



Policies

APPEALS POLICY

1. Purpose

Hatch Warren Under Fives and Kempshott Under Fives Preschool, hereafter referred to as the “Preschool” is committed to ensuring that employees are treated fairly and consistently throughout any involvement as defined in Section 3. However, it is recognized that there will be occasions when an employee is dissatisfied with a decision made in a formal meeting.

This policy enables employees to appeal a decision made in a formal meeting, should they have appropriate grounds and where there is the right to appeal, and to feel confident that they have exercised their right to a fair and unprejudiced hearing.

2. Scope

This policy applies to employees of Preschool who have the right to appeal following the formal process relevant to the employee’s situation.

The application of this policy is discretionary and does not form part of the employee’s contract of employment.

Preschool reserves the right to amend this policy at any time and in line with any changes to legislation.

3. Policy Details

The right of appeal applies following:

- A decision made during a disciplinary hearing or through the Performance Improvement Policy to issue a formal sanction
- A decision to terminate an employee’s employment for any reason
- A decision to not uphold an employee’s grievance
- A decision to not accept an employee’s flexible working request

3.1 Timescales

If an employee wishes to appeal against a decision made for one of the above reasons, they have seven calendar days from the date of the letter confirming the outcome of the hearing to do so. If the appeal is related to a flexible working request, the employee will have fourteen calendar days from the date of the letter.

3.2 Appeal submission

The appeal should be submitted to the Management Committee Chair Person in writing, outlining the employee’s grounds for appeal and why the decision which is being appealed against was inappropriate. An appeal will normally only be heard if the employee can demonstrate:

- The decision taken was unfair and why and/or
- The procedure followed was not used correctly and/or
- The employee has new evidence relevant to the case that was not reasonably available for the initial hearing making it appropriate for the decision to be reviewed

3.3 Appeal hearing

In the event that new evidence is brought to the appeal hearing and the appeal panel consider it to be relevant to the case, it shall be in the appeal panel's discretion as to whether the appeal should be opened to a full hearing in order that the new evidence can be considered in the context of the evidence as a whole. A re-hearing may result in a different outcome to that of the original decision.

The decision being appealed against will not be suspended or deferred whilst the appeal process is taking place. The decision made in the previous hearing will remain effective unless this is overturned or altered by the appeal panel.

Where possible, the appeal will be heard by the Committee Chair unless they have been involved in the original case.

In the event that the employee is unable to attend the scheduled appeal hearing date, an explanation should be provided as to why they are unable to attend. The Preschool will then consider whether to rearrange the hearing. If the employee is unable to attend a hearing through circumstances outside of their control the Preschool will normally re-arrange the hearing.

3.4 Right to be accompanied

The employee has the right to be accompanied by a workplace colleague, Trade Union or Preschool Learning Alliance Representative at the appeal hearing. The employee should not request accompaniment by a colleague whose presence would prejudice the hearing or who might have a conflict of interest. The Preschool may request the employee to choose a different companion where it believes this could be the case.

If the appointed workplace colleague, Trade Union or Preschool Learning Alliance Representative cannot attend the hearing on the date arranged, the employee should notify the Hearing Manager of an alternative date as far in advance of the hearing as possible. Provided that the alternative date is reasonable, the Preschool will, as far as reasonably practicable, re-arrange the hearing for that date.

A decision may be taken in the employee's absence if they unreasonably fail to attend the hearing.

3.5 Outcome

Following the appeal hearing, the employee will be notified of the decision either following an adjournment or in writing. If the decision is given in person, the decision will be followed up in writing.

The decision made at the appeal stage is final and there is no further right of appeal.

Preschool will retain documentation relating to an employee's appeal on their personnel file.

This policy was adopted at a meeting of the Preschool held on:

Signed on behalf of the Preschool _____