

How to manage an appeal

Dealing with an employee's appeal

Where an employee appeals against the organisation's decision, for example following disciplinary proceedings or the consideration of their grievance, employers should comply with the revised ACAS Code of Practice on Discipline and Grievance and the supplementary Guide to Discipline and Grievance at Work, when taking steps to hear the appeal.

- The employer should hear the appeal without unreasonable delay.
- The person who hears the appeal should be unbiased and have not had any involvement in the preliminary stages. Ideally, this person should be more senior than the decision maker at the preliminary stage.
- The employer should ensure that the relevant disciplinary/grievance policy it is followed in full.
- The employer must examine the employee's written appeal to establish the grounds of their appeal.
- It should review all the records prior to the hearing and the reasons the action was taken
- The employer should ensure all notes taken and records made throughout the process are thorough and objective.
- The appeal hearing should take place at a suitable private location and an independent person should take notes at the hearing.
- If appropriate, arrangements should be made for an interpreter or for other adjustments to be made if the employee speaks English as a second language or is disabled.
- The employee should be advised of the arrangements for the hearing and of their right to be accompanied to that meeting.

At the hearing

- All those present should be introduced and the purpose of the meeting and how it will be conducted explained. The powers the person hearing the appeal should be detailed.

- The employee should be asked to confirm the grounds upon which their appeal is being made and the evidence the employee has to support the grounds for appeal should be considered.
- Any new evidence which might be produced should be reviewed.
- The employee's companion should be allowed to address the hearing and to ask questions to clarify issues. He/she is also entitled to support the employee but that it is not their role to answer questions on the employee's behalf. They may, however, put the employees' case and respond to any view expressed at the hearing.
- The employer should summarise the employee's case and seek their confirmation that it understands it correctly.
- The employer should then adjourn the meeting to consider the decision and to review any new evidence.
- It should compare the employee's grounds of appeal with the level of disciplinary penalty that has been imposed or the reason given for rejecting their grievance and also consider whether the original procedure was carried out in full and in a fair manner.
- It should consider the circumstances leading to the original disciplinary action/their grievance etc, their previous service, any mitigating circumstances (where appropriate) and penalties/decisions applied in the past to other employees.
- It should then decide whether the penalty was fair or too harsh.
- The decision and the reasoning applied in reaching your decision, together with all the options and alternatives that have been considered should be recorded.
- The employer should then communicate the decision to the employee as soon as possible and confirm in writing, advising where appropriate that there is no further right of appeal.
- If the employer overturns a decision, it should discuss the reasons with the person who made it and implement all appropriate follow up measures.
- All notes of the proceeding should be collected and placed on the individual's personal file.