

## Appeals Against Dismissal – Procedure for Support Staff

### 1 Introduction

- 1.1 In the event of a dismissal for any reason, members of staff will be provided with an opportunity to appeal the decision. This policy sets out the process for making an appeal.
- 1.2 In the event of a successful appeal, employees will be reinstated to employment at the University, normally to their previous job.

### 2 Scope

- 2.1 This procedure applies to any member of the University's support staff who wishes to appeal to the Board of Governors against a decision to terminate their employment.

### 3 Making an appeal

- 3.1 An appeal against a decision to dismiss a member of staff should be sent to the Director of Human Resources within ten working days of receiving the letter that confirms the dismissal. This can be sent by either the member of staff or their representative. The letter should contain the reason for the appeal and as much detail as possible.
- 3.2 Members of staff can appeal on two grounds:
  - procedure (that the procedure followed was incorrect), or
  - substance (that the decision was not reasonable in the circumstances).
- 3.3 An appeal hearing will not be scheduled until the reason for the appeal and the necessary detail are received. If there is a good reason why the time limit for submitting an appeal should be extended then the member of staff should raise this with Human Resources.

#### **4 Constitution of Appeals Panel**

- 4.1 A Panel will be convened as soon as possible to hear the appeal. Normally this will be no later than six weeks from receiving the full details of the appeal. The composition of the Panel will be approved by the Chairman of the Board of Governors in conjunction with the Chief Operating Officer, Registrar and Secretary. At least ten working days' notice of the date of the appeal hearing will be provided.

#### **5 Submission of papers**

- 5.1 The relevant documents relating to the dismissal and appeal will be prepared and distributed by Human Resources at least one week before the Panel is due to meet to consider the appeal. Copies will be provided to members of the Panel, the member of staff and the trade union official or colleague.

#### **6 Meeting of the Panel and consideration of the case**

- 6.1 The Panel will invite the manager who made the decision to dismiss to appear at the hearing with the Human Resources representative from that hearing. The member of staff and their representative will also be invited to the hearing to set out the grounds for appeal in person. A member of Human Resources with no previous involvement with the case will also sit with the Panel to advise it on any relevant University procedures.
- 6.2 The usual format of the hearing will involve the person who made the decision to dismiss setting out the basis on which they made their decision, followed by the member of staff or their representative setting out the basis for their appeal. Panel members may put questions to both parties and give them the opportunity to question each other. Both parties will also be given the opportunity to summarise their respective cases, with the member of staff or their representative going last.
- 6.3 The Panel's role is to decide whether the University representative's action in dismissing the member of staff was a *reasonable decision*, taking into account all of the circumstances. It is not the Panel's role to re-hear the case. None of the witnesses called at the original hearing will

be called again and no new or additional evidence will be considered by the Panel that was not available at the original hearing. If new evidence or witnesses have come to light since the dismissal, it may be necessary instead to order a re-hearing by a new manager.

## **7 The Panel's decision**

7.1 The Panel's decision is the final opportunity of appeal for the individual within the University. The Panel may make one of the following decisions:

- i. Uphold the appeal and reinstate the member of staff. In these circumstances the Panel can decide that no form of disciplinary action was appropriate or replace the penalty of dismissal with a lesser disciplinary penalty under the relevant disciplinary procedure.
- ii. Uphold the original decision to dismiss.
- iii. If the Panel concludes that there were breaches of procedure within the original disciplinary process, order the case to be re-heard by a senior member of staff nominated by the Registrar and Secretary who has had no previous involvement with the case. In this event the member of staff will be regarded as being suspended on full pay from the date of the original hearing until the date of the second hearing.
- iv. If the Panel decides that new evidence is now available that for a good reason that was not available at the original hearing and which may have had an impact on the outcome, a re-hearing can be required. This can also apply if relevant evidence was available at the time of the original hearing, but was not considered.

## **7 Failure of the member of staff / representative to appear at the hearing**

7.1 If the member of staff fails to attend the appeal hearing without prior notification or without a good reason, then the Panel will consider the case in their absence. If the member of staff is unable to attend the hearing and submits substantial reasons to the Registrar and Secretary in advance, then the hearing will be rearranged. If the member of staff fails to appear on a second occasion without prior notification, then the hearing will proceed in their absence regardless of the reason.

However, should the member of staff subsequently produce a substantial and significant reason for non-attendance a re-hearing will be arranged with a different Chair. In these circumstances the member of staff will be required to produce justifiable evidence of the reason. The original proceedings would be declared null and void.

- 7.2 If the applicant does provide prior notification to the Chief Operating Officer, Registrar and Secretary on the second occasion, the Panel will judge whether the grounds for non-attendance are reasonable before deciding whether to proceed in their absence or to rearrange the hearing for a final time.
- 7.3 The availability of the representative will be taken into account when arranging a date for the appeal hearing. If the representative fails to attend the hearing or is unable to attend the hearing will be rearranged. Should they fail to appear or withdraw their availability for the second date, then the Panel will proceed in considering the case in their absence. In these circumstances it will be the staff member's decision whether or not they wishes to appear at the hearing and make their own case in the absence of a representative.

## **8 Notification of the Panel's decision**

- 8.1 The Human Resources representative (on behalf of the Chair of the Appeal Panel) will notify the decision to the member of staff as soon as possible - normally within five working days. The former staff member's head of organisational unit and the trade union representative will be notified at the same time. (If the member of staff is represented by a trade union official, then a member of Human Resources will attempt to provide advance notification of the outcome to the official by telephone). Where the decision is to uphold the appeal and reinstate the member of staff to the University's employment, then the member of staff will be advised when to return to work. Immediate action will also be taken to reinstate salary payment for the period since the date of dismissal.
- 8.2 The Human Resources representative (on behalf of the Chair of the Appeal Panel) will also prepare a short report on the Panel's deliberations and will send it to the member of staff and their representative as soon as possible - normally within two weeks of the hearing. A copy will also be submitted to the Chief Operating Officer, Registrar & Secretary for information.

<sup>1</sup> Throughout these procedures the words 'organisational unit' should be understood as referring to the relevant School/Faculty/Directorate or other equivalent organisational unit in the University

Document control box	
Policy / Procedure title:	Appeals Against Dismissal Procedure for Support Staff
Date approved:	January 2019
Approving body:	HR Sub Committee
Version:	5
Supersedes:	Appeals Against Dismissal Procedure for Support Staff, Jan 2006
Previous review dates:	
Next review date:	January 2021
Equality impact outcome:	Medium
Related Statutes, Ordinances, General Regulations:	
Related policies:	
Related procedures:	Disciplinary and Dismissal Procedure for Support Staff
Related guidance and or codes of practice:	
Related information:	
Policy owner:	Director of Human Resources
Lead contact:	Policy Manager