Exmouth Town Council
Town Hall, St Andrews Road
Exmouth, Devon, EX8 1AW
tel: 01395 276167
email: reception@exmouth.gov.uk
www.exmouth.gov.uk

APPEAL HEARING PANEL

Purpose: To provide an appeal mechanism for dealing with employee related disciplinary or grievance issues and stage two formal complaints from the public in a way that is fair, consistent, without discrimination and as quickly as possible. The purpose of an appeal hearing is for an appeal panel to examine all the written and oral evidence presented by both parties to decide whether the appeal is upheld or not.

The Town Council's appeal mechanism excludes any matters which may be considered under alternative or statutory arrangements, for example a complaint that has been investigated by the Local Government Ombudsman or complaints about Councillors.

Membership: Six members. (Appeal Hearing Panel meetings will comprise three of the six designated members. Appointed members should be totally impartial and should not be members of the HR Group or any Committee dealing with an ongoing complaint).

Quorum: Three members

Power: Local Government Act 1972, s 112

Delegated Authority: Yes - the Appeal Hearing Panel has delegated powers to act on behalf of the Full Council in relation to the defined terms of reference and any decision(s) made by the Appeal Hearing Panel will be final.

1. Terms

1.1. The Council's Standing Orders apply to all meetings of the Panel.

1.2. The Panel shall be appointed on an annual basis at the Annual Meeting of the Town Council.

1.3. The first order of business of the first meeting of the Panel after its annual appointment will be to elect a Chairman.

1.4. The Town Clerk will call meetings of the Appeal Hearing Panel as and when necessary.

1.5. Meetings shall not be open to the public.

1.6. Members of the Panel will receive an agenda and supporting papers in accordance with the Council's Standing Orders.

1.7. Confidential meeting notes will be published in accordance with the Council's Standing Orders.

2. Responsibilities

2.1. DISCIPLINARY APPEALS

(Please refer to the Town Council's Disciplinary Procedure)

The Appeals stage of the disciplinary process is part of the Code of Practice to which an
employee has a right. It can be exercised within five working days following the determination of a disciplinary hearing.

The Appeal should be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing.

At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be
increased. The decision taken at the Appeal hearing will be final.

2.2. GRIEVANCE APPEALS

(Please refer to the Town Council's Grievance Procedure)

If the employee is dissatisfied with the decision of the line manager on his/her complaint, s/he may appeal against the decision to the Chair/Mayor or other elected Member by written notice within five working days of the decision. An Appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as she/he shall consider appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as she/he may consider necessary to resolve those issues. Where the council's Chair or Mayor has chaired the initial grievance meeting the Vice Chair or Chair of another committee will hear the appeal as a hearing manager the decision of the Appeal Hearing Panel will be final. The council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

2.3. FORMAL COMPLAINTS – Stage 2 Appeal to review Stage 1 response

(Please refer to the Town Council's Complaints Policy)

The implementation of an Appeal Hearing Panel to hear Stage 2 complaints is designed
specifically, to ensure that:

- Formal Complaints are being properly investigated and managed at Stage 1 as outlined below (extract taken from the Town Council's Complaints Procedure)
- Members' are able to intervene in the complaints process and review perceived maladministration

The role of the Appeal Hearing Panel is to review the way a complaint has been dealt with
at Stage 1 and to decide based on fact and evidence presented, whether the complaint has been dealt with:

- fully and correctly
- in part
- not at all
- incorrectly

Adopted by Exmouth Town Council on 13th May 2024.

Reaffirmed 18th May 2026
Review date: May 2027