

## Appendix 'C' - Appeals

It is proposed that the following draft procedure be used to deal with appeals raised through the LCC transformation process, subject to trade union consultation and agreement.

### Transformation Appeals Procedure

#### **Stage 1 of the Recruitment Process**

This procedure will be used to deal with appeals during Stage 1 of the recruitment process. Appeals may be made in relation to shortlisting or appointment decisions. An appeal may be made in respect of each post that an employee is interviewed for or for which they are not shortlisted.

Appeals will only be considered in the following circumstances:

- (1) where an employee feels that the recruitment process failed to follow the approved procedure, or
- (2) where an employee feels they have been treated less favourably because of a protected characteristic<sup>1</sup> they possess, as set out under the Equality Act 2010, or that reasonable adjustments were not made to enable them to fully participate in the interview process and they feel they have been disadvantaged because of this.

Appeals will not be considered where the sole ground of appeal is that the employee considers that they were the best candidate for the post being interviewed for and should therefore have been appointed.

The appeal process does not cover the refusal of a request made by the employee for any form of flexible working. Any issue relating to the refusal of any form of flexible working will be considered under the relevant Council procedure that applies.

#### **Appeals Process**

Where an employee wishes to appeal against a decision under this procedure, they must set out their ground(s) for appeal by email or in writing within 5 working days of receiving notification of the decision.

The appeal must be sent to the Restructure Support Team **(add link to mailbox address and consider quoting a postal address)**.

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<sup>1</sup> There are nine protected characteristics contained within the Equality Act 2010. These are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Appeals will be heard by a manager who has had no prior involvement in the decision that is being appealed.

An appeal hearing will be convened to hear the appeal, normally within 5 working days of receipt of the written notification of the appeal.

The manager hearing the appeal may be advised at the appeal hearing by a member of the Corporate HR Team.

The employee has the right to be accompanied at the appeal hearing by a work colleague, trade union representative or an official employed by a trade union. Appeal hearings will not normally be adjourned on the basis that a work colleague, trade union representative or official employed by a trade union is unavailable.

At the hearing, the employee (or their representative) will present their case for appeal.

The chair of the recruitment panel will respond.

The manager hearing the appeal will then consider the submissions made and reach a final decision on the case. The outcome of the appeal will be confirmed to the employee in writing within 5 working days of the hearing.