



APPEALS POLICY AND PROCEDURE

Subject:	Appeal Policy and Procedure
Version:	2
Date Implemented:	September 2023
Review Date:	September 2026
Responsible Lead:	Head of Human Resources
Responsible Sub Lead:	Director of Human Resources
Target Audience:	All Sonic Healthcare UK Employees
Related Documents and Policies:	Investigation and Disciplinary Policy and Procedure Absence Management Policy and Procedure Capability Management Policy and Procedure Grievance Policy and Procedure Flexible Working Policy and Procedure
Policy Type:	Contractual

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1. Introduction

- 1.1 Sonic Healthcare UK (The Company) is committed to the delivery of first class clinical laboratory diagnostic services and expertise, and our values are fundamental to this. This policy has been developed with these in mind and is intended to be implemented within the spirit of these values. Our core values are displayed at various places on company premises and on the Company website: www.sonichealthcareuk.co.uk
- 1.2 All employees of TDL and HSL have the right of appeal against a formal management decision/action.
- 1.3 Where any contractual policy refers to the right of appeal, the Appeals Policy and Procedure policy will be followed.
- 1.4 The appeal will be heard by a manager who is more senior and has not previously been involved in the process. Where an appeal involves dismissal, the hearing manager will be a company director.
- 1.5 By following the Appeal process (Appendix 2) there is clear guidance outlining how to raise a formal appeal, following the issue of a formal sanction by a manager in line with any contractual policies and procedures in place within Sonic Healthcare UK.

2 Purpose

- 2.1 The purpose of this policy is to make employees aware of their right of appeal and of the process that is followed at Appeal Hearings.
- 2.2 All matters discussed during the Appeal procedure must be kept confidential by all parties.
- 2.3 The purpose of the appeal procedure is to ensure that formal decisions made at previous proceedings were fair and reasonable in all circumstances and that the appropriate processes were followed in reaching decisions.
- 2.4 This policy and procedure applies to all employees.

3 Duties

3.1 Employee's Responsibilities

- Fully comply with Sonic Healthcare UK's code of conduct and always act in line with the company's core values.

- Where an appeal has been raised engage fully with the appeals procedure.
- Provide timely and clear evidence and description of the grounds of appeal.

3.2 Appeal Manager's Responsibilities

- Address the grounds of appeal raised by an employee in a timely manner.
- Where appropriate, fully investigate the grounds of appeal and carry out due diligence in order to ensure appropriate steps and processes have been followed in previous stages.
- Ensure the appeal procedure is followed using Appendix 2 – Process Flow Chart.

3.3 Human Resources Department Responsibilities

- Support all parties with understanding the following process.
- Advise managers on best practise when dealing with an appeal.
- Ensure there is fairness and consistency when implementing the following policy across the business.

3.4 Witness Responsibilities

- All witnesses, where requested, must provide a written statement which is dated and signed prior to the formal appeals hearing.
- If appropriate and where possible all witnesses should attend the formal appeals hearing.
- Witnesses must ensure their manager is aware that they are attending a hearing to give evidence.
- Witnesses who are not employees may submit their statements if they are unable to attend the hearing.

4 Definitions

4.1 **'Employee'** refers to the individual submitting an appeal.

4.2 **'Appeal Manager'** is the Senior Manager/ Director responsible for deciding on an employee's appeal against an outcome made by a manager.

- 4.3 **Working day** - for the purposes of this policy and procedure the working days are Monday to Friday except for bank holidays.

