UCL Capability Policy
Appendix C: Appeals Procedure

1. Principles Governing Appeals

1.1 Employees must submit their appeals in writing to the Director, HR Advisory Services, no later than 5 working days after they have received the written confirmation of the formal hearing decision. The decision taken at the formal hearing remains in force unless and until the Appeal Panel decides otherwise.

1.2 Appeal Hearings may be a review of the outcome of the Capability Hearing or a re-hearing depending on the grounds of the appeal. Employees must be specific about the grounds of an appeal, as these will form the agenda for the Appeal Hearing and may determine who should be present. If an appeal is submitted on the basis of seeking a re-hearing this must be clearly stated.

Appeals may be raised on grounds including:

- Procedure: a failure to follow Procedure had a material effect on the decision
- The Decision: the evidence did not support the decision reached by the Panel or Hearing Manager
- The Penalty: was too severe given the circumstances of the case
- New Evidence: which has come to light and was not available at the time of the hearing.

1.3 Appeals against a Formal Warning or the decision to extend the review period of a Formal Warning or the decision to withhold a salary increment will be chaired and heard by a senior manager who has not previously been involved in the case appointed by the Director, HR Advisory Services. This manager will be designated the Appeal Manager.

1.4 Appeals against dismissal will be heard by a panel of three senior members of staff who will not have been involved previously in the case, one of whom will be the Chair (Appeal Manager). They will be appointed by the Director, HR Advisory Services in consultation with the relevant Dean or Vice-Provost and should reflect a balanced diverse profile, wherever possible.
1.5 References to ‘the Appeal Panel’ in this document also apply to a single-person Panel, i.e. the Appeal Manager acting alone. The Appeal Panel will be advised by a representative from HR Advisory Services and HR will provide a note taker.

1.6 Arrangements will be made for appeals to be heard as soon after an appeal has been lodged as is reasonably practicable.

1.7 The employee should be given a minimum of 10 working days’ notice of the date of the Appeal.

1.8 The employee has the right to be accompanied to the Appeal Hearing by a colleague or trade union representative, as specified in section 4.5 of the Capability Policy. The employee may wish to call and present witnesses at this hearing. If the employee wishes to do this, she/he should inform the HR Advisory Services representative in writing of an intention to do so. This written notice should be received by HR Advisory Services at least 8 working days ahead of the scheduled hearing date, include the names of any proposed witnesses to be called along with a brief explanation as to their relevance with regards to the matters to be considered by the Appeal Hearing. The Appeal Panel is entitled to query the purpose of any witness being called and may restrict the number permitted, where in their view there will be no additional value or insight added by their presence.

2. Procedure

2.1 At the Appeal Hearing the Appeal Manager will explain the purpose of the meeting. The Appeal Manager will outline the process to be followed at the Hearing, how it will be conducted and the actions open to the Appeal Panel depending upon the evidence it hears. The manager who made the decision against which the appeal is being heard will attend the Appeal Hearing and outline the reasoning behind the original decision.

2.2 The employee will be asked to explain the grounds of appeal, including any new matters to be introduced. The Appeal Panel will take into account any relevant evidence which either party may present and consider its significance with regards to the sanction imposed at the original Hearing. If witnesses are called, both parties and the Appeal Panel will have an opportunity to question them. At the end of the Hearing, the employee will have an opportunity to summarise the key issues in the case. At the end of the Hearing, once the relevant issues have been aired sufficiently, the Appeal Manager will (after an appropriate adjournment) briefly summarise the findings of the Appeal Panel and outline its conclusions.

2.3 The possible outcomes from an Appeal are:

- The Appeal is not upheld and the formal action or sanction of the original Hearing stands unchanged;
- The Appeal is not upheld, but the Appeal Panel imposes a lesser sanction;
- The Appeal Panel agrees to reduce the period for which an Formal Warning or Final Written Warning remains ‘live’;
- The Appeal is upheld and the sanction imposed by the original Hearing rescinded.
3. Decision

3.1 The Appeal Hearing decision will be made carefully and without undue delay. It will usually be conveyed verbally to the employee within one working day of the Hearing.

3.2 The outcome of the Appeal Hearing should be confirmed in writing to the employee by the Appeal Manager no later than 5 working days after the decision has been conveyed verbally. Notes of the Appeal Hearing can be made available if a request is made to HR Advisory Services by the employee. Any such request should be received by HR Advisory Services no later than 10 working days after the written decision of the Appeal Panel has been issued.

3.3 If an appeal against dismissal is upheld, the employee shall be paid in full for the period from the date of dismissal and continuity of service will be maintained.

3.4 The decision of the Appeal Panel is final.