

## 6.09 Uniform Appeals user guide

***This guide should be read in conjunction with the Uniform Appeals Policy (Chapter 6.12 of the HR Handbook). It does not negate or supersede that policy or future amendments made to it.***

The following user guide sets out the steps that will be followed where a member of staff wishes to appeal against a decision which they consider unfair or unreasonable and affects them directly. It also sets out the steps other involved parties should take during these appeal cases. NICS policies should specify if an appeal against a decision made under that specific policy should be processed using the Uniform Appeals Policy. For ease of reference, a list of the policies where the Uniform Appeals Policy is currently used is attached at Appendix A. However, if there is any discrepancy between the table and a particular policy, the appeal process stated by the relevant policy will apply.

**NB: The Uniform Appeals Policy does not apply to those policies that have a built in appeals procedure, for example, the Discipline Policy, Early Retirement on Medical Grounds Policy and Inefficiency Sickness Absence Policy, among others.**

***In summary, the process consists of:***

- A written notice of appeal is lodged with the HR Service Provider (HRConnect) ([Step 1 Lodge written notice of appeal](#)). Appellant then receives acknowledgement of appeal from HRConnect.
- Appeal Officer receives appeal from HRConnect and considers time limitations and explanation for delay if necessary ([Step 2 Appeal Officer receives appeal](#)).
- Appeal Officer advises HRConnect to reject appeal ([Step 2a Appeal not accepted with \(reason direct to Appellant if not a Uniform Appeal &\) outcome form sent to HRConnect](#)); or
- Appeal Officer provides dates for meeting to HRConnect ([Step 3 Appeal Officer accepts Appeal & issues Instructions to proceed form](#)).
- Appellant receives meeting invite and confirms dates are acceptable.
- Meeting takes place between Appellant and Appeal Officer ([Step 4 Attending an appeal meeting](#)).
- Appeal Officer determines if decision made was fair and reasonable or if not, what remedy may be appropriate ([Step 5 Appeal Officer informs HRConnect of outcome](#)).

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- HRConnect produces outcome letter for Appeal Officer's approval and signature ([Step 6 Appeal Officer approves outcome letter](#)).
- If appeal is upheld or partly upheld, the Appeal Officer will inform the Decision Officer of the recommended remedy. ([Step 6a Appeal Officer advises Decision Maker to revise original decision](#)).
- Appellant receives outcome letter ([case is closed](#)).

A workflow diagram of the above process can be viewed at the end of this user guide.

This User Guide (version 7) is effective from August 2022. In addition to this user guide, you may also wish to refer to the documentation on the relevant policy you wish to appeal against, which can be found in the NICS Handbook.

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#### ***Initiating an internal appeal***

In most cases, NICS managers responsible for making decisions will have considered the effect of those decisions in relation to the staff members affected. Where appropriate, they may have sought staff views before making those decisions.

If a member of staff considers that a decision which affects their work is unfair or unreasonable where appropriate, (for example, when no earlier discussion on the decision has taken place between the member of staff and the decision maker), he/she should seek an informal discussion with the decision maker as soon as possible. Staff should raise their concerns during this discussion and offer possible alternatives to the decision. The Decision officer should fully consider the issues or concerns raised and decide if their decision will change.

Following these discussions, if a member of staff still believes a decision made which directly affects them is unfair or unreasonable and if the decision falls under a relevant policy, they may consider lodging a Uniform Appeal.

#### **Step 1 Lodge written notice of appeal**

If there is a right to a uniform appeal against a decision and a member of staff wishes to take up this right, they should fully complete the online or downloadable form on HRConnect (*HR-UA 1a Issue Uniform Appeal form*<sup>1</sup>). A written appeal other than on the form described above is also acceptable and may be posted or emailed to HRConnect. If writing an appeal, with or without using the form, the submission must;

- a) be made within the time limits specified in the Uniform Appeals Policy;
- b) clearly state what particular decision it is against;
- c) contain details of the grounds on which the appeal is based along with evidence if appropriate;
- d) include the name of the member of staff who made that decision; and
- e) detail the exceptional circumstances why the appeal should be accepted if it is “out of time”.