5 Policy Development

- 5.1 Every 3 years or considering legislative changes or further guidance being issued and at Management or Staff Side request.
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6. Policy Principles

- 6.1. Any employee who wishes to appeal must complete Appendix 1 attached to this document and submit it to the Head of HR within 10 working days of the date of receipt of the letter giving written notice of the outcome. This period may be extended by the Head of HR only in exceptional circumstances.
- 6.2 No employee shall be discriminated against for lodging a formal appeal either at the point of lodging the appeal or subsequently.
- 6.3 Confidentiality will be maintained throughout the appeal process by all those involved. Any breach of confidentiality may result in disciplinary action.
- 6.4 The notice of appeal must clearly state the grounds on which the appeal is being lodged. The accepted grounds will normally be that:
- the evidence used is disputed;
 - the outcome was unfair and unreasonable.
 - the procedure was not followed correctly.
 - that further new evidence or information came to light which, had it been known at the time of the hearing, may have affected the manager's decision. [This must be information/evidence that was unavailable at the original hearing/meeting and is pertinent to the case].
- 6.5 Where complaints or grievances arise in relation to an investigation or disciplinary process, they will be dealt with at the initial meeting itself and/or at the appeal hearing depending on what is deemed to be the appropriate course of action.
- 6.6 Appeals will normally be heard within 20 Working Days of the date of receipt of the notice of appeal. This period may be extended only in exceptional circumstances.
- 6.7 Appeals will be heard by a more senior manager than the manager that made the original decision. Where an employee is appealing against a dismissal, the appeal will be heard by a company director who has not been involved at any previous stage of the case.

- 6.8 The hearing will include a representative of the Human Resources Department to advise on policy and procedure. In cases where it is deemed to be necessary by the Appeal Manager, a subject matter expert may also be included on the panel.
- 6.9 The role of the Appeal Manager is to determine whether the action which is the subject of the appeal was fair and reasonable, taking into consideration all the relevant facts and circumstances of the case.
- 6.10 Individuals that wish to submit any additional documents relating to the appeal must do this at least 5 working days before the appeal hearing takes place. This submission should include anything the individual wants to present at the hearing, and any points they wish the Appeal Manager to review as part of the process.
- 6.11 Throughout the Appeals process, and at the Appeal Hearing, the employee has the right to be accompanied by a representative from a trade union or by a work colleague employed by Sonic Healthcare UK, provided the companion is not acting in a legal capacity.
- 6.12 The potential outcomes of an Appeal hearing include:
- To fully overturn the initial management decision.
 - To uphold aspects of the management decision and overturn others.
 - To recommend an alternative solution or outcome where all or part of a decision is overturned;
 - To 'downgrade' the sanction in place, e.g., dismissal to final written warning;
 - To recommend additional investigation and reconsideration of the initial decision.
 - To recommend a new, full, investigation to take the place of the first investigation which led to the decision under appeal.
 - To fully uphold the initial management decision or sanction.
- 6.13 The decision of the Appeal Hearing is final and there is no further right of appeal.
- 6.14 Records relating to appeals will be kept confidentially by the Human Resources Department, in line with the GDPR. Where appropriate, records will include a copy of the written statement, the response, correspondence about the formal procedure, the outcome, documents relating to any appeal and any subsequent developments. Copies of meeting records will be given to the employee, including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld from the employee.
- 6.15 Audio or video recording should not be undertaken in secret or without the consent of all parties. An employee may be prevented from relying on that

audio/video recording at any subsequent internal meetings or appeals, and possibly in any legal proceedings. Any attempt to covertly record a meeting without authorisation from all parties present may result in disciplinary action.

7. Policy Procedure

7.1 The procedure for an Appeal Hearing is as follows:

7.1.1 The Appeal Manager will open the meeting and confirm the points of appeal being considered. Where there is any discrepancy, these will be confirmed at the start of the hearing by the individual to ensure clarity.

7.1.2 The employee, and/or their representative, will be asked to present their case to the chair, including presenting any additional documentation submitted 5 days prior to the meeting.

7.1.3 In instances where there is more than one appeal point being considered, the individual will be encouraged to talk through each point one by one.

7.1.4 The Appeal Manager will have an opportunity to ask questions to clarify their understanding.

7.1.5 Once all appeal points have been discussed, the Appeal Manager will confirm with the individual if there is anything further they wish to be considered.

7.1.6 The Appeal Manager will clarify with the individual what outcome they are seeking.

7.1.7 There will then be an adjournment while the Appeal Manager considers the information they have heard and reviews whether they are able to reach a decision.

