

## REVIEW OF LEGAL GRADES

### Requests for Decision Review (Appeal)

#### Introduction

1. This document sets out the process for requesting a review of a grading decision (appeal) in relation to the Review of Legal Grades. See flowchart at **Annex A** for a summary.
2. All staff included in the representative sample of legal posts evaluated as part of the grading review will be advised of the factor scores and overall grading score for their post. All other legal staff, whose posts were not sampled, will be advised of the grading outcomes and how the outcomes relate to their post.
3. It should be noted that there can be no request for an appeal that solely concerns the numerical JEGS or JESP score. The appeal will only be accepted in relation to challenges against the grading determination.
4. Where a post holder in either the sampled group or the wider group of legal grades covered by the grading review disagrees with a grading determination, they may submit an appeal where grounds (as set out in paragraph 7 below) are established.
5. Trade Union Side has been consulted on the decision review process, which is based on the NICS Handbook, Para 4.02 Job Evaluation and Organisational review in the NICS.

#### Informal Process

6. It may be possible to provide clarification of a grading determination informally. The informal approach can be initiated through discussion with line management and then, if further discussions are necessary, by emailing the Legal Review Team at:

[legalreviewproject@finance-ni.gov.uk](mailto:legalreviewproject@finance-ni.gov.uk)

#### Formal Review Process

7. Where it is not possible to resolve an issue informally, the formal appeal process can be invoked. Appeals will only be considered where evidence is provided by the staff member that one or more of the following may have occurred:
  - a) there has been a failure of process;
  - b) significant new information or significant aspects of the post have not been taken into account, which have the potential to change the grading outcome; or
  - c) some form of discrimination (i.e. unfair, biased or inconsistent treatment) has occurred in the way the evaluation was carried out.

## How to Submit an Appeal

### *Posts in the sample*

8. The Appeal form (see **Annex B** attached separately) should be completed and submitted, along with any additional supporting documentation, to Corporate HR by no later than close of play on Monday 9 January 2017. Any additional information provided by the staff member to support grounds for appeal at b) in Para 7 may need to be verified by their line manager or senior management.
9. Any requests for an appeal outside of the period above will not be permitted unless there is a reasonable and relevant explanation as to why an individual was unable to submit an appeal within the deadline. In exceptional circumstances, such as long term sick leave, career break or maternity leave, extenuating reasons for appeals made after this date will be considered on a case by case basis by an independent panel, who are not otherwise involved in the review of legal grades. This Panel may be made up of Establishment Officers and Trade Union Representatives.
10. The request to appeal a decision should be submitted to Corporate HR using the form, attached separately at Annex B, by email to the address below and will be referred to either a JEGS or a JESP Appeal Panel for further consideration.

[legalreviewproject@finance-ni.gov.uk](mailto:legalreviewproject@finance-ni.gov.uk)

### *Posts not in the sample*

11. If the post which is the subject of an appeal has not already been graded using JEGS or JESP, the post-holder must ask for the relevant anonymised job description(s) of the post(s) deemed to have been representative of the non-sampled post no later than close of play on Monday 9 January 2017, except in extenuating circumstances as set out in Para 9.
12. Once the anonymised job description(s) has been supplied to the relevant post-holder requesting it, the post-holder must submit an appeal by no later than close of play on Monday 6 February 2017, except in extenuating circumstances as set out in Para 9. The post-holder will be briefed on the type of information which is and is not able to be taken into account in grading. The post-holder must provide written information, which, if made on grounds b) as set out in Para 7, will be verified by their line manager or a senior manager, describing how the post in question differs from the sampled post. This information will be considered by the Appeal Panel.
13. The appeal should be submitted to Corporate HR using the form attached separately at **Annex B** by email to:

[legalreviewproject@finance-ni.gov.uk](mailto:legalreviewproject@finance-ni.gov.uk)

### *Decision on grounds*

14. If the grounds for an appeal have been met, Corporate HR will arrange for the request to be considered by an Appeal Panel.

### Decision Review Panel

15. The Appeal Panel will consider the written case made by the staff member, along with any additional written information provided by line management, to determine whether there is an impact on the grading outcome under review. The staff member will not appear in person before the Appeal Panel.
16. The Appeal panel will assess the merits of the appeal and determine, depending on the grounds for the appeal, the most appropriate method of review for that case. The Panel may, if appropriate, choose to conduct a further grading exercise, using JEGS or JESP, based on the original and any new information presented to the Panel.

### The Appeal Panels

17. Appeal Panel members will be trained in JEGS/JESP and will not be made up of any Moderation Panel members. If appropriate, the Panels may seek clarification/information from Line Managers or Senior Management in the relevant business area and/or clarification/information from a representative of Beamans, the management consultants engaged to conduct the grading review exercise. Appeal Panels may also seek further written information from the appellant if necessary.
18. In cases where an appeal is submitted in relation to a post evaluated using JEGS, members of the Appeal Panel [may] include:
  - (i) a number of current or recent senior members of the NICS legal community;
  - (ii) a representative from Corporate HR; and
  - (iii) NICS job evaluation consultants.
19. In cases where an appeal is requested in relation to a post evaluated using JESP, members of the Panel may be drawn from:
  - (i) the Permanent Secretaries' Group (PSG) or senior members of the NICS legal community; and
  - (ii) the Director of Corporate HR, or another SCS member of the NICS HR community.
  - (iii) a NICS job evaluation consultant.
20. The outcome of the Appeal Panel's deliberations may be that: the grading determination is confirmed: the grading determination is changed (upwards or downwards): the grading is undetermined and another JEGS or JESP grading exercise of the post is required; which will be conducted by the Appeal Panel and based on the original and new or additional information presented.

21. It should be noted that appeal outcomes will apply to the post under review and, if the post's grade determination does not match the grade of the current post holder, the NICS handbook will be followed in order to fill the post at the correct grade.
20. Corporate HR will advise the staff member of the outcome of the Appeal Panel's considerations within ten working days of the Panel's decision. The decision of the Appeal Panel is final and no further correspondence will be entered into in relation to the decision. There is no further right of appeal or request to review a decision, nor any right to submit further material once the Appeal Panel has made a decision.

## Flowchart

### Decision Review Process