Guidance on time limits can be found within the Uniform Appeal policy in the HR Handbook.

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<sup>1</sup> Located on HRConnect portal – Forms tab – In this Section – Online Request Forms or 6. Employee Relations

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**Please note that failure to fully complete the form will result in a delay in the form being processed by HRConnect.**

HRConnect will electronically register the appeal. Based on the Decision Maker named in the appeal form HRConnect will send this appeal to the relevant Appeal Officer.

### **Step 2 Appeal Officer receives appeal**

HRConnect will send to the Appeal Officer a copy of the appeal (HR-UA 1a form) along with any separate explanations offered (for appeals not received within the expected deadline by HRConnect). If the written appeal is received outside of the specified time limit, as stated within the policy, the Appeal Officer will consider whether to accept this late appeal, taking account of any exceptional factors.

#### **Step 2a – Appeal not accepted**

##### **a) Out of Time**

If it is felt that there are no acceptable grounds for the appeal having been received late, the Appeal Officer will complete the Uniform Appeal Instructions to Proceed form (HR-UA 1b<sup>2</sup>) and return this to HRConnect within five working days, who will then issue an Appeal out of time letter (UA letter 2) to the Appellant. This will end the appeal and the appeal process.

##### **b) Not a Uniform Appeal**

If the Appeal Officer determines that the Appeal does not fall under the Uniform Appeals Policy, for example, it should be a Grievance /Dignity at Work case, within five working days, the Appeal Officer will write (letter or email) directly to the appellant advising of their decision and reason(s) for rejecting the appeal. The Appeal Officer will then complete the Uniform Appeal Instructions to Proceed form (HR-UA 1b) by selecting the rejection outcome and stating the reason for rejection and return it to HRConnect (along with a copy of the letter or email sent to the Appellant). This will end the appeal and the appeal process.

#### **Step 3 – Appeal accepted**

If the appeal is accepted, the Appeal Officer will fully complete the Instructions to Proceed form (HR-UA 1b) within five working days of receiving the appeal, with prospective meeting date(s) included and return to HRConnect. HRConnect will register this and produce an Invite to meeting letter (UA letter 3) confirming details of the appeal meeting. This letter will include:

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<sup>2</sup> Located on HRConnect portal – Forms tab – In this section – 6. Employee Relations

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- Date, time and venue of the appeal meeting;
- The purpose of the appeal meeting;
- Who will attend the appeal meeting;
- Appellant's right to be accompanied by a Trade Union representative or work colleague of choice; and
- If applicable, the reason for accepting the late appeal.

### **Step 4 Appellant accepts and attends meeting**

Once the written confirmation of the appeal meeting is received, the Appellant must confirm their availability to attend this meeting along with details of any nominated companion. Any special needs must also be explained so that they can be taken into consideration for the forthcoming meeting. Details of how to do this will be included in the letter from HRConnect.

If the Appellant is unable to attend the appeal meeting, they must inform HRConnect immediately giving reasons why they are unable to attend. An alternative date and time may be arranged and once accepted will be confirmed in writing by HRConnect.

Every attempt must be made to attend this meeting on the date confirmed with HRConnect. Failure to attend this meeting may result in the meeting not taking place and a decision being made by the Appeal Officer based only on the information they have up to that point.

At the appeal meeting, the Appeal Officer will ensure everyone present is identified and their role is clearly stated. She/he may ask any accompanying person for proof of identification. The Appeal Officer will then invite the Appellant to state their case, i.e. the grounds for the appeal against the original decision and if appropriate what outcome the Appellant would wish and why. The Appellant may do this personally, or the nominated companion may do this on the Appellant's behalf. A note taker will be present to produce a summary record of the meeting.

