

Dispute Resolution: Guide for Appeal Managers

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This guide has been designed to assist Appeal Managers as part of the dispute resolution procedures.

Civil Service HR have created this short video that outlines the role of an Appeal Manager. You may wish to watch this video before reading the Appeal Manager guide.

Introduction

There is one right of appeal in this procedure. Grounds for appeal could include:

- Procedural errors where there is evidence the process was incorrectly followed; or
- Where new evidence has come to light that may change the outcome of the original decision.

Appeals on dispute matters must be heard, where possible, by someone senior in grade to the person who made the original decision. If this is not possible due to operational challenges or another substantial reason, and it is likely to affect the possibility of the appeal being dealt with in a timely manner, an independent manager at the same grade as the Decision Maker may hear the appeal. The Appeal Manager must be impartial and independent, have no prior involvement in the original decision or meeting and have no vested interest in the outcome of the appeal.

Where the Appeal Manager requires support from an HR Caseworker, they should contact the HR Case Manager already assigned to the case. Casework support can

be accessed by phone on [REDACTED] or via email at [REDACTED]

Role of the Appeal Manager

Where an appeal has been raised because of new evidence that has come to light, the role of the Appeal Manager is to assess the impact this new evidence has on the original decision.

As the Appeal Manager, you should examine the decision making process and conduct a review of the original decision. You will decide whether it was reasonable for the Decision Maker to have made the decision they made based on the evidence provided, irrespective of whether you would have made the same decision.

You should check that the procedures have been followed correctly and nothing has been overlooked that might materially change the outcome, whilst focusing on the reasons for the appeal put forward by the individual in their appeal request.

You should take a wider perspective than the original Decision Maker, asking 'was the original decision one that a reasonable person could have made based upon those facts'. It is open to you to decide if the original decision was within the bounds of reasonableness or that it was not.

What to do when you receive a written appeal

Once the complainant has received the written outcome of their dispute from the Decision Maker they have 10 working days to ensure you, as the Appeal Manager, receive their written appeal.

In most cases it should be possible to send their appeal within 10 working days however, where there has been a delay (for example, due to the individual taking annual leave), you should always carefully consider the circumstances leading to the delay, and review why the individual was unable to meet the deadline. You should review the reasons sympathetically, and no appeal should be automatically turned down on the grounds of a delay.

The written appeal must:

- make clear the grounds for the appeal (i.e. against a procedural error and/or the decision);
- provide new information or supporting evidence if this is the reason for the appeal;
- clearly state the desired outcome from the appeal.

Before the meeting

Before the appeal meeting, you should:

- be clear this is not a rehearing of the Decision Maker meeting;
- check your understanding of the process with [HR Casework](#) prior to the appeal meeting;
- check you have all the relevant documentation and have read and understood the grounds for the appeal;
- carefully review any investigation report;
- obtain and carefully review notes of the dispute meeting and the decision letter and the reasons given for the decision;
- consider whether the procedure has been properly followed;
- consider whether based on the evidence presented, the original decision was reasonable. Be careful not to focus on whether you would have made the same decision;
- consider the appeal in light of any new evidence provided, if this is one of the grounds for the appeal;
- inform the subject of the complaint that the appeals process is underway ([Example letter 8 \(Word\)](#)).

Preparing the appeal meeting

You should normally invite the individual who appealed the decision to a meeting within five working days of receiving the appeal ([Example letter 9 \(Word\)](#)).

You should:

- give the individual at least five working days' notice of the meeting;
- inform the individual they have the right to be accompanied by a Trade Union representative or work colleague; and
- arrange for a note-taker to be present at the meeting.

If the individual or their companion cannot reasonably attend the meeting, the employee should be asked to propose new dates to allow the meeting to take place within five working days of the original meeting date. Individuals should be given a reasonable opportunity to make arrangements but the meeting should not be unreasonably delayed on the basis that a specific companion is unavailable.

If the individual or their companion requires any reasonable adjustments to enable them to attend meetings, read correspondence or otherwise participate fully in the process, the Appeal Manager is responsible for ensuring that adjustments are put in place.

It is recognised that exceptionally, there may be delays in progressing matters. This may be due to the complexity of the case or because of short absences that are part of the everyday working environment such as: employee or Appeal Manager working patterns and/or short term absences due to annual leave, illness or disability. In these cases all steps should be taken as soon as reasonably practicable and the reasons for any delay should be recorded.

At the meeting

At the meeting, you should:

- introduce all present at the meeting, explain the purpose of the meeting and how it will be conducted;
- ask the individual why they are appealing and, where the grounds for the appeal are unclear, you should ask for clarification;
- look at new evidence if there is any;
- after discussing the points, summarise them and end the meeting.

At the end of the meeting, you should:

- confirm that the written decision, including the reasons for it, will be issued within five working days. This should also include the written notes of the meeting; and
- confirm that the decision is final and there is no further right of appeal.

Deciding the outcome

You should notify the complainant ([Example letter 10 \(Word\)](#)) and the subject of the complaint ([Example letter 11 \(Word\)](#)) of your decision in writing, within five working days of the appeal meeting. If you anticipate that you will be unlikely to confirm the decision in writing within 5 days, an explanation should be provided.

You should also inform your HR Business Partner, the original Decision Maker and the HR Caseworker of the outcome of the appeal. If the original Decision Maker sits within the business unit where the complaint was raised, and action needs to be taken following the appeal, e.g. disciplinary action, the original Decision Maker in consultation with their HR Business Partner should ensure appropriate steps are taken. If the Decision Maker does not sit within the business unit where the complaint was raised, you should ensure appropriate steps are taken (in consultation with your HR Business Partner).

End of the process

Once the decision has been made and communicated, and appropriate steps have been taken, there will normally be no further involvement from you.

There may be occasions where an Employment Tribunal (ET) claim has been submitted that is directly linked to the dispute. You may be asked to contribute to the process as a witness. A HR Case Manager will explain what information is required from you and how the ET process is conducted.

How to access support

Dispute resolution can be difficult and stressful for those involved, including the individual raising the concern and the subject of the complaint. As the Appeal Manager, you may be required to signpost those involved to support services available, but you should also remember that support is available for you too.

There are various sources of support available:

Line Manager	Can signpost to available support.
Fair Treatment Confidant	Offers listening, support and advice to staff who are feeling worried, anxious or stressed. This may be because of bullying or harassment, being accused of bullying or harassment or associated issues that are causing them concern.
Employee Assistance Programme (EAP)	Provide advice, counselling and legal services.
Mental Health First Aider	Can offer initial support through non-judgemental listening and guidance to those who are experiencing a mental health issue or emotional distress.

Workplace Early Resolution Helpline	The Early Resolution Helpline is a dedicated line for employees to contact HR Case Managers about workplace issues and concerns. It offers a safe environment to talk through issues and concerns, discuss options and identify the best early positive action.
HR Casework Service	Offer Line Managers guidance on how to manage a concern that has been raised under this policy.
Trade Unions	Members can seek advice from their representatives.
Staff Networks	Different networks may be able to offer additional support.
ACAS	ACAS provides free and impartial advice on a range of workplace issues. Access their website at acas.org.uk or call their helpline on 0300 123 1100.