



APPEAL HEARING GUIDELINES & PROCEDURES

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1. PURPOSE

- 1.1 These guidelines provide advice and guidance to managers appointed to hear appeals. It is important that this document is read in conjunction with the specific guidance notes for each policy/procedure under which the appeal is being made.

2. SCOPE

- 2.1 This is a group level policy that applies to all employees of the subsidiary companies of Anglian Water Group Limited, with the exception of Celtic Anglian Water Limited, Alpheus Environmental Limited and Wave Limited (and their respective subsidiaries).
- 2.2 The guidelines/procedures are to be applied where an employee wishes to exercise their right to appeal against:
- a First or Final Improvement Notice issued under the Company's Supporting Attendance Policy;
 - a First or Final Warning issued under the Company's Disciplinary Policy;
 - a Final Improvement Notice issued under the Company's Performance Improvement Policy;
 - the outcome decision of a formal grievance under the Company's Grievance Policy;
 - a decision to refuse a Flexible Working request;
 - individual pay score/PDR score; and/or
 - a decision to dismiss the employee on the grounds of attendance, conduct, health or performance capability.

3. STATUS

- 3.1 The guidelines/procedures are subject to regular review by the Company and are updated as appropriate.

4. OWNER

- 4.1 Head of Employee Relations.

5. PROCEDURE

- 5.1 [Appendix 1](#) provides a flowchart illustrating the appeal procedure.
- 5.2 If an employee wishes to exercise their right of appeal, they must:
- submit their appeal in writing, within 14 calendar days from the date the outcome decision was communicated to them;
 - address their appeal to the appropriate Employee Relations Manager and send it to the employeerelations@anglianwater.co.uk mail box;
 - clearly state their grounds of appeal, which must be about:
 - a failure in the process;
 - a misinterpretation of evidence or events;
 - the availability of new evidence; and / or
 - a belief that the outcome/sanction was unreasonable, inconsistent or erroneous in the circumstances;

- not use the appeal procedure to raise new, unrelated, issues that have not been mentioned previously; and
 - indicate whether they wish their appeal to be heard face to face or through correspondence. **Please note** that in some circumstances it may not be appropriate for an appeal to be heard through correspondence.
- 5.3 An Appeal Hearing will be arranged, wherever possible, within 28 days of the receipt of an eligible appeal, i.e. where the employee has:
- raised an appeal in accordance with Company policy; and
 - submitted their appeal in writing, within the prescribed timescale to the Employee Relations Manager; and
 - demonstrated that their grounds for appeal meet the prescribed criteria (see 5.2).
- 5.4 The Company will provide a minimum of 48 hours' written notice of all formal face to face meetings unless otherwise agreed in advance.
- 5.5 Appeals will be heard by an appropriate, independent senior manager. An Employee Relations Manager (ERM) /Employee Relations Advisor (ERA) will attend the meeting in an advisory capacity and to take the meeting notes, which may include the use of Company electronic recording equipment. The employee's use of personal electronic recording equipment of any description is not permitted.
- 5.6 Employees must provide copies of any documents/names of any witnesses, in support of their appeal at least 3 working days in advance of the appeal meeting.
- 5.7 The Appeal Manager will explain the purpose of the meeting and give the employee a choice to present their appeal grounds. Alternatively, the parties may agree to carry out the appeal by correspondence. Whichever mechanism is used to hear the appeal, all parties will be given the opportunity to present their case.
- 5.8 The Appeal Manager will consider the evidence presented and has the authority to:
- uphold the appeal (vary or overturn the original decision) and:
 - if the employee was dismissed, to reinstate them; and
 - to take a lesser level of action, e.g. reduce a dismissal to a Final Warning; reduce a Final to a First Warning; reduce a First Warning to an informal warning if appropriate;
 - remove any warning issued from the employee's record;
 - make recommendations for actions to address the concerns raised;
 - dismiss the appeal and confirm the original decision (and any sanction applied) by the Manager hearing the original case.
- 5.9 The Appeal Manager should communicate their decision orally, which will be confirmed in writing within 14 calendar days of the appeal meeting or receipt of final correspondence.
- 5.10 The decision by the Appeal Manager will constitute the Company's final response.
- 6. RIGHT TO BE ACCOMPANIED**
- 6.1 Employees have the right to be accompanied by a Trade Union representative or workplace colleague at an appeal hearing. If the employee wishes to take up their