7.1.8 Wherever possible, the decision of the Appeal Manager will be communicated to the individual verbally, following the adjournment.

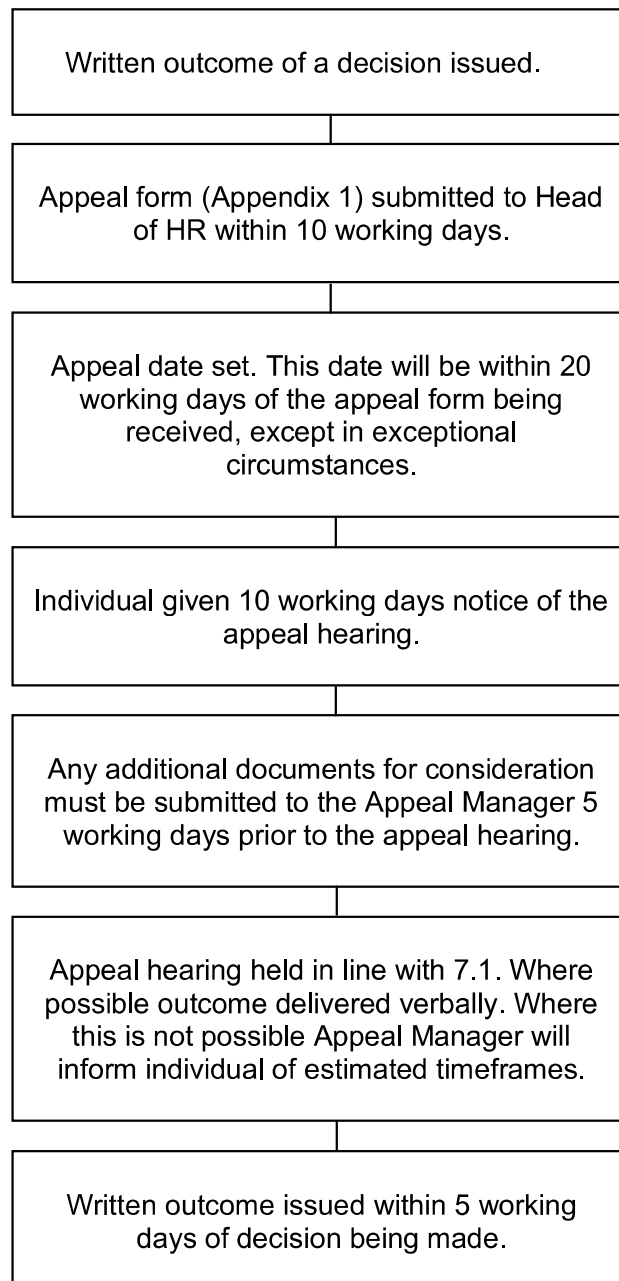
7.1.9 Where it is deemed by the Appeal Manager that providing an outcome at the appeal hearing is not possible and requires further review/ investigations, this will be communicated and confirmed to the individual following the adjournment. An estimated timeframe will be given to the individual, and any changes to this will be communicated.

7.1.10 A written outcome will be provided at the conclusion of the appeals process. This will be issued to the individual within 5 days of a decision being made.

7.1.11 Should any party require an adjournment at any time during proceedings, then this request should be made to the Appeal Manager, with an indication of the length of time required.

Appendices

Appendix	Title
1	Appeal Form
2	Process Flow Chart

Appendix 2 – Process Flow Chart

Approval and Ratification

Name of Document: Sonic Healthcare UK Appeals Policy and Procedure


This policy was agreed between Management and Staff Side at the Sonic Healthcare UK Partnership Group Meeting in September 2023

Name of Management Chair:
Alwyn Neyton

Signature: 
Alwyn Neyton (Aug 22, 2023, 2:06pm)

Date: 22 Aug 2023

Name of Staff Side Chair ratifying this document:
Beverley Wallace

Signature: 
Beverley Wallace (Sep 20, 2023, 3:05pm)

Date: 20 Sep 2023

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