

APPEALS POLICY & PROCEDURE

PURPOSE OF THE APPEALS POLICY

The purpose of the Appeals Policy is to allow employees who are dissatisfied with a decision made arising from the DBF's disciplinary, capability, grievance or anti-harassment procedures and with which they have been involved, to appeal to a higher authority.

PRINCIPLES UNDERLYING THIS PROCEDURE

In following through the procedure outlined below, the following principles will be observed:

- The major purpose of this procedure is to ensure that all decisions relating to employees are soundly and equitably based. If an Appeal Panel overturns a decision, it will be based on principles of fairness and equity not of undermining authority and will provide guidance for future decisions.
- Every employee who is dissatisfied with a decision made through the disciplinary, capability, grievance or anti-harassment procedures is entitled to have their appeal considered by the Appeal Panel.
- An employee can only resort to the appeals procedure once other procedures have been exhausted (for example, once the decision of a disciplinary or capability hearing has been made or after step 1 and step 2 of the grievance procedure have been completed).
- All appeals will be heard as soon as practicable and usually within 10 ten days.
- An employee will have the right to be accompanied by a companion who will be, a work colleague or a suitably qualified trade union official of his or her choice at any appeal hearing.

THE APPEAL PANEL

An Appeal Panel will consist of three trustees of the DBF. As far as possible, members of the appeal panel will not be personally acquainted with the employee or likely to be called to speak during the hearing.

THE APPEAL PROCEDURE

1. If an employee wishes to appeal against the decision made arising from a disciplinary or capability hearing or at the exhaustion of the grievance or anti-harassment procedures, they should request an appeal hearing within seven days of the receipt of the written notification of the decision by writing to the DBF Chair or other designated person.
2. The notice of appeal should be in writing and include the employee's grounds for appealing.
3. The DBF Chair will arrange for a meeting of the appeal panel giving the employee at least seven days' notice and notifying him/her of the members of the panel.
4. If the employee intends to bring new information to an appeal hearing, this should be notified to the panel as soon as possible before the hearing. If any new information comes to light DBF may need to carry out further investigation prior to the appeal hearing. The employee will have a reasonable opportunity to consider any information that arises as a result of further investigation.
5. The appeal hearing may be a complete rehearing of the matters or it may be a review of the original decision taking account of any new information. This will be at the discretion of DBF depending on the grounds of the appeal and the circumstances of the case.

Conduct of Appeal Hearings

6. The employee will have the opportunity to put his / her case to the appeal panel who may confirm the original decision, revoke the original decision or substitute a different disciplinary sanction.
7. The decision will normally be given orally at the end of the period of deliberation to all the parties, or if this is not practicable, the decision will be communicated in writing as soon as possible. Any oral decision will be confirmed in writing by the DBF Chair to the employee within seven days.
8. The decision of the panel is final.
9. The DBF Chair will nominate someone to serve as secretary to the panel. The Human Resources Adviser will be in attendance.

