APPEALS AGAINST DISMISSAL (Redundancy)

PROCEDURE AT AN APPEALS PANEL HEARING

**Lodging an appeal**
An employee will have the right of appeal against their dismissal due to redundancy. Appeals must be lodged stating the grounds of appeal by writing to the Human Resource Services Manager (HR Services Manager) within 10 working days (two weeks) of being informed in writing of the dismissal due to redundancy.

The HR Services Manager will make the necessary arrangements to hold an appeals panel hearing, which will normally take place within 20 working days (four weeks) of the appeal being lodged. Both the employee and the Assistant Director/Manager will be given at least ten working days notice in writing of the date, time and venue of the Appeal Hearing.

On occasions the timescales may be extended to account for unforeseen circumstances.

**Preparation of Reports**

**Manager**
Ten working days prior to the hearing, a report prepared by the Assistant Director/Manager outlining the details of the dismissal will be submitted to the HR Services Manager for submission to the Appeals Panel.

Should the Assistant Director/Manager wish to call witnesses, their names should be provided at the same time as submitting the report. The hearing will not be delayed if management witnesses are not able to attend.

**Employee**

Appeals must be lodged in writing to the HR Services Manager within 10 working days of being informed in writing of the dismissal. When lodging an appeal, the employee should state the grounds for appeal.

Should the employee wish to call witnesses their names should be provided at the same time as submitting the report, the hearing will not be delayed if employee witnesses are not able to attend.

The employee may be represented and/or accompanied at the hearing by a union official, by a colleague or some other person of their choosing who is not acting in a legal capacity. Individuals will be able to ask only one person to accompany and/or represent them. If the employee representative is not available to attend, the hearing may be re-arranged for an alternative date within five working days from the date of the original hearing. Rescheduling of appeals for the convenience of a specific representative is not guaranteed, but every effort will be made to accommodate a reasonable request.

**Appeals Panel**

The appeals panel will be made up of three members of the HR Committee, ideally of mixed gender. The appeals panel will be supported by the HR Services Manager or other advisor who will advise on procedures and assist the panel to reach a fair decision.

**Procedure at the Hearing**

The Appeals Panel Hearing will be conducted formally as per the committee procedures. The management representatives and the employee and/or their representative will state their cases to the Appeals Panel in the presence of each other.

Those present will introduce themselves and confirm their respective roles in the hearing.

The Chair of the Panel will explain the purpose of the hearing and explain the process to be followed.

The Chair will inform all present at the hearing of any witnesses that have been asked to attend, witnesses will only attend when they are called and after questioning will be asked to leave the room.
At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so.

**Case Submission**

**Management**

The management representative/s will outline the reason for dismissal in the presence of the employee and their representative and call witnesses as appropriate. The Appeals Panel will have the opportunity to ask questions at the end of the management submission. The employee and/or their representative will have the opportunity to ask the management representative/s questions.

If witnesses are to be called by management they will attend the hearing after management has submitted their case. Witnesses will be asked questions in the following order.

By management

By the employee and/or representative

By the Appeals Panel

Witnesses will be thanked for attending and asked to leave the room at the end of questioning but should the Appeals Panel need to recall anyone to clarify a point of uncertainty, they should remain available.

**Employee**

Following the case submission by management the employee and/or their representative will have the opportunity to outline their case.

If witnesses are to be called by the employee and/or their representative they will attend the hearing after the employee and/or their representative has submitted their case. Witnesses will be asked questions in the following order.

By the employee and/or representative

By the Appeals Panel

By management

Witnesses will be thanked for attending and asked to leave the room at the end of questioning but should the Appeals Panel need to recall anyone to clarify a point of uncertainty, they should remain available.

**Case Summary**

The management representative will sum up the key points of their case first. There will be no further questions of witnesses at this point.

The employee and/or their representative will then sum up the key points of their case. There will be no further questions of witnesses at this point.

The chair will address all parties and inform them that the panel will now deliberate on what has been put forward by both sides. The chair will confirm when a decision can be expected to be made.

All present, (other than the Appeals Panel and their advisor) will leave the room and the panel will deliberate in private. If the Appeals Panel need to recall anyone to clarify a point of uncertainty, all parties will return to the room.

**Appeals Panel Consideration**

The Appeals Panel will consider the cases made by the employee and/or employee representative and those of the management. The panel will decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether to uphold the management decision to dismiss.
**Appeals Panel Decision**

Should the Appeals Panel wish to announce their decision on the day of the hearing all parties will be asked to return to the room. The decision will then be given verbally and confirmed in writing within five working days of the appeal being heard.

Alternatively it may be difficult to complete proceedings on the day and in this case the decision will be communicated by the HR Services Manager and confirmed in writing within the five working days of the appeal being heard.

Any decision made by the Appeals Panel is final and will complete the internal appeals process.