employees of Cambridgeshire and Peterborough Combined Authority have the right to appeal against any formal sanction.
- The employee raising the appeal must be informed of their right to appeal at a hearing or

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meeting and in the letter confirming any outcome.

- Confidentiality must be maintained throughout the appeal process by all parties involved. Any breach of confidentiality may result in disciplinary action.
- Employees have the right to be accompanied at an appeal hearing by a trade union representative or workplace colleague.
- The decision at appeal will be final and exhausts the process. No further right of appeal is available to employees.

4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

Appeal Procedure

This Procedure should be read in conjunction with the Appeal Policy.

5. Introduction

All employees have the right to appeal against decisions made in accordance with the organisation's policies and procedures which include an appeal stage.

The purpose of the appeal is to determine whether the original decision was an appropriate outcome. The facts and evidence presented will be the basis of whether it was a fair decision.

6. Lodging an Appeal

Following a formal meeting or process an employee may feel the outcome was too severe, wrong, unfair or believe the formal process was flawed. They may also have identified new evidence.

If an employee believes any of the above has occurred, they have the right to appeal against the formal decision/sanction. To do so the appeal must be received in writing within the timeframe stated in the decision outcome letter.

It is important to state the appeal itself will not be a re-hearing.

7. Roles and Responsibilities

Employees have a responsibility to:

- submit an appeal clearly stating the grounds of their appeal and provide all the relevant details within the timeframe of the formal sanction letter.
- attend meetings held under this process and provide the relevant details in relation to the appeal.

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The Responding Manager who has made the decision to issue the employee with a sanction must:

- Inform the employee of their right to appeal at the original hearing/meeting and in the letter confirming any outcome.
- If relevant provide clear justification behind a decision in respect of an appeal and provide any necessary details if a hearing is held.

Appeal Hearing Manager:

Where an Appeal meeting is held, the hearing manager will be responsible for making the appeal decision. This must be done with support from their HR Representative.

8. Hearing

Once the employee has lodged their appeal, they will be invited to an Appeal Hearing.

If the employee or their companion is unable to attend the meeting, they must notify the Hearing Manager as soon as possible. An alternative date should be agreed if it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

If an employee continues to be unable to attend scheduled meetings, the appeal will be dismissed, and the employee will have no further right to appeal.

New evidence may be submitted at the appeal hearing. The employee must state what the new evidence is and why it may impact the original decision. They also need to state why it was not presented at the previous hearing. Any new evidence must be included in the documents submitted before the hearing.

In exceptional cases, where the grounds of appeal relate to a flawed in the original hearing process or procedure there may be a re-hearing in place of the appeal hearing. This can only be done with the approval from the HR Manager.

Where the appeal is against a dismissal, the Hearing Manager must be a Head of Service or Director.

- The meeting will be chaired by the Hearing Manager (usually of equivalent seniority of the original Hearing Manager) and HR Representative will also be present to provide professional employment law and procedural advice, however any ultimate decision is that of the hearing manager. The HR representative may also serve as the note taker.
- The employee will have the opportunity to state their grounds for appeal referring to any relevant documents. As it is not a re-hearing the meeting will not involve calling previous witnesses.
- The Responding Manager will also be invited to explain the reason for their decision, referring to documents as necessary.
- Once the grounds of appeal and any new evidence has been explored, and the employee has been given an opportunity to comment and respond, the meeting should be adjourned for the Hearing Manager to reach a decision.
- The Appeal Hearing would usually be reconvened on the same day to give an outcome.

Following the hearing an outcome letter would be sent to the employee within 7 days containing the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

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9. Right to be accompanied

Employees may bring a companion to the Appeal Hearing under this procedure. The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.

10. Possible Outcomes

Following the Appeal hearing possible outcomes will either be.

- The sanction remains the same
- The case against the employee is not upheld and the case is dismissed.
- The case against the employee is upheld (in wholly or partly); the sanction will then be the same or, if the Hearing Manager considers on the basis of the appeal, that the penalty imposed was unduly harsh can impose a lesser penalty.
- A lesser sanction is imposed
- A greater sanction is imposed
- The Hearing Manager may decide that no sanction is warranted:

Where there has been a successful appeal against dismissal, the employee whose appeal against dismissal is successful may be reinstated in their previous role if the role still exists. In exceptional circumstances, for example if the previous working relationship appears to have broken down, it may be more appropriate for the employee to be reinstated in a different position of comparable status and pay.

There is no further right of appeal within the organisation

11. Document Retention

The Hearing Manager should forward copies of all paperwork relating to the Meetings to the HR Department. Any such correspondence should be labelled for the attention of the HR Department and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's records retention and management policies.

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Governance: Appeals Policy

References:

Absence and Attendance Management Policy
 Capability Policy
 Dignity at Work Policy
 Disciplinary Policy
 Grievance Policy
 Organisational Change Policy
 Probation Policy

Issue date:	2023
Version number:	2
Review due date:	2026

Document control sheet

Purpose of document	This document provides useful information on the Appeal Process
Type of document	Policy/Procedure
Document checked by Legal	No
If applicable, has an initial Equality Impact assessment (EIA) been completed?	Yes
Document Lead and Author	HR Team
Dissemination	
What other documents should be read in conjunction with	Document listed in this guidance
Who will review the document (job title)	HR Team
Why is this document being reviewed	Review of existing Policies and Procedures

Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made to clarify process	March 2023