right to be accompanied, they must notify the Company without unreasonable delay and as far as possible in advance of the meeting, who they have chosen to accompany them.

- 6.2 It is the responsibility of the employee to arrange their own companion and provide their companion with any relevant information.
- 6.3 The chosen companion may address the meeting, put forward and sum up the case for appeal, respond on behalf of the employee to any views expressed at the meeting and confer with them during the meeting. The chosen companion is not permitted to answer questions on behalf of the employee, address the meeting without the employee's expressed permission or prevent them from explaining their case.
- 6.4 If the chosen companion is unable to attend a meeting, another date for the meeting can be suggested, as long as it is reasonable and not more than 7 calendar days after the date originally proposed by the Company. The Company will make reasonable steps to agree an alternative time and date.

7. RECORDS

- 7.1 It is the Company's standard practice to send all written correspondence by email. Where this is not possible (i.e. the employee does not have a Company email account), it will be sent by standard mail.
- 7.2 All information will be held on the employee's record in accordance with the Company's Data Retention [Policy](#).

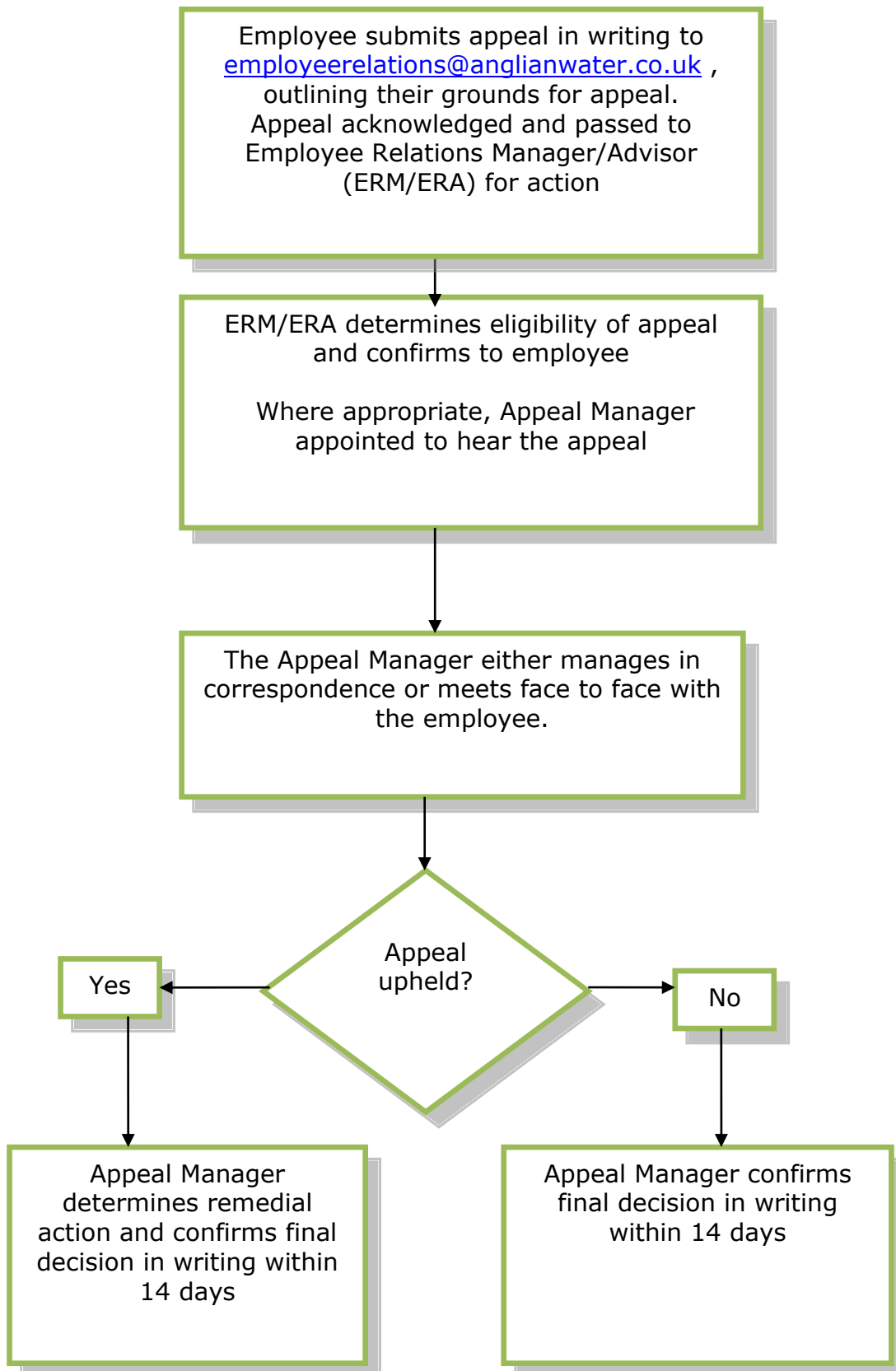
8. FURTHER ASSISTANCE

- 8.1 For general queries or for advice and guidance on the application of these guidelines please contact your Employee Relations Manager / Employee Relations Advisor.

LAST REVIEWED

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APPENDIX 1 – FLOWCHART OF THE APPEAL PROCEDURE



APPENDIX 2: APPEAL MEETING FORMAT (not necessarily held face to face)**1. Introduction**

The Appeal Manager will:

- 1.1 Ask all those present to introduce themselves, including name, job title and role at this meeting.
