

11. APPEAL AND REVIEW PROCEDURE

This appeals procedure relates only to JE matching, grading and related pay issues. Any other queries or concerns should be addressed via the appropriate local procedure.

11.1. Governance

11.1.1. Appeals Panels will be the responsibility of the local Probation Area.

11.1.2. The decision of the panel is final as it relates to JE matching, grading and related pay issues.

11.1.3. Any other queries or concerns raised by members of staff should be addressed through the appropriate local procedure. The substance of appeals raised through the JE Appeal Procedure cannot also be raised elsewhere.

11.1.4. The JE Appeals Process will be used by all Probation Areas.

11.1.5. Powers of review will be retained by the NNC and the National Probation Directorate insofar as ensuring consistency is concerned.

11.2. Constitution of Appeals Panels:

11.2.1. Appeals Panels will be established in each Area of the Probation Service and local management will be responsible for convening such panels.

11.2.2. Formal Appeals should be heard by a joint panel of three members not all of whom have been previously involved with the matching or evaluation of the job.

11.2.3. Members of the Panels will be drawn from those who have received training in the JE scheme either in Job Matching or Job Evaluation. This may include Members of the local Probation Board.

11.2.4. The Panel should have at least one representative from the recognised trade unions.

11.2.5. The Chair of the Appeals Panel should be a locally agreed and trained person who has the confidence of all parties. The Chair will be responsible for keeping a written record of proceedings and ensuring that the appropriate formalities are observed. The Chair is responsible for leading the Panel to a consensus decision and will sign the final letter advising the appellant of the outcome of the appeal.

11.3. Terms of Reference for Appeals Panels

11.3.1. Panels will be responsible for conducting hearings for the final, formal, stage of the JE Appeals process.

11.3.2. The panel will only be convened when all other procedures, as set out in the JE User Guide have been exhausted

- 11.3.3. The appeal should be heard by the joint panel which will:
- Apply the procedure exactly as for the original matching;
 - Consider whether the new information/representations change the original match;
 - Complete a new matching form
- 11.3.4. The appellant(s) may make oral or written representations to the panel, and may be accompanied by a union representative or workplace colleague. Any written submission must be available to the panel at least five working days before the appeal is heard.
- 11.3.5. The purpose of the meeting is to enable panel members to fully understand the reason for the appeal and clarify any areas of misunderstanding.
- 11.3.6. A written note of proceedings will be required for future reference
- 11.3.7. The appellant(s) and representative should not be present when the actual matching takes place.
- 11.3.8. The appellant(s) should be notified in writing as soon as possible of the outcome of the formal appeal, normally within 20 working days of the date of the hearing.
- 11.3.9. Notification of the outcome should be in writing, normally in the form of a new or revised matching form. Any subsequent changes to employment contracts should be handled in the normal way.
- 11.3.10. The decision of the Appeals Panel will be final

11.4. Summary

There are a number of situations in which an employee or group of employees may wish to appeal against or seek review of the grading of their jobs:

- (A) Disagreement over matching of their job(s) to a national profile
- (B) Disagreement over the local evaluation of their job(s)
- (C) The job has changed significantly since the original matching or local evaluation.

Each of these situations is dealt with separately. The final section (D) deals with new jobs.

11.5. Terminology

11.5.1. For the purposes of this procedure, the stages are designated as follows:

Stage 1: *initial evaluation or matching* of job

Stage 2: *review* of initial evaluation or matching, where changes to the job have occurred.

Stage 3: *appeal* against initial evaluation or matching, or against re-evaluation or re-matching on review.

11.5.2. The procedure is written to apply to an individual wishing to appeal or request a review of their job grading. Where a group of employees carrying out the same job wish to appeal or request a grading review, the method for dealing with this should be agreed locally, but the expectation is that a representation from the group will put the case on behalf of all their colleagues

11.6. (Situation A) Disagreement over Matching to National Profile

11.6.1. Grounds for Appeal

- An employee (or group of employees) may appeal against the matching of their job on one or more of the following grounds:
 - Insufficient or otherwise inadequate information was available to the panel which undertook the initial matching of the job;
 - The available job information was misunderstood or misinterpreted by the matching panel;
 - The job is significantly different from that which was matched to the national profile.

11.6.2. Initiating an Appeal

- An employee (or group of employees) who wishes to appeal against the matching of the job must submit the claim in writing to the appropriate HR Manager within 20 working days of publication of the results by completing a blank matching form, explaining under each of the JE factor headings the information they consider should have been taken into account.

11.6.3. Informal Appeal

- As a first step, to allow for clarification and possible resolution of the issues, the appeal should be discussed informally between the employee, a management representative (normally from the HR department) and a union representative (if appropriate) as soon as possible and, in any event, within one month of the submission of the appeal request.
- It will be helpful if the informal meeting is attended by a trained matching panel member, so that the rationale for the current grading and be explained and the questions for appeal identified.

11.6.4. Formal Appeal

- If the appeal is not settled or withdrawn as a result of the informal meeting, the formal appeal must commence within one month of the informal appeal date.
- The formal appeal should be heard by a joint panel of at least three members who have all been trained in Job Matching or Job Evaluation with a locally agreed Chair. Members should not have been previously involved with the matching or evaluation of the job. The panel must have both management and union nominees. The panel will:
 - Apply the procedure exactly as for the original matching;
 - Consider whether the new information/ representations change the original match;
 - Complete a new matching form.
- The appellant may make oral or written representations to the panel, either in person or through a union representative or workplace colleague if desired. The purpose of the oral representations is to clarify the issues. The panel may ask questions. The appellant and representative should not be present when the actual matching takes place.

