Larkspur Primary School

Appeals Procedure

Revised September 2022 – reviewed Summer 2026 (no changes needed)

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The Procedure

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1. Introduction

1.1. Larkspur Primary School has many policies and procedures for the effective management, safety, and wellbeing of its employees. This procedure will ensure that the school treats any employee equally and fairly if they wish to appeal against the application of the policies and procedures below:

- Capability
- Career Break
- Disciplinary
- Grievance
- Probationary Period
- Redundancy
- Fixed Term and Temporary Contracts
- Dignity at Work

1.2. Any appeal is conducted as an independent review of the procedure and whether it was thorough, fair, and reasonable in determining the original outcome.

1.3. In exceptional circumstances, where it is agreed that there is significant new evidence, the Appeals Committee has the discretion to proceed by way of a rehearing. The appeal meeting will be reconvened at the earliest possible date thereafter to rehear the matter.

1.4. All parties involved in an appeal are expected to maintain confidentiality and documentation will only be shared outside of the appeal meeting where necessary.

1.5. It is important that full and careful notes are taken during the appeal meeting and the Committee will identify a separate person to take the necessary notes to allow the other parties to concentrate fully on the discussions.

2. Submitting an Appeal

2.1. An employee must submit their appeal in writing to the Chair of the Governing Body within 10 working days of receiving the letter confirming the outcome of the application of the relevant policy.

2.2. The employee must clearly state in writing the grounds on which they are appealing the outcome from the application of the relevant policy. They should include an indication of any significant new evidence they wish to have considered and of any witnesses they wish to have involved at the appeal meeting.

2.3. Acceptable grounds for an employee to appeal include but are not limited to:

- failure to follow the correct procedure;

- failure to conduct a fair and unbiased investigation;
- failure to apply the procedure consistently;
- failure to consider mitigating circumstances.

3. Arranging an Appeal

3.1. The Chair of the Governing Body will, within 5 working days of receipt, acknowledge the appeal letter and arrange a meeting of the Appeals Committee as soon as is reasonably practicable.

3.2. The Committee will be made up of 3 or more Governors (not staff Governors) who have had no previous involvement in determining the confirmed outcome. Human Resources will advise the Committee.

3.3. At least 10 working days prior to the appeal, the Chair of the Committee will inform the employee in writing of the date, time and location of the meeting and their right to be accompanied by a trade union representative or work colleague.

3.4. It is the employee's responsibility to arrange the attendance of their chosen trade union representative or work colleague. If this date is not suitable for the employee or the trade union representative or work colleague, they must offer an alternative date which is within 5 working days of the original date.

4. Appeal Documentation

4.1. All relevant documentary evidence to be used by management at the meeting will be provided with the letter confirming the date of the appeal. Two copies will be given to the employee, one for themselves and one to pass on to their trade union representative/work colleague.

4.2. At least 5 working days before the appeal meeting, the employee must provide the Chair of the Committee with full submission of their appeal. This must include all relevant documentary evidence to be used by the employee and the details of witnesses they wish to have involved.

4.3. The Chair of the Committee will provide copies of the employee's and management's submission to all parties attending the appeal meeting.

5. The Appeal

5.1. At the meeting, the employee (or their trade union representative or work colleague) will present their information, expanding on their reasons for appeal, referring to documentation as provided to the Committee.

5.2. The Head Teacher, line manager or Chair of the original Committee will have the opportunity to ask the employee questions. Members of the Committee and

their advisers may also ask questions. The trade union representative or work colleague must not answer questions put directly to the employee.

5.3. The Head Teacher, line manager or Chair of the original Committee will present the information, giving the background to and the reasons for determining the outcome, referring to documentation as provided to the employee.

5.4. The employee (or their trade union representative or work colleague) will have the opportunity to ask questions of the Head Teacher, line manager or Chair of the original Committee. Members of the Appeals Committee and their advisers may also ask questions.

5.5. The Head Teacher, line manager or Chair of the original Committee and the employee (or their trade union representative or work colleague) will then sum up their presentations if they wish.

5.6. The Head Teacher, line manager or Chair of the original Committee and the employee and their trade union representative or work colleague will then withdraw from the meeting whilst the Committee considers the information presented, advised by Human Resources.

5.7. The role of the Committee is to determine whether the original outcome was fair and reasonable in all of the circumstances and may consider the following in doing so:

- was the outcome reached following the correct procedure?
- was the correct procedure applied consistently and fairly?
- was a thorough and balanced investigation conducted?
- was the outcome reasonable based on the evidence available at the time?
- is there any significant new evidence which, if known at the time, may have altered the outcome?
- have the mitigating factors, if presented by the employee or their representative, been considered?

5.8. If the Committee need to recall the Head Teacher, line manager or Chair of the original Committee or the employee (or their trade union representative or work colleague) to clarify matters on which they are uncertain, then both parties are to return notwithstanding only one may be required to comment on the point requiring clarification.

5.9. The decision of the Committee should be given orally in the presence of both the employee (or their trade union representative or work colleague) and Head Teacher, line manager or Chair of the original Committee, where practicable. If it is not practicable or sensible for them to return to the meeting, then they may be asked to return to hear the decision at a later time or by telephone if requested.

5.10. If the Appeals Committee determine that there is sufficient new evidence that may have altered the outcome, where appropriate they will ask for the matter to be reinvestigated prior to the appeal meeting being reconvened.

6. Potential Appeal Outcomes

6.1. The Appeals Committee can determine to:

- dismiss the appeal – where the original outcome is considered as fair and reasonable in the circumstances;
- uphold the appeal – to overturn the original outcome;
- partially uphold the appeal – where it is acknowledged there have been minor discrepancies during the procedure but on balance the original outcome is considered to be correct.

6.2. If the employee's appeal is dismissed, the original outcome will remain.

6.3. If the employee's appeal is upheld the Committee, in the case of capability, disciplinary, probationary, redundancy or sickness absence, may determine that:

- a lower level of action is more appropriate; or
- any action is withdrawn, all written references to it will be deleted from the employee's personal file. However, in safeguarding matters a record must be kept of the allegation, the investigation, any suspension, and subsequent outcome. The employee will be provided with a summary of the information in writing which will be kept on their personal file.

The Committee is not able to issue a higher sanction than previously issued.

6.4. If the employee is reinstated, it will be with immediate effect and there will be no break in the employee's continuity of service, pension, or other applicable benefits. The employee will be paid for the period between the original date of termination of their employment and the date it was determined to reinstate their employment (offset against any pay in lieu of notice or other termination payments).

6.5. The Chair of the Committee will, within 5 workings days of the meeting, confirm in writing to the employee the decision of the Committee.

6.6. The decision of the Committee will be the final decision of the school.

7. Review

7.1. This procedure was agreed by the Governing Body of Larkspur Primary School on 22 October 2026

7.2. It is a non-contractual procedure and does not form part of an employee's contract of employment.

7.3. The school may amend it at any time subject to consultation with all employees and recognised trade unions