Grievance Policy Guidance – Appeal Convenor

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Action	Supporting Information
Confirm that you are available to be the Chair and that you have no conflict of interest in the case	You need to be available to chair the appeal hearing and deal with the subsequent paperwork. If you are scheduled to be away on leave or at events etc. over the next 1-4 weeks discuss with your assigned HR Case Manager if you can manage the appeal process. This is to ensure that the policy timescales adhered to. Check that you do not have any conflicts of interest that would prevent you chairing the hearing and reaching a decision objectively. If you do have a conflict advise your HR Case Manager at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Familiarise yourself with the **investigation report, the grievance outcome letter, the letter of appeal, any new information from the employee and the Grievance Policy**	Relevant letters and documents will be passed to you once you are appointed to the role of Appeal Convenor (AC). Make sure you are familiar with the Grievance Policy and procedure and the purpose of the appeal. Make sure you **read the appendices** so that you are clear about the requirements for all parties involved in the process. Read the grievance form, investigation report, outcome letter and appeal letter carefully so that you are familiar with the full case.
Agree a **date for the appeal hearing**	Agree a date with other panel member/s, your HR Case Manager (if attending) and note taker. There will be one or two other panel members depending on the case. The employee will need at least **one calendar week's notice** of the appeal hearing. Agree a suitable venue where you won't be interrupted and noise is minimal.
Invite the complainant to the appeal hearing	You must invite the employee **in writing** giving at least one calendar week's notice. Advise the employee that they can be accompanied by a companion, normally a TU rep or workplace colleague. A companion may also be someone to support the employee if they have particular needs e.g. if the employee has a disability or if English is not their first language. This companion may be in addition to a TU rep or workplace colleague. The employee must tell you in advance of the appeal hearing if they are bringing a companion. The employee must tell you in advance of the appeal hearing if they are bringing a companion. The employee will advise you if they need an **adjustment** for the appeal hearing e.g. if they need a hearing loop. You must organise any adjustments requested or seek advice from your HR Case Manager.

	You must ensure there is a **note taker** at the appeal hearing. It can be helpful to meet the note taker in advance to give them any useful information e.g. it might help them to be familiar with names, job titles, acronyms, technical terminology etc. that are likely to be discussed. Alternatively provide the note taker with a written summary of the key details of the case e.g. names, job titles, terminology etc. You are not required to have an HR representative at the appeal hearing but if you feel you need support contact your HR Case Manager.
Invite the Chair of the grievance hearing to the appeal hearing	Make sure you **invite the Chair of the grievance hearing** to the appeal hearing, giving one calendar week's notice.
Notify the respondent that an appeal has been submitted (if applicable)	If the grievance is about another person (the respondent) you must **send the respondent a copy of the appeal form** and advise them of the next steps. Liaise with your HR Case Manager and issue template letter.
Prepare for the Appeal Hearing	The appeal is **not a rehearing** of the case. The appeal panel needs to consider whether the outcome of the grievance hearing was wrong or unfair. The **complainant** should outline on their appeal form: • why they think the outcome is wrong or unfair and/or • why any actions or measures taken to resolve the grievance are inappropriate Think about what you want to find out at the appeal hearing and prepare any questions you want to ask the Chair of the grievance hearing or the complainant. If the complainant requests to **rearrange the appeal hearing** so that they or their companion can attend you must consider their proposed new date and make an effort to agree to the request. Alternatively seek another date that all parties can attend as long as it will not cause an undue delay. If the companion cannot attend on a rescheduled date and no suitable alternative time can be found you should advise the employee to find someone else to act as their companion. **Please note**: If the employee does not attend the **rearranged appeal hearing** liaise with your HR Case Manager. Arrange a **pre-meeting** with the other panel member/s to agree how the hearing will proceed and who will ask what questions. This can be immediately before the hearing as long as you allow sufficient time