- 1.2 State the date, time and location of the meeting.
- 1.3 Outline the reason for the meeting.
- 1.4 Remind the employee of their right to be accompanied by a fellow worker or recognised Trade Union representative.
- 1.5 Explain the meeting format.
- 1.6 Explain how the meeting will be conducted, including the use of adjournments.
- 1.7 Emphasise the importance of confidentiality by all parties.
- 1.8 Explain that the Company notes will constitute the formal notes of the Meeting.

2. Employee Presents

- 2.1 The employee gives their reasons for appealing.
- 2.2 The Line Manager has the opportunity to ask questions.
- 2.3 The Appeal Manager may confirm, question or clarify as necessary.

3. Management Response

- 3.1 The Line Manager gives their reason for their decision.
- 3.2 The employee has the opportunity to ask questions.
- 3.3 The Appeal Manager may confirm, question or clarify as necessary.

4. Summary

- 4.1 The employee summarises.
- 4.2 The Line Manager summarises.
- 4.3 The Appeal Manager seeks clarification on any points (if needed).

5. Confirmation of next steps

The Appeal Manager will:

- 5.1 Explain the procedure and let the employee know if they need time to investigate.
- 5.2 Let the employee know if they anticipate any delays (e.g. holidays).
- 5.3 Confirm that the formal notes of the appeal meeting will be sent to the employee, advising that it is the employee's responsibility to provide a copy to their representative if they wish.
- 5.4 Confirm how the decision will be communicated to the employee, i.e. orally and in writing OR in writing only.

6. Conclusion

Following the appeal meeting and investigation (where necessary), the Appeal Manager will reach a conclusion and will communicate their findings and decision to the employee as agreed (see 5.4). The Appeal outcome letter will confirm that this represents the final response from the Company.