

Appeals	Created: Nov 2022
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	Approved by: n/a
Procedure	Author(s): HR Manager

Appeal procedure

You have the right to lodge an appeal in respect of any of the following:

- **Disciplinary** decision taken against you
- Outcome of a **capability or performance** management process
- Outcome of a **grievance** you have raised
- Outcome of a decision regarding a **statutory request** (e.g. for flexible working)
- For any other reason where it is stated, in writing, to you that an appeal is possible

If you wish to exercise this right you should put your appeal in writing to the person identified in your letter which confirmed the decision that was made.

If your appeal is against a formal warning or dismissal, you should give details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.

Where possible, the appeal procedure will normally be conducted by a College member not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.

If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.

You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice or trade union representative, who may act as a witness or speak on your behalf. The result of the appeal will be made known to you in writing within five working days after the hearing unless otherwise agreed with you.

In the case of dismissal, should you be dissatisfied with any decision to take action or dismiss you on disciplinary grounds, you should apply, in writing, to the Principal, or in the Principal's absence a designated deputy for the Principal, within five working days of the date of the letter confirming the decision you are complaining against.

Where the Principal has been involved previously, then the appeal will be heard by one of the Fellows of the Standing Committee of Governing Body. An appeal hearing will be arranged to take place as soon as practicable following notification of the appeal. During the appeal the principal or their deputy will have the right to question you, your manager, other members of your department or the

College, and any witnesses. The outcome of the appeal will be notified in writing to you and your manager will be informed. The appeal decision will be final.

Appeal procedure overview

1. If you wish to appeal a decision that has been made about you as described above, you should do so, in writing, following the instructions and deadline as laid out in the letter you have been issued
2. An appeal hearing will be arranged (usually by HR) for your appeal to be heard by an appropriate person not previously connected with the case. Where possible, this will be a more senior manager.
3. You will be notified of the time and date of your appeal meeting and be given details on your right to be accompanied by a Somerville colleague and/or (in the case of disciplinary, capability or grievance processes) a trade union representative.
4. In cases of appeal against a dismissal, the appeal will be heard by the Principal or the Principal's appointed representative.
5. The appeal may consist of a review of the original decision which may include gathering further evidence or information from you or people connected to the case. The person handling the appeal will have the discretion to choose the most appropriate methods in which to consider the appeal fairly.
6. We reserve the right to engage independent consultants to hear the appeal in cases where it is not possible to identify a suitable senior individual with no prior connection to the case or where the nature of the case means that it would be appropriate for the appeal to be heard by an independent third-party. In all cases College policy and ACAS codes will be followed.
7. You will be notified of the decision of the appeal hearing as soon as possible, in writing.
8. There will be no further right of appeal.

Third party involvement

We reserve the right to allow third parties to chair any meeting as part of an appeal process. Any third-parties engaged for such purposes will be impartial and have the professional experience and training to undertake the relevant process. Where we are required to share special category data to any third parties as part of that hearing, we will ensure that a relevant condition of processing is met and we do not rely upon your consent for the processing.

Record keeping

Records will be held on an individual's personal file (this may include manual and computerised records), detailing the appeal, our response and any subsequent action taken. In certain circumstances information may be withheld from an individual, for example to protect a witness. We reserve the right to record and/or minute any formal meetings whether conducted by us or a third party, a copy of the recording and/or transcript/minutes can be made available on request. All personal data and records collected and retained will be processed in line with the current Data Protection Act and the General Data Protection Regulations (GDPR).

Version control - changes made since document creation

Date	Details of change
April 2025	Inclusion of provision to record meetings. Inclusion of right to use third-parties to conduct meetings