Copies of any documentation the Appellant refers to should be provided to the Appeal Officer. Any written evidence that has been gathered in the course of any previous investigation that took place into the original decision, including the consideration of witness statements where appropriate may be referred to by the Appeal Officer. The Appeal Officer will copy all documents to HRConnect for recording against the Appellant's case and personnel file.

The appeal meeting is the opportunity for the Appellant to discuss the circumstances of the appeal so that all the relevant facts are offered to the Appeal Officer. The Appeal Officer may inquire into background and surrounding circumstances of the appeal, including any previous or

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current working relationship issues that may be ongoing. The Appeal Officer has the right to ask these relevant personal questions, although the Appellant may confer with their nominated companion at any time during the appeal meeting.

At any point during the meeting, the proceedings may be adjourned if it appears necessary or desirable to do so, as stated in the Uniform Appeal Policy. The meeting may be adjourned and re-convened at a later date or even later in the day, if appropriate. In the event that the meeting is to be re-convened either later in the day or at a later date, contact will be between the Appeal Officer and Appellant directly to arrange the re-convened meeting and the Appeal Officer will notify HRConnect by email or by copy of documentation rearranging the meeting so that records can be updated.

There is no requirement or provision for any formal investigation into a Uniform Appeal. However, the Appeal Officer may if deemed appropriate, make direct enquiries with witnesses, decision maker etc. to ascertain the rationale behind decisions and other view points. The Appeal Officer will provide copies of any additional evidence to the Appellant or, if there are issues such as confidentiality, provide a summary of such evidence to the Appellant to allow them to respond to any issues raised.

Once all the evidence has been heard, the Appeal Officer will verbally sum up the key points of the appeal meeting. A written summary will be produced and copied to the Appellant within five working days. While there would be a note taker present, the Appeal Officer is responsible for the content and timeliness of the written meeting summary. The Appellant should respond to the Appeal Officer within a further 5 working days providing any comments on the completeness or accuracy of the record. On receipt of these comments, the Appeal Officer may amend the minutes or, where the record cannot be agreed, the Appeal Officer will comment on the areas of disagreement. The Appeal Officer will copy the original minutes, the Appellant's response and final agreed minutes and/or comments on disagreement to the Appellant and to HRConnect for the record.

### **Step 5 Appeal Officer informs HRConnect of outcome**

Within 15 working days from the minutes are accepted or comments on the minutes are provided to the Appeal Officer, the Appeal Officer will review the procedure followed and the fairness and reasonableness of the original decision. The Appeal Officer will make their determination by upholding, partially upholding or not upholding the appeal and will complete Uniform Appeal Outcome form (HR-UA 1c<sup>3</sup>) fully, and pass to HRConnect, ensuring all other relevant documentation is also sent for storing on the personnel file of the Appellant.

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<sup>3</sup> Located on HRConnect – Forms tab – In this section – 6. Employee Relations

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### **Step 6 Receive confirmation of outcome of appeal meeting**

The Appellant will receive written confirmation of the Appeal Officer's determination from HRConnect by way of an Outcome letter (UA letter 4) which may state:

- The appeal against the initial decision has not been upheld.  
This will conclude the appeal process and the Appellant must abide by the original decision.
- The appeal against the initial decision has been upheld and the decision is overturned or an alternative remedy may be recommended.  
or
- The appeal against the initial decision has been partly upheld and a remedy may be recommended.

#### **Step 6a Appeal Officer advises Decision Maker to revise original decision**

Where the Appeal Officer's decision is to uphold or partly uphold the appeal against the initial decision, the Appeal Officer will inform the original decision maker of this and may recommend a remedy to the original decision.