The Appeal Hearing - Process	Make introductions If the employee has a **companion** with them, they can take notes, set out the employee's case and speak to the employee during the hearing. **The companion should not answer questions on behalf of the employee.** Be prepared that the complainant may get upset or angry during the hearing. It can be helpful to have glasses of water and tissues available. Ask everyone to turn off any electronic devices and remind them that the appeal hearing cannot be recorded (unless it has been agreed as an adjustment for a disability). Explain the schedule of the appeal hearing. Make it clear it is **not a re-hearing** of the grievance but a discussion about why the complainant is unhappy with the original outcome. If necessary, you may have to refocus the meeting if the employee strays in to broader discussion about the hearing or supplementary issues. The appeal hearing will normally follow this structure: • The complainant explains the reasons for their appeal and why they are dissatisfied • The panel ask the complainant questions • The Chair of the grievance hearing explains why they reached their decision regarding the outcome and any actions to be taken • The panel asks the Chair questions • Appeal Convenor checks if anyone has anything to add • The hearing is closed and the complainant told when they will receive notes of the hearing. The complainant must also be advised when they will know the outcome of the grievance appeal. This must be within one calendar week of the hearing.
The Appeal Hearing – Panel considerations and responsibilities	You and the panel must review all the information you have received and consider this along with the information gathered at the appeal hearing. You must **consider**: • if the original outcome of the grievance hearing was fair and reasonable • any actions that were taken to address concerns or problems were reasonable and helpful

	Therefore, the **outcomes** of the appeal hearing are: • **You agree with the original decision and recommendations** • **You overturn and amend the original decision** You can decide that **additional actions** should be taken that were not previously considered or implemented or make further **recommendations**. If you believe the respondent's behaviour has been unacceptable and there is a **case for that person to answer** liaise with your HR Case Manager about how to progress this to the **Disciplinary** process. You may decide this even if this was not the outcome of the original hearing. Agree with your HR Case Manager how to advise the complainant if the case moves to disciplinary. ***Please note: You are not asked to uphold /not uphold the grievance appeal but to decide the outcome and any actions.***
Agree the notes of the appeal hearing	The note taker will send you a draft copy of the notes of the appeal hearing, normally within two calendar days of the hearing. You may amend them if there are any details that have not been recorded accurately e.g. spellings, terminology. You cannot change the substance of what a person said during the appeal hearing, including your own comments. Agree who will be sending the notes to the employee. If possible, you should send them with the letter confirming the outcome of the appeal hearing. Alternatively agree with your HR Case Manager if they are to be sent separately.
Write to the respondent confirming the outcome of the appeal hearing	You must write to the employee within **one calendar week** of the hearing **confirming the outcome** i.e. whether you have agreed with the original decision or you are overturning/amending it. Use the **template letter** and send a copy to your HR Case Manager. The letter should include any new actions or recommendations that relate specifically to the respondent e.g. mediation. **The outcome of the appeal is final.**
Write to the respondent (if applicable) to update them of proceedings	You must write to the respondent within **one calendar week** of the hearing **confirming the outcome** i.e. whether you have agreed with the original decision or you are overturning/amending it.

	Use the template letter and send a copy to your HR Case Manager. The letter should include any new actions or recommendations that relate specifically to the respondent e.g. mediation. If you have concluded that the respondent has a case to answer this must be specified in the letter and details given of next steps.
Be aware of **Data protection** and **Subject Access Request requirements**	Information relating to a grievance case should be held in line with the University's Retention Schedule. This includes any email correspondence and not just letters about the outcome of the grievance. Remember that an employee may make a **subject access request** to see data about their case which will include any emails between you, the HR Case Manager and any other role holders you correspond with in the course of the case e.g. other panel members. Therefore, you must be prepared that any of your correspondence may be seen by the employee.

Letters:
(The following letters and templates are available from your HR Case Manager)

11. Notice of appeal hearing
12. Confirmation to respondent – appeal lodged by complainant
13. Outcome of appeal hearing – complainant
14. Outcome of appeal hearing – respondent
16. Letter issuing notes of hearing