

NYJO Employees' Appeals Policy

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Appeals

You have the right to appeal against a decision made about your employment, including formal disciplinary sanctions, grievance outcomes and redundancy. Any appeal must be made in writing to the HR Trustee. It must be within five working days of the date you were notified of the relevant decision, and it should clearly state your grounds for appeal.

The appeal process is not a re-hearing, therefore the grounds for appeal must be based on a belief that:

- New evidence has come to light which was not known at the time and could have materially affected the decision.
- The appropriate procedure was not followed correctly.
- The decision was inappropriate / disproportionate given the evidence available.
- In the case of redundancy, the process and/or your selection was unfair.

The HR Trustee will arrange for an appropriate person (the Appeal Manager) to hear your appeal. The appeal hearing will take place within a reasonable timeframe, normally within 10 working days of receipt of your appeal. You have the right to be accompanied by a workplace colleague at an appeal hearing. If you or your companion are unable to attend the scheduled appeal hearing, an alternative date will be offered within a reasonable timeframe. If, despite the reasonable efforts of the Appeal Manager, you or your companion are not able to attend the alternative date, the appeal may take place in your absence.

In some cases, it may be necessary to carry out further investigation either in advance of the appeal meeting, or immediately following. This will be determined by the Appeal Manager, and you will be advised accordingly.

New evidence

Where significant new evidence comes to light during the appeal process, the appeal hearing manager should determine whether your appeal hearing should be adjourned to refer the matter back to the previous hearing manager for further consideration.

Where this is the case, the previous hearing manager should reconvene a hearing to review the new evidence to decide if it has a material impact on their decision. The following may then apply:

- The evidence does impact the previous decision, and it could remain the same, be reduced or possibly increased. You will still have the right to continue with your appeal, providing a formal sanction still applies.
- The evidence does not impact the previous decision.

Depending on the outcome, your appeal hearing may be reconvened to conclude the process.

Possible Outcomes

The Appeal Manager will confirm the outcome in writing and, where possible, within 10 working days of the appeal hearing taking place. The following are possible outcomes:

- To uphold your appeal and amend the decision. In the case of formal warnings, this could include reducing or removing the level of sanction applied.
- To uphold your appeal without any change to the decision. This would typically apply where a procedure has not been properly implemented but the outcome remains fair.
- To reject your appeal as the decision was reasonable in the circumstances and no procedural issues were found.

The decision by the Appeal Manager is final and there is no further internal right of appeal.

Related Policies

Dignity at Work Policy
Grievance Policy
Disciplinary Policy

Document Control

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