



Policy Title: APPEALS POLICY

Drafted by:	W Whelan CEO
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Review Date:	Annually
Responsible for Day to Day Management:	CEO
Responsible for Review:	CEO

UNITED ENDEAVOUR TRUST EQUALITY CHECKED

This policy/procedure seeks to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relationships between groups
- Meet requirements under the Equality Duty
- Set Equality objectives which are specific and measurable



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APPEALS POLICY

All appeals are heard by the United Endeavour Trust Appeals Committee

1.1 Purpose

1.1.1 To hear appeals on behalf of the United Endeavour Trust.

1.1.2 To make appropriate comments and recommendations on such matters to the Board of Trustees.

1.1.3 To implement guidance on the conduct of appeals issued by the Secretary of State as it applies to Academies. (See appendix 1)

1.2 Membership

1.2.1 The membership of the Committee will be three or five Trustees or Governors subject to the Articles.

1.2.2 No committee member may participate in any appeals process if the committee member is an employee of the Trust or has any prior involvement or association with the circumstances leading to the appeal.

1.2.3 The Chair has a casting vote. The Chair may not be an employee of the Trust.

1.3 Attendance at Committee meetings.

1.3.1 Any Trustee may attend meetings of any Trust Committees and Local Governing Bodies.

1.4 Quorum

1.4.1 The quorum is three Committee members subject to the Articles.

1.5 Voting at Committee meetings

1.5.1 Only members of the committee may vote at Committee meetings.

1.5.2 The Chair will have the casting vote.

1.6 Appointment of Chair

1.6.1 The Chair of the Committee will be elected at the meeting of the Committee.

1.7 Clerk

1.7.1 The clerk of the Local Governing Body and the MAT Board will be specifically appointed to serve the Governing body/MAT Board

1.7.2 In the absence of the clerk, the Appeals Committee will appoint a replacement clerk for the meeting.

1.7.3 The clerk will circulate an agenda and papers in accordance with any statutory requirements.

1.8 Recording and reporting the proceedings of Committee Meetings

1.8.1 The clerk will record attendance at meetings. Issues discussed and recommendations for decisions will be recorded. The written record will be forwarded by the clerk to the Board of Trustees in sufficient time for it to be included in the agenda and papers for the next meeting of the Board of Trustees. This is to meet the statutory requirement to provide information to the whole Board of Trustees and to seek ratification of decisions and recommendations.

1.8.2 The Chair of the Committee will be responsible for giving an oral summary of the committee's deliberations if necessary at meetings of the Board of Trustees.

Appendix 1

The Trust Board may nominate a number of members and independent persons with delegated powers to hear appeals, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of appeals.

The procedure adopted by the panel for hearing appeals would normally be part of the academy's complaints procedure. The panel can be drawn from the nominated members and should consist of three or five people. The panel may choose their own chair.

The Remit of The Appeals Panel

The panel can:

- dismiss the complaint/appeal in whole or in part;
- uphold the complaint/appeal in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint/appeal;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any director/governor or independent person sitting on an appeals panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No director/governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, directors/governors need to try and ensure that it draws members from a cross-section of experiences and is sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between our academies and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The members sitting on the panel need to be aware of the appeals procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel considering appeals be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Trust Board/Governing Body

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

EQUALITY IMPACT ASSESSMENT POLICY CHECKLIST

	Equality Impact Assessment of UET Policy					
Title of Policy	Appeals Policy					
PART 1	Positive Impact – reducing inequalities					
<i>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied. D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i>	<p>How is the policy likely to have a <u>significant positive impact</u> on equality by reducing inequalities that already exist? This policy ensures that all members of the community have access to make a complaint and to have it dealt with thoroughly and appropriately. It ensure right of appeal should the complainant feel that the complaint is not dealt with appropriately</p> <p>Could the policy have a <u>significant negative impact</u> on equality in relation to each of the following groups or characteristics? No – this policy ensure a consistent process for managing complaints which applies to all equally. Failure to follow due process could result in a negative impact.</p>					
Characteristics Indicate areas of likely impact ✓	Promote equal opportunities	Get rid of discrimination	Get rid of harassment	Promote good community relations	Promote positive attitudes	Promote/ protect human rights
D	✓			✓	✓	✓
GA	✓			✓	✓	✓
P	✓			✓	✓	✓
R	✓			✓	✓	✓
R/B	✓			✓	✓	✓
S	✓			✓	✓	✓
SO	✓			✓	✓	✓
A	✓			✓	✓	✓
M/CP	✓			✓	✓	✓
Equality Impact Assessment of SNT Policy	Records					
Name of person responsible for policy	W Whelan					
Date of EIA of Policy	16.10.20					

A = Age, M/CP = Marriage and Civil Partnerships –applies in respect of employment framework policies

Equality Impact Assessment of UET Policy	Evidence
PART 2	
<p><i>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied.</i></p> <p><i>D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i></p>	<p>What is the evidence for your answers above? (list any quantitative and qualitative)</p> <p>All complaints are documented using standard forms and retained as a central record by the complaints manager. Annual reports are made to the Governing body which quantify complaints – records maintain the qualitative information on resolution.</p>

Equality Impact Assessment of UET Policy	Conclusion
PART 3	
Summary of findings	Current procedures meet statutory requirements and are fully maintained.

Equality Impact Assessment of UET Policy	Next steps		
PART 4			
Category	Actions	Target Date	Person responsible
Next Steps – Action Plan			
Practical changes required to reduce adverse impact	None required		
Monitoring and evaluation and Review (publish revised policy)	Annual report to Governing Body	Spring Term Scrutiny Committee	W Whelan