



## Appeal Policy

At the NHSBSA we understand that you may not be satisfied with the outcome of an investigation or process, for example, a disciplinary sanction or grievance outcome. Where you have the right to appeal an outcome or decision you will be made aware of this in writing. This policy sets out how you can raise an appeal and our approach to dealing with it.

This policy doesn't form part of your contract of employment and can be amended at any time. We may also vary the processes within this policy, including any time limits, as appropriate in any case. Any review of this policy will be done in partnership with Trade Unions.



## When Does This Policy Apply?

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This policy should be used if you are not satisfied with an outcome or decision in the following situations:

- You have been issued with a formal warning or disciplinary sanction
- You have been dismissed
- You have raised a complaint under the Solving Problems at Work Policy which has not been upheld (formerly Discipline Policy, Grievance Policy and Prevention of Harassment and Bullying Policy)
- You have not been awarded a pay step
- You have had a flexible working request declined
- You have been given Notice of Redundancy

## Raising an Appeal

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Where you have been informed of your right to appeal you should complete and submit an Appeal Form within 5 working days. The Appeal Form can be found on the intranet. The form will capture the information you need to include in your appeal including the grounds on which you are appealing. The grounds on which you can appeal include but are not limited to:

- The sanction imposed was too severe or disproportionate to the conduct
- Failure to carry out a thorough investigation
- The decision in your case was inconsistent with other similar cases
- There was bias or unfairness among the decision makers
- Failure to follow correct procedure
- Failure to take into account previous employment history
- Evidence previously presented was not considered
- New evidence has come to light

Once you have completed your form please send it to ***nhsbsa.corporatehr@nhs.net***. You will receive acknowledgement that your form has been received and a panel will be appointed to hear your appeal. The panel will be chaired by an appropriate manager who will be accompanied by another manager or in some cases a member of HR (Corporate Services) may attend instead of another manager.



## Appeal Meeting

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The appeal panel will write to you to invite you to a meeting to discuss your grounds for appeal. Ideally this should be within 10 working days after your appeal has been received. In exceptional circumstances this may not be possible. If this is the case the panel will inform you and let you know the reasons why. As this is a formal meeting you can be accompanied at the meeting by a trade union representative or an NHSBSA work colleague. If you or your chosen companion are unable to attend the meeting, the panel will contact you to arrange another date/time.

At the meeting the panel will ask you to give as much detail as you can about the grounds for your appeal. Please note that the appeal meeting is not a re-hearing, it is to investigate why you are not satisfied with the outcome or decision made.

Once the panel have met with you, they will consider what has been discussed and any other relevant evidence.



## Outcome of Your Appeal

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Once the panel have fully considered your grounds for appeal, they will write to you without delay to inform you of the outcome. In most cases this will be within 5 days of the appeal meeting. However, it is important that we strike the right balance between investigating fully and quickly.

Where the panel are unable to provide an outcome within 5 days, they will let you know the reasons why. They will also let you know when to expect an outcome. There are 3 possible outcomes of your appeal. These are:

- Appeal upheld
- Appeal partially upheld
- Appeal not upheld

In addition to the outcome of your appeal, the panel may make recommendations. For example, mediation or further training.



Once you have received the outcome of your appeal, we consider the matter to be concluded and there is no further appeal process.

## **Employee Assistance Programme**

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We understand that going through an appeal can be a difficult time. The Employee Assistance Programme (or EAP) is a 24/7 helpline that offers both telephone and face to face support. This is a confidential service and more information can be found on the intranet.

