



Appeal Policy

Embrace Multi Academy Trust strives to maintain and improve good provision and outcomes at each of its member academies. Based upon our shared values and ethos, we aim to support the learning and development of every person within the trust and our policies are written from this perspective.

Version	Approval Level	Document History	Date	Review Period
V1	Board of Trustees		Aug 2021	Two yearly
V2	Trust Leader		Sep 2023	Three yearly

This policy applies to support staff, teachers and headteachers/principals based within Embrace Multi Academy Trusts individual academies and to the Embrace shared service team. Trust refers to either the individual schools or the MAT.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body/Trust.

1. Scope

1.1 This policy will be followed where an employee indicates that they wish to appeal against a management decision to:

- implement a sanction, such as a final written warning,
- dismiss an employee as a result of a formal HR process,
- not uphold a grievance,
- end a contract of employment via the trust's organisational change policy,
- end a fixed term contract, or
- decline a flexible working request, or

1.2 This policy does not include appeals that are made under the following policies:

- Support staff or teacher pay policies;

2. Appeal Process: Registering an Appeal

2.1 An employee wishing to appeal against a decision or a sanction must do so within five working days of receiving their outcome letter.

2.2 In cases where a final written warning was issued, for example, during the formal stages of the attendance management process, appeals should be submitted to the manager, named in the outcome letter.

2.3 Where a panel or appropriately delegated person made the decision to implement a warning or dismissed an employee at a formal hearing, appeals should be submitted to the chair of the panel, or appropriately delegated person.

2.4 In order to register an appeal, the employee must complete the [appeal registration form](#). Once this has been received by the relevant person, arrangements will be made for an appeal hearing.

2.5 Appeals submitted outside of this timeframe will only be accepted in exceptional circumstances.

3. Appeal Process: Grounds for Appeal

3.1 When completing the [appeal registration form](#), the employee must clearly specify the grounds for their appeal, for example:

- Procedural flaws - where the employee considers that the trust has failed to follow policy correctly.
- New evidence - the employee must explain how the new evidence could have influenced the outcome of the original hearing, stating why this evidence was not available at that point in time.
- The sanction imposed was too severe or disproportionate – the employee must clearly explain why they believe this to be the case.
- The process carried out was wrong or unfair or biased in the original decision or from the decision maker(s) – the employee to explain why they feel that to be the case.

Where appropriate, the employee must provide supporting evidence or documentation to support their appeal.

4. Appeal Process – Management Response

4.1 On receipt of the [appeal registration form](#), the manager responsible for dealing with the case, or the presenting officer from the original hearing, will compile the management response to the points of appeal submitted by the employee. It may be necessary for person compiling the response to speak to the chair of the original panel, or appropriately designated person, in order to gather details for the response, including, for example, the panel's rationale for implementing a sanction or dismissal.

4.2 A copy of the management response will be made available to the employee and appeal panel members prior to the hearing.

4.3 The school will determine the format of the hearing, based on the employee's appeal submission. This could require consideration of a full or partial re-hearing.

5. Appeal Process: Convening an Appeal Hearing

5.1 The appeal hearing is to be arranged to take place without undue delay, and where possible, it will be scheduled to take place during the employee's normal working hours. Should the arranged date conflict with the employee's availability, the employee will have the right to request an alternative hearing date – this would normally be expected to be within five working days of the original date.

5.2 [Written notification](#) of the date, time and location of the appeal hearing must be sent to the employee providing a minimum of 10 working days' notice. This notice period can be shortened if agreed with the employee and/or their TU representative. The letter will detail

the employee's right to be accompanied at the hearing by a work colleague or Trade Union representative and confirm the potential outcomes.

5.3 The employee, and the hearing panel members will receive copies of all relevant supporting documentation in advance of the hearing, including:

- Employee's [appeal registration form](#).
- Any new evidence or supporting documents submitted by either party.
- The statement from management in response to the points raised in the appeal.
- All documents used at the original hearing/meeting.
- Notes from the original hearing/meeting.
- The letter confirming the outcome of the original hearing/meeting.
- The names of any witnesses that management intend to call.

5.4 The names of any witnesses that the employee wishes to call are to be submitted no later than five working days prior to the appeal hearing.

5.5 A note-taker is also be arranged to take notes at the hearing.

6. Composition of an Appeal Panel

6.1 An [appeal will be heard](#) by a panel consisting of individuals who were not involved in the original decision-making process, and who have had no prior involvement with the process. All panels will made up in line with the trust's Scheme of Delegation:

- For appeals against final warnings, issued as part of an on-going formal process (such as attendance management) or the ending of fixed term contracts, appeals will usually be heard by a panel of governors.
- For appeals against final warnings and dismissal following a hearing, appeals will usually be heard by a panel of trustees.

7. Witnesses

7.1 Both parties are responsible for ensuring that they invite their own witnesses to support their case at the hearing. However, it is recognised that the employee may need to make such arrangements via the school.

8. Failure to Attend

8.1 If an employee fails to attend the appeal hearing without providing an acceptable reason or providing timely notification, the hearing may proceed in their absence.

8.2 Where an employee or their representative are unable to attend with good reason or due to an unforeseen event, a new hearing date should be arranged within five working days of the original hearing date, subject to panel availability.

8.3 If the employee fails to attend a rearranged hearing without there being exceptional circumstances, the appeal may go ahead in their absence.

9. Possible Outcomes

9.1 Possible outcomes of an appeal hearing are:

- The panel uphold the original decision and maintain the sanction or decision,.
- The panel overturns the original decision and removes the sanction.
- The panel overturns the original decision and implements a new decision with an alternative sanction as applicable.

9.2 The panel may also wish to make additional recommendations, e.g. training, guidance, for either the employee or the manager or both.

9.3 The appeal panel may not determine that the sanction of the original panel is increased.

10. Notification of Outcome

10.1 The employee should be [notified of the outcome](#) of the appeal hearing within three working days of the appeal hearing. A copy of the notes from the hearing should also be provided.

10.2 The appeal panel decision will be final and the employee will have no further right of appeal.

10.3 Details of available support or resources will be provided in the outcome notification.