



Royal College of Art

Postgraduate Art & Design

REVISED COMMON APPEAL POLICY AND PROCESSES UNDER STATUTE 10

FOR ALL RCA STAFF

1. Introduction and Scope

1.1. This appeal policy and process is effective from 1 November 2021 under the revised Statute 10 approved by the Privy Council. This policy covers all RCA staff who are employees. This Policy does not form part of the Statute but is empowered under Statute 10.

1.2 This appeal process is intended to cover all employment related appeals under the College's procedures, namely redundancy, discipline, capability and grievance. The essential processes of appeal laid out here.

1.3 This appeals policy applies only to employees of the College. This includes employees on fixed term contracts.

1.4 Changes to this policy will require the approval of the College's Planning and Resources Committee (PRC) unless the changes are to correct factual errors or changes in statutory provisions, in which case such approval will not be required.

2. The Lodging of an Appeal

2.1 Appeals must be lodged within 10 working days of the date of the written confirmation of the decision. (Receipt will be taken to be the day an email is sent to the individual's nominated College or personal email account or if sent by post, the day following the date of postage.

Appeals may be lodged on:

- a) Unfairness of the decision;
- b) New *material* evidence not previously available at the time the decision was made;
- c) Procedural irregularity

2.2 The Director of HR (or their nominee) may extend the period of time in which an appeal may be lodged following a written request for such an extension. Reasons for such an extension may include special leave, medically certificated illness and any previously declared special disability / needs. Extensions shall not be granted beyond

a total period of 20 working days from the date on which the previous decision was notified in writing to the appellant. Any such appeal lodged after the period of 20 working days will be regarded as out of time and void.

3. The Status and scope of an Appeal Hearing

3.1 Appeal hearings will not be conducted as re-hearings but as reviews. This means it will not be necessary for witnesses to be called to appeal hearings.

3.2 The review will concern itself with previously submitted papers and any representations from the relevant manager (who made the previous decision), the appellant and their representative. As an alternative to personal attendance, the appellant may submit written representations to the appeal panel.

3.3 New material, not previously considered, should not be submitted to an appeal hearing unless it relates to new facts or information not previously available at the time decisions were made. The chair will decide on the relevance and admissibility of any new facts or information prior to an appeal hearing. If new evidence is permitted to be introduced by the chair, the employee will have the opportunity to comment on any new evidence before a final decision is taken.

3.4 Appeal hearings are the last internal stage of employment policies / processes. There is no further right of internal appeal.

3.5 As appropriate, in line with any prevailing Government advice at the time or by mutual agreement, appeals may be conducted on-line.

4. Arrangements for Appeal Hearings

4.1 Appeals should be arranged as speedily as possible once an appeal has been lodged. The College will aim to ensure all appeals are arranged within a period of no later than 20 working days from the date an appeal was lodged.

4.2 Requests for any reasonable adjustments under statutory provisions will be considered as appropriate.

5. Representation at an Appeal Hearing

5.1 Any employee will be entitled under this appeals process to attend an appeal in person if they so wish or to make written representations. In all cases an employee with a right to an appeal will be entitled to be accompanied by an RCA work colleague or by a trade union representative of their choice.

5.2 Legal representation is not permitted at appeal hearings (excepting 6.4 below).

6. The Chairing and Composition of Appeals Panels

6.1 An appeal will be chaired by a senior academic / manager from within the School or relevant service area and one additional academic / other manager. The chair will be accompanied by a representative from Human Resources. Decisions made will be the responsibility of the chair.

6.2 Where cases before a panel concern aspects of academic capability or the rights of academic freedom of expression enshrined in the Statute, the panel may be expanded to include one additional senior academic outside of the School in which the appellant is employed.

6.3 In exceptional cases, if the chair considers it necessary and appropriate, instead of an additional internal person, one appropriately senior and qualified external academic may be appointed to join the panel. The role of any such external representative will be advisory. In the event of a vote on a decision the external person will be entitled to a vote.

6.4 Similarly, where cases before a panel include allegations of discrimination or harassment, the panel chair has discretion to expand the composition of the appeal panel by one, either internal or external representative, to better reflect, as far as possible, the protected characteristic(s) of the appellant in question, to meet any stated need for reasonable adjustment or to provide impartial expertise and advice.

6.5 No member of an appeal panel may have had previous direct involvement with the case.

6.6 In the event of an academic / senior manager chair having had prior direct involvement in decision making in the case, the chairing of the appeal shall be escalated to the next most senior manager within the School or if more appropriate, to another senior academic / manager outside of the School / Department.

6.7 Decisions by appeal panels will generally be reached by consensus. If a formal vote is required, the external person may also vote. In the event of any 'split' decision on a panel, the chair shall have a casting vote.

7. The Appeal Meeting

7.1 The chair may discuss and should, *if possible, agree* with the parties who should present their case first, management or the employee. Account should be taken of the circumstances of the case. In the case of redundancy, discipline or capability, it may be most appropriate for the management case to be put first. In the case of an employee grievance, it may be appropriate for the employee to present first. If there is no agreement on order, the chair will make a final decision on order having consulted with the parties.

Appeal Process

- Welcome and introductions
- Party 1 statement of case (management or employee)
- Cross questions from the other side and including the panel
- Any closing remarks from the person presenting their case
- Party 2 statement of case (management or employee)
- Cross questions from the other side and including the panel
- Any closing remarks from the person presenting their case
- Party 1 final summation if required
- Party 2 final summation if required
- Adjournment or close of the meeting
- The parties advised of next steps in the process and when they will be informed in writing of the outcome.

7.2 All parties shall be given fair and reasonable opportunity to present their case and to question and challenge evidence.

7.3 Appeal meetings may be adjourned for a limited period at the discretion of the chair or on request from either or both of the parties. In the case of any longer requests for adjournments, the chair must be satisfied that the request is reasonable, necessary and proportionate.

8. Requests for Postponement / Failure to Attend

8.1 An employee must make any request for a postponement of an appeal hearing in writing to the nominated chair of the appeal or to the Director of HR (or their nominee), providing full and reasonable reasons. If the chosen companion will not be available at the time proposed for the hearing by the employer and the employee proposes an alternative time, the RCA will postpone the hearing to the time proposed by the employee. The conditions for such postponements are that the revised time is reasonable and / or falls before the end of the period of five working days after the date proposed by the College.

8.2 The decision of the chair on postponement will be final and binding. If the decision is not to permit a postponement, the chair will offer the employee the

opportunity to make written representations or to have a representative attend the appeal on their behalf.

8.3 If the chair approves a postponement, a further date, not usually longer than 10 working days following the previously arranged appeal date, will be notified to the employee.

8.4 Non attendance at an appeal with no prior explanation shall mean the appeal is void. (Written representations however, may be considered).

8.5 The chair has discretion to hear an appeal in the absence of the appellant.

9. Confirmation of Appeal Outcome

9.1 The outcome of the appeal hearing will be communicated to the appellant in writing within a period of 10 working days from the date of the appeal.

10. Review of Appeal Policy / Process

10.1 This policy will be reviewed with the Trade Unions after twelve months of operation.

Human Resources 1 November 2021

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Approval

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v 3.0 (final)	Planning and Resources Committee	27/11/21
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