

Oldham Metropolitan Borough Council

APPEALS PANEL PROCEDURE IN APPEALS AGAINST DISMISSAL ON THE GROUNDS OF REDUNDANCY

1. Preamble

- 1.1 Appeals against dismissal will be heard by a panel of three Members, one of whom will act as Chair and who will have a casting vote.
- 1.2 The Appellant must have set out their reasons for appeal beforehand. This will dictate the extent to which the Panel review the decision to dismiss on the grounds of redundancy.
- 1.3 The Chair will control the procedure with the advice and assistance of the clerk, who will normally be a Corporate HRA but may from time to time be a legal officer.
- 1.4 The Chair will ensure that the procedure is followed and the evidence presented is relevant.
- 1.5 The Chair will make it clear that the decision of the panel is final.
- 1.6 The Panel may adjourn at any point in the proceedings.
- 1.7 There will be a full review of the decision to dismiss and any evidence, which was not before the disciplinary officer but which is relevant to the dismissal will be taken into account.
- 1.8 The Panel has the power to overturn the decision or to return it to the disciplining officer in exceptional circumstances where significant new and relevant evidence has come to light.
- 1.9 In coming to a decision the Panel must decide on the basis of what a reasonable employer with knowledge of those facts and properly advised in law would have done.
- 1.10 Any documentation to be presented at the hearing will be copied to each member and party at least 5 days before the hearing. Evidence which comes to light either within this time frame or at the hearing will be considered by the Panel.
- 1.11 The Panel will have the option of requesting reading time before the start of the hearing.
- 1.12 Witnesses will not be permitted to remain in the room unless circumstances dictate otherwise.

1.13 The purpose of the hearing is to:

Assess the grounds for appeal as presented by the Appellant or their representative, together with the case, which will normally be presented by the dismissing officer.

Judge the fairness of the original decision in the light of all the available evidence, having regard to equity and the substantial merits of the case, i.e. be fair in all the circumstances.

2. Order of Presentation

2.1 The Chair introduces the participants and outlines the procedure to be used.

2.2 The Appellant and/or their representative presents the case for the Appellant who may present documentary evidence and call witnesses who may be questioned in the following order:

By the appellant and/or their representative
By the dismissing officer/management representative
By the Panel and Advisor
The Appellant /representative has the right to re-examination.

2.3 The dismissing officer/management representative presents the management case and may present documentary evidence and call witnesses who may be questioned in the following order:

By the dismissing officer/management representative
By the appellant and/or their representative
By the Panel and Advisor
The dismissing officer/management representative has the right to re-examination.

2.4 The dismissing officer/management representative summaries the case for management.

2.5 The Appellant/representative summarises the case for the Appellant.

2.6 The Chair requests the parties to withdraw but may call upon either party in the presence of the other to clarify a point.

2.7 The Chair recalls both parties and either conveys the decision orally or reserves the decision, in the presence of both parties.

2.8 The decision will be confirmed in writing to both parties with reasons as soon as is reasonably practical, but in any event within 5 days of the close of the hearing.