

Swansea University – Appeals Procedure

Introduction

Swansea University has put in place an appeal policy to ensure that processes and decisions made under the appropriate ordinances, policies and procedures have been reasonable.

An employee has 14 calendar days from the date that confirmation of a warning, dismissal or other substantive measure has been sent to submit an appeal.

The function of an appeal is to consider the specific area(s) with which the employee is dissatisfied in relation to the original outcome.

Appeals will be dealt with in person or in correspondence, depending on the circumstances of the case. The conduct of the appeal will be determined by the person designated to hear the appeal.

Any person designated to hear an appeal cannot have been involved as a decision maker, complainant or witness in any previous stage of the case.

Grounds for appeal

Appeals must be made in writing and can only be made on the following grounds, which must be explicitly stated in the appeal:

- Whether the procedure was followed correctly
- Whether the decision to take action was reasonable, based on the evidence presented at the time
- There is new evidence which was not available previously

Process for appeal

An employee has 14 calendar days from the date that confirmation of a warning, dismissal or other substantive measure has been sent to submit an appeal. The appeal letter should be addressed to the person noted on the confirmation letter.

As far as reasonably practical, the appeal will be heard within 28 calendar days of receipt of the appeal letter. Notice of the date for the appeal meeting will usually be sent 7 calendar days in advance.

Appeals against a warning or other substantive measure will be heard by a nominated person.

Appeals against dismissal will be heard by a panel of up to 3 individuals, including:

- A Chair nominated by the Registrar and Chief Operating Officer or an appropriate designate with advice from the Director of Human Resources
- 2 other members nominated by the Chair, who may be members of staff, members of Council or external members.

When considering nominations for the Appeal Panel, the Chair will have due regard to independence and balance including protected characteristics.

Any person designated to hear an appeal cannot have been involved as a decision maker, complainant or witness in any previous stage of the case.

All relevant documentary evidence from the original meeting(s) will be made available to the Chair of the Appeal meeting for reference. The Chair may wish to conduct sufficient further investigation to be assured that all the grounds for appeal have been fully considered. In this case, the appeal may be adjourned until investigation(s) is complete.

At the appeal meeting, the employee has the right to be accompanied by another employee or a recognised trade union representative. The name of the person accompanying the employee and the capacity in which they are attending (work colleague/ trade union representative) must be notified to the Chair of the Appeal a minimum of 24 hours in advance of the appeal meeting.

It is the responsibility of the employee to state the case and outline the grounds for their appeal.

Outcome of the appeal

Possible outcomes of the appeal, based on the evidence provided are to:

- Uphold the action taken
- Overturn the action taken
- Uphold the decision, but substitute a different action or outcome
- Instruct that a full or partial rehearing be conducted

The employee will be informed in writing of the outcome of the appeal, usually within 7 calendar days of the appeal meeting.

The decision from the appeal meeting is final and exhausts the internal process.

An employee who has been dismissed ceases to be an employee from the date on which the dismissal takes effect, irrespective of whether or not an appeal against dismissal has been submitted.