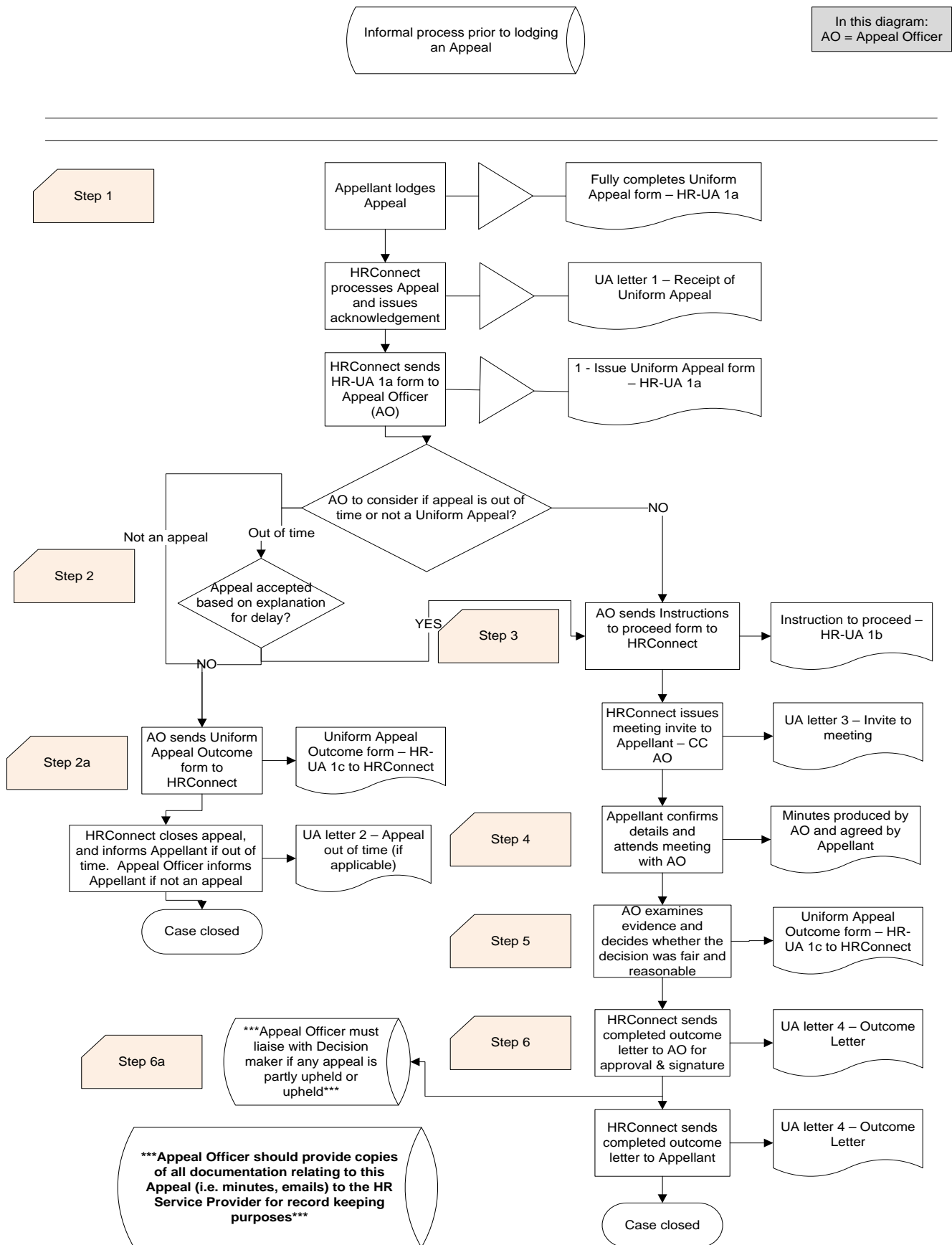
The Appeal Officer's decision is final and concludes the internal appeals process. If new information becomes available after an appeal is closed the Appellant cannot reopen the appeal. If the member of staff asks the original Decision Officer to reconsider their decision on the basis of the new information this will not form any part of the Uniform Appeal already concluded.

### **Leaving the Service**

The Uniform Appeals policy is an internal NICS policy and appeals process. If a current member of staff raises an appeal against a decision, then subsequently leaves the service before the appeal is considered or concluded, the appeal case will be closed.

