



APRIL COMPLETE CARE SOLUTIONS LTD

Appeals Policy

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INTRODUCTION

The aim of the Appeals Procedure is to allow April to hear an appeal from a member of staff without bias and with regard to equal treatment and consistency of approach. It is the intention that all grievances and disciplinary outcomes should be resolved locally and at the nearest point of origin.

Where the local process has been exhausted, but where the member of staff considers that he/she has been unfairly treated, and then the member of staff may appeal against that decision. To exercise the right of Appeal, the employee must write to the Managing Director clearly stating the grounds of the appeal in detail. The appeal must be sent in writing within 10 working days of the letter confirming disciplinary action/ grievance outcomes being received by the employee. Any additional information must be submitted five days before the hearing.

The appeal is against the manager's decision and would normally be heard by the managing director. The appeal will be heard by a panel comprising two senior managers who have not previously been involved with the disciplinary process.

REPRESENTATION

Members of staff will be advised that they have the right to be supported at the appeals process by a Trade Union representative, member of their professional organisation, work colleague or friend. As these matters are viewed purely as internal matters, April precludes the right to legal representation by either party during any stage of these procedures.

WITNESSES

It is the responsibility of each party concerned to arrange for the attendance of their witnesses. Where witnesses are employees of April, time off with pay will not unreasonably be refused. It is the responsibility of the employee (or his/her representative) to request time off from the witness' manager in order that the witness may attend the hearing.

OBSERVERS

Where the person hearing the grievance permits observers into the proceeding, such permission may only be given if both parties agree to their attendance. It is the responsibility of the observer to declare any/all interests or associations with April.

TERMS OF REFERENCE

April will delegate to the Appeal Panel responsibility for hearing and deciding individual grievance cases which remain unresolved after all the earlier stages of the procedure have been exhausted.

The appeal panel would be responsible for ensuring that any process relating to disciplinary action had been fairly applied.

The panel will consider and decide on the following points:-

- Whether there were reasonable grounds for a grievance/level of disciplinary action.
- Whether the grievance/disciplinary was adequately investigated.
- Whether the company procedures, policies and practices were correctly and fairly applied by both parties.
- Whether the action taken by the manager or disciplinary action was reasonable.
- If new information is to be submitted to the Appeals hearing, the Chair will consider whether to resubmit the case to the manager who took the final hearing or continue with the hearing taking into account of the new information.

The panel shall report its decision to April in confidence.

CONSTITUTION

The appeal panel will consist of the disciplining manager's line manager (managing director) and one other manager of the same level. The Manager and office staff member who heard the grievance/disciplinary will be in attendance to explain the reason for their original decision.

PANEL ARRANGEMENTS

The secretary to the Panel will normally be the managing director. The secretary to the Panel shall inform the members of the Panel, the management representatives, the employee and their representative, of the arrangements in writing stating the date, time and location of the hearing and the names of panel members. The parties shall be given at least 5 working day's notice of the date of the hearing. Every effort will be made to ensure that the parties are notified at the earliest possible opportunity after the date has been set.

APPEALS DECISION

The appeal panel's decision will be final. The decision will be confirmed in writing to the manager and employee within 10 working days following the hearing.

PROCEDURE DURING THE APPEAL HEARING **Disciplinary and performance in employment procedures**

The appellant and their representative shall put their case in the presence of the management and may call witnesses or read written statements from witnesses.

The management shall have the opportunity to ask questions of the appellant and their representative.

The members of the panel shall have the opportunity to ask questions of the appellant and their witnesses where available.

The management shall state the employer's case in the presence of the appellant and may call witnesses or read statements.

The appellant shall have the opportunity to ask questions of the management or their witnesses where available.

The members of the panel shall have the opportunity to ask questions of the management or their representative and witnesses where available.

The employee and their representative shall have the opportunity to sum up their case if they so wish. In their summing up, neither party may introduce any new matters.

The management can sum up their case. Members of the panel can ask questions or ask for clarification at any point during the hearing.

The panel may at its discretion adjourn the appeal in order that further evidence may be produced by either party to the dispute, or for any other reason.

The employee and their representative and the management representative present shall withdraw.

The panel shall adjourn to deliberate, only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point in question.

The decision of the panel shall be recorded by the Secretary at the hearing and subsequently reported to the appellant.