11.6.5. Notification

- The appellant should be notified as soon as possible of the outcome of the formal appeal and, in any event, within 20 working days of the date of the hearing.
- Notification of the outcome should be in writing, normally in the form of a new or revised matching form.

11.6.6. Remedy

- Where the appeal results in a change of grading, then this should be implemented as from the date at which the original grade became effective.

11.7. (Situation B) Disagreement over Local Evaluation of Job

11.7.1. Grounds for Appeal

- An employee (or group of employees) may appeal against the local evaluation of their job on the following grounds:
 - Insufficient or otherwise inadequate information was available to the panel which undertook the initial evaluation of the job;
 - The available job information was misunderstood or misinterpreted by the evaluation panel

11.7.2. Initiating an Appeal

- An employee (or group of employees) who wishes to appeal against the local evaluation of the job must submit the claim in writing to the Area HR Manager within 20 working days of publication of the outcomes by completing a blank evaluation rationale form, explaining under each of the JE factor headings the information they consider should have been taken into account.

11.7.3. Informal Appeal

- As a first step, to allow for clarification and possible resolution of the issues, the appeal should be discussed informally between the employee, a management representative (normally from the HR department) and a union representative as soon as possible and, in any event, within one month of the submission of the appeal request.
- It will be helpful if the informal meeting is attended by a trained evaluator, so that the rationale for the current grading can be explained and the questions for appeal identified.
- If it appears from the discussion that the job description questionnaire, on which the initial evaluation was based was seriously inadequate, then, by agreement, the jobholder may be asked to complete a new job description questionnaire which will then be re-evaluated.

11.7.4. Formal Appeal

- If the appeal is not settled or withdrawn as a result of the informal meeting, the formal appeal must commence within one month of the informal meeting date.

- The formal appeal should be heard by a joint panel of at least three members who have all been trained in Job Matching or Job Evaluation with a locally agreed Chair. Members should not have been previously involved with the matching or evaluation of the job. The panel must have both management and union nominees. The panel will:
 - Apply the procedure exactly as for the original evaluation;
 - Consider whether the new information/ representations change the original evaluation;
 - Complete a new or revised evaluation rationale form.
- The appellant may make oral representations to the panel, either in person or through a union representative, if desired. The purpose of the oral representations is to clarify the issues. The panel may ask questions. The appellant and representative should not be present when the actual evaluation takes place.

11.7.5. Notification

- The appellant should be notified as soon as possible of the outcome of the formal appeal and, in any event, within 20 working days of the date of the hearing.

11.7.6. Remedy

- Where the appeal results in a change of grading, then this should be implemented as from the date at which the original grade became effective.

11.8. (Situation C) Significant Job Changes

11.8.1. Grounds for Review

- An employee (or group of employees) may request a review of the initial evaluation or matching of their job on the grounds that the job has changed substantially since the initial matching or evaluation, so that the job is significantly different to that which was matched to the national profile or locally evaluated. The substantial change may have happened as the result of a reorganisation of work, or may have occurred through a series of incremental changes over time.

11.8.2. Initiating a Review

- An employee (or group of employees) who wishes to request a review of the initial evaluation or matching of the job must submit the claim in writing to the HR Manager, explaining the changes which have occurred to the job. It is expected that such a request for review of initial evaluation or matching will normally have the support of the line manager.

11.8.3. Informal Review

- As a first step, to allow for clarification and possible resolution of the issues, the request for review should be discussed informally between the employee, a management representative (normally from the HR department) and a union representative as soon as possible and, in any event, within one month of the submission of the request for review of initial evaluation or matching.

- If it appears from the discussion that substantial changes to the job have taken place, then the job description should be revised to accommodate these and, where a local evaluation is envisaged, the job holder asked to complete a new job description questionnaire.

11.8.4. Formal Review

- If the request for review of initial evaluation or matching is not settled or withdrawn as a result of the informal review, the formal review must commence within one month of the informal review date.
- The formal review should be heard by a trained joint matching or evaluation panel, with both management and union nominees, in exactly the same manner as for the initial matching/local evaluation exercises. The panel will:
 - Apply the procedure exactly as for the original matching/ local evaluation;
 - Consider whether the new information/ representations change the original match or local evaluation;
 - Complete a new matching form or evaluation rationale, as appropriate.
- The appellant may make oral representations to the panel, either in person or through a union representative, if desired. The purpose of the oral representations is to clarify the issues. The panel may ask questions. The appellant and representative should not be present when the actual matching or evaluation takes place.

11.8.5. Notification

- The appellant should be notified as soon as possible of the outcome of the formal review and, in any event, within 20 working days of the date of the hearing.
- Notification of the outcome should be in writing, in the form of a new matching form or evaluation rationale.

11.8.6. Remedy

- Where the review results in a change of grading, then this should be implemented as from the date at which the request for review of initial evaluation or matching was submitted.

11.8.7. Appeal against Review of Initial Matching or Evaluation

- If an individual or group of job holders is dissatisfied with a review of a changed job, they may submit an appeal. In this case, the procedure is as for above for an appeal against a matching review or for an appeal against an evaluation review.

11.9. (Situation D) New Jobs

- New jobs should be provisionally matched or evaluated by the HR Manager and relevant line manager and advertised at the appropriate grade salary range.
- After no more than 12 months, the job holder(s) may request a review of the local matching or evaluation of the post, against an up-to-date job description or completed job description questionnaire, as appropriate.

- If an individual or group of employees is dissatisfied with the outcome of this review of matching or local evaluation, they may submit an appeal. In this case, the procedure is as for (A) above for an appeal against a matching review or (B) above for an appeal against an evaluation review.