If the Appeal Officer believes any internal follow-up action is required, they would carry out this action as part of their normal managerial responsibilities. The Appellant will not be involved in any follow-up action if they are no longer an employee.

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### Appendix A

Reason for Appeal	Appeal Officer	Policy – Policy Owner
Decision against Ordinary Parental Leave	Line manager of Decision maker – minimum Level 2 line manager (SO)	(3.04) Ordinary Parental Leave Policy – ERPB
Decision on Annual leave	Line manager of Decision maker – minimum Level 2 line manager (SO)	(3.07) Annual Leave Policy – ERPB
Rejection of Special leave Request – including Trade Union leave	Line manager of Decision maker – minimum Level 2 line manager (SO)	(3.08) Special Leave Policy – ERPB
Refusal of Career Break	Line manager of Decision maker	(3.08) Special Leave Policy – ERPB
Decision on Term-Time working	Line manager of Decision maker	(3.10) Alternative Working Policy – ERPB
Rejection of Flexible working request	Line manager of Decision maker	(3.10) Alternative Working Policy – ERPB
Decision on Hybrid Working Workstyle Agreement	Line manager of the Decision maker	NICS Hybrid Working Policy v1.2 - ERPB
Decision on Job Reshaping (Partial retirement)	Line manager of Decision maker	(3.12) Job Reshaping (Partial Retirement) Policy – SWPB
Outcome of Grievance case	Line manager of Decision maker	(6.04) Grievance Policy – ERPB
Decision on NICS Eye care provision	Line manager of Decision maker	(7.04) Eyecare Policy – ERPB
Refusal of Assistance to Study	Line manager of Decision maker	(5.01) Assistance to Study – Adult Further Education – L&D

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Reason for Appeal	Appeal Officer	Policy – Policy Owner
Refusal of Further Education	Line manager of Decision maker	(5.01) Assistance to Study – Adult Further Education – L&D
Content/Rating of Probation Review	Line manager of Countersigning Officer	(6.10) Probation - ERPB
Line Managers Assessment/Score	Line manager of Countersigning Officer	(1.05) Career Opportunities and Promotion – VMB
Late Application	NICS HR Resourcing – Vacancy Management For Non NICS Employees – Your HR Department	(1.05) Career Opportunities and Promotion – VMB
Temporary Promotion/Deputising	Line manager of Decision maker	(1.05) Career Opportunities and Promotion – VMB
Not being listed for promotion or Removal of name from promotion list	NICS HR Resourcing – Vacancy Management For Non NICS Employees – Your HR Department	(1.05) Career Opportunities and Promotion – VMB
Transfer (Elective or Lateral) refused by line manager	Line manager of decision maker	(1.03) Elective transfers -VMB
Not selected for Transfer (Elective or Lateral)	Line manager of decision maker  NICS HR Resourcing – Vacancy Management For Non NICS Employees – Your HR Department	
Decision on selection for Secondment	Line manager of Decision maker	(1.06) Secondment - TMIT
Decision on selection for EU/Overseas Secondment	Line manager of Decision maker	(1.08) European Union (EU)/Overseas Secondments – TMIT
Decision on selection for On Loan Temporary Transfers	Line manager of Decision maker	(1.07) On Loan – Temporary Transfers - TMIT

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Reason for Appeal	Appeal Officer	Policy – Policy Owner
Decision on application for a Voluntary Exit Scheme	To be confirmed for the specific scheme	(2.03) Voluntary Exit – SWPB
Decision on application for a Voluntary Redundancy Scheme	To be confirmed for the specific scheme	(2.01) Voluntary Redundancy and Compulsory Redundancy – SWPB
Selection in a Compulsory Redundancy Scheme	To be confirmed for the specific scheme	(2.01) Voluntary Redundancy and Compulsory Redundancy – SWPB

Abbreviations:

ERP – Employee Relations Policy Branch

TMIT – Talent Management & Initiatives Team

L&D – Learning & Development

VMB – Vacancy Management Branch

SWPB – Strategic Workforce Planning Branch