

How To - Conduct an Independent Review

An independent review will be held as part of an appeal process under the following policies and procedures:

- ✓ [Achieving & Maintaining Standards](#) - Performance (employee appeal against an improvement notice)
- ✓ [Maximising Attendance Procedure](#) (employee appeal against an improvement period)

The purpose of the independent review is to:

- ✓ Clarify the detail of the employee's grounds of appeal and reasonable redress being sought
- ✓ Determine if the action taken was reasonable in the circumstances
- ✓ Reach a decision as to whether the action taken was appropriate in the circumstances.

Type of independent review

An independent review will be conducted by a manager who has not previously been involved in the case, and a representative from Human Resources will provide the manager with advice and guidance as required. The manager is responsible for determining the most appropriate method for the independent review to be completed.

An independent review can be undertaken in one of the following two ways:

- ✓ A paper based review of action taken.
- Or
- ✓ The manager and a representative from Human Resources meet separately with both parties (employee and manager) to acquire information and then adjourn to review the action taken.

In determining which method is most appropriate, the employee's grounds of appeal, and their complexity, (from the letter of appeal) should be considered. In normal circumstances, the availability of information from the employee's personal file will help determine if there is sufficient detail for a paper based review or if meetings are required to gather more information.

Further information can be acquired from the employee regarding their grounds of appeal to assist with this evaluation, where this is required. This can be in writing or through a meeting.

Key activities for managers undertaking an independent review are:

Gather information

Paper based independent review

- ✓ Advise the employee, in writing, that a paper based independent review will be undertaken, the process to be followed and the timescales for this. Provide the employee with an opportunity to submit any reasonable and relevant written evidence in support of their case. A reasonable timescale should be provided for any submissions to be made.
- ✓ Collect relevant information from the employee's personnel file from Human Resources.
- ✓ Contact the relevant manager, in writing, to:
 - Advise them that an appeal has been lodged
 - Advise them of the grounds of appeal and reasonable redress being sought
 - Request submission of any paperwork relevant to the improvement period/notice not contained within the personnel file. A reasonable timescale should be provided for any submissions to be made.
- ✓ Meet with the representative from Human Resources to evaluate information that has been gathered.

Meeting based independent review

How to arrange an independent review meeting:

- ✓ Arrange suitable meeting dates. Parties should be met with separately, the employee first and manager second. Sufficient time should be provided between these meetings to allow the panel to evaluate information provided and prepare any questions.
- ✓ Provide the employee with a [letter](#) detailing the process to be followed and timescales. The employee should be given a minimum of 5 working days notice of any meeting.
- ✓ Collect relevant information from the employee's personnel file from Human Resources.
- ✓ Provide the manager with a letter detailing the process and timescales. The manager should be given a minimum of 5 working days notice of a meeting. Where required, specify any further information that is required at the meeting from the manager.

As part of the independent review:

- ✓ Consider if there is a reasonable basis for the appeal.
- ✓ Determine if there is new information that was not considered during the previous stage or if the relevant procedure has not been followed.
- ✓ Reach a decision, on the balance of probability, whether management action was appropriate in the circumstances. That is, when balancing or considering all of the available evidence, determine whether it is probable and likely that management action was reasonable and appropriate in the circumstances of the case.
- ✓ In the case of an independent review meeting, consider if further information is required before a decision can be reached on this matter, (e.g. from other persons present at the meeting that resulted in the improvement period/notice). This may take the form of information gathering, interviews with other employees or a formal investigation.
- ✓ In the case of an independent review meeting, if further information is required, what are the timescales that are reasonable for this to be acquired.

Evaluate the appeal

Having gathered all relevant information whether through paper based or face to face meeting, the manager should then consider all evidence to determine whether the decision taken was fair and reasonable in the circumstances.

Output of the independent review process:

- ✓ A letter is issued to the employee and manager to advise of the decision reached, rationale and any further action to be taken. This should be issued without unreasonable delay.
- ✓ Where further information is deemed necessary, explain the timescales for this to be acquired and a decision reached.
- ✓ Where a decision has been reached, confirm that there is no further right of appeal.
 - Confirm the decision of the independent review in writing without unreasonable delay.
- ✓ Ensure copies of letters are uploaded to My View as per guidance.

[My Team Documents](#)