

## How To – Appeal Process

It is unlikely that a Line Manager will be able to agree to every new request for flexible working due to the business and service delivery needs of the Council.

In such circumstances, an employee may wish to appeal on a number of grounds.

- It may be to bring to their attention something that the Line Manager/Supervisor may not have been aware of when they rejected the application e.g. that another member of staff is now willing to cover the hours.
- Or it may be to challenge a fact the Line Manager has quoted to explain why the business reason applies.

### The Process

Appeals should be made in writing to the line manager in the first instance.

The Appeals Process takes the form of an independent review of the outcome of the meeting to discuss the request for flexible working.

**Managers should contact HR to discuss and agree a suitable independent manager to review the appeal.**

### The Outcome

If the appeal is upheld the written decision must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect and
- Be dated.

If the appeal is dismissed the written decision must:

- State the grounds for the decision
- Provide an explanation as to why the grounds for refusal apply in the circumstances;
- Be dated.

**Template letters can be found on the Managers EDMS site.**

### Where an Employee Fails to Attend an Appeals Meeting

An employee who fails to attend an appeal meeting without notification should contact the Manager as soon as possible to explain their absence. The Manager may rearrange the meeting at the next mutually convenient time. Where the employee fails to attend a meeting more than once and does not provide a

reasonable explanation, the Manager should treat the appeal as having been withdrawn and should write to the employee confirming this.

### Unresolved Applications

There may be cases where, even after appeal, an employee feels their application has not been dealt with to their satisfaction. The employee may be thinking of involving a third party or making a complaint to an Employment Tribunal.

If Managers are aware of such cases, they should talk to the employee informally and encourage discussion again to try to explain and resolve the situation. It may well be that there is a misunderstanding of the procedure, which the employee thinks affected the Manager's decision.

### Fairness at Work Policy

If an employee feels the procedures for requesting flexible working has been inappropriately or unfairly applied, they should be encouraged to make a complaint through the [Fairness at Work Policy](#) before approaching a third party or Employment Tribunal.