Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.
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1 What is the procedure about?

The opportunity to appeal is essential to natural justice and this procedure outlines the process for the employee, where dissatisfied, to appeal against their individual assimilation to a new job role, and associated grade, following the review of Teaching Assistant roles, functions, job descriptions and activities.

The purpose of an appeal is to enable a review to be carried out as to the ‘reasonableness’ of the assimilation decision.

The Appeals Process has 2 stages. All appeals which meet the criteria (please refer to Grounds for Appeal) will progress through Stage 1. Depending on the outcome of Stage 1, employees may decide to progress to Stage 2. However, employees are strongly advised to take advice from their trade union representative prior to progressing to Stage 2. At Stage 2 the appropriate body will meet to determine that a due and correct process was applied at Stage 1.

The employee should be aware that any appeal can result in 1 of 2 possible outcomes:

- Assimilation remains the same
- Assimilation to a higher graded post

2 Who does the procedure apply to?

This procedure covers all Teaching Assistants (excluding those employed on casual contracts) who have been subject to assimilation onto the council’s new grading framework, implemented on 1 January 2018.

3 Grounds for Appeal

Appeals are only admissible where the employee can demonstrate that they have been incorrectly assimilated into the new role and associated grade on the basis of the substantive position held prior to implementation on 1 January 2018.

Employees will only have the right to appeal on the basis of their substantive post, and not in relation to any temporary arrangements which may be in place.

Appeals relating to the following aspects will be inadmissible:

- Grounds not related to the job role i.e. performance/capability
- Comparability of roles whether inside or outside of the school
- Seeking to restore previous salary differential
4 Appeals Process

Stage 1

- Employees should submit a completed Appeals Submission Form (see Appendix A) to the Schools Consultation Team at schoolconsultation@durham.gov.uk, by no later than 17 November 2017.
- The Schools Consultation Team will conduct an initial screen to ensure it meets the criteria for grounds for appeal and contains all relevant details.
- Where the appeal is admissible, the Appeal will be acknowledged by the Schools Consultation Team within 5 working days of receipt.
- Where the Appeal is deemed inadmissible, this will be confirmed to the employee and the Appeal will not be progressed.
- The Schools Consultation Team will refer the Appeal to the relevant Head Teacher/Manager who will review the content of the Appeal Submission and provide a written response, including reasons for their agreement to revise the decision, or otherwise.
- The Head Teacher/Manager will return the completed Appeal Form to the Schools Consultation Team by no later than 15 December 2017.
- The Schools Consultation Team will inform the employee in writing of their Stage 1 Appeal outcome.
- Should the Stage 1 Appeal result in assimilation to a higher grade, the new grade will be applicable from 1 January 2018, and any associated back payment will be made accordingly.

Stage 2

- Before an appeal can progress to Stage 2, it must first have gone through Stage 1 of the process. Employees may wish to take advice from their Trade Union prior to progressing to Stage 2 of this process.
- The appeal will be heard by the Appeals Committee of the school’s governing body, or in the case of centrally employed Teaching Assistants by an Appeals Panel of Officers at Tier 4 or above.
- Employees should submit a completed Stage 2 Appeals Submission Form not later than 10 working days from receipt of the outcome of their Stage 1 Appeal.
- The Stage 2 Appeals Submission Form will include the employee’s statement of case to be presented by the employee (and/or his/her representative) to the Appeals Committee.
- The employee has the right to be accompanied by a trade union representative or work colleague. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest. The employee is responsible for arranging this and must advise the Schools Consultation Team via schoolconsultation@durham.gov.uk as to who will be accompanying them a minimum of 2 working days prior to the appeal.
- The Appeals Panel will have received a copy of the employee’s Appeal Submission Form and Head Teacher/Manager response from Stage 1 of the process, along with the Appeal Submission Form for Stage 2, in advance of the hearing.
- Witnesses are not permitted to be called at the Appeal Hearing.
- The process to be followed at the appeal is set out in supporting document B.
5 Outcomes

The Appeals Panel will consider the evidence available at the appeal and will reach a decision:

- Not to uphold the appeal
- To uphold the appeal in full or in part.

The decision will be confirmed to the employee, in writing, as soon as possible. The decision made at this stage is final and there is no further right of appeal.

6 Documentation and Evidence

- The Appeals Submission Forms to be completed at both Stages 1 and 2 of the Appeal Process will constitute the employee’s statement of case and should be sufficiently detailed.
- Appeals will be rejected where the grounds for appeal and/or a statement of case is not provided on the Appeal Submission Form.
- Documents submitted separately to the Appeal Submission Form will not be accepted and no Appeal Submission Forms received after the deadline above will be accepted except in exceptional circumstances with the explicit consent of the Appeal Panel.

7 Supporting documents

| A | Appeal Submission Forms – Stage 1 and Stage 2 |
| B | Appeal Hearing Process |

8 Further information

8.1 Confidentiality

All information will be handled sensitively and used only for its proper purpose. Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

8.2 Dealing with abuses of the policy
Employees who attempt to abuse this policy may face disciplinary action. The council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

8.3 Equality and diversity

Durham County Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

- If you would like any further advice or would like the document in an alternative format, please contact the School Consultation Team using the contact details below:
Teaching Assistants Stage 1 Appeal Submission Form

Please return completed forms via email to schoolconsultation@durham.gov.uk or send it to Human Resources (Advice and Support), Resources, Durham County Council, County Hall, Durham, DH1 5UL, by not later than 17 November 2017.

PART A – to be completed by the Employee

<table>
<thead>
<tr>
<th>Your Details</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td>Payroll no</td>
</tr>
<tr>
<td>School/Service</td>
<td></td>
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<tr>
<td>Home Address</td>
<td></td>
</tr>
<tr>
<td>Contact Telephone No.</td>
<td></td>
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<tr>
<td>Email Address</td>
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<table>
<thead>
<tr>
<th>Appeal Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Please identify which Job Description and Grade you have been aligned to:</td>
<td></td>
</tr>
<tr>
<td>Please identify which Job Description and Grade you believe you should be aligned to:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Statement of Case</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Please provide a detailed statement of case explaining the reasons why you believe you have been incorrectly aligned and why you feel you should be aligned to an alternative Job Description and Grade, which will be considered by your Head Teacher/Manager.</td>
<td></td>
</tr>
</tbody>
</table>
Statement of Case continued….

Employee Signature …………………………………………………

Date …………………………………………………

FORM TO BE RETURNED TO schoolconsultation@durham.gov.uk not later than 17 November 2017 (forms received after this date will not be considered).

PART B – to be completed by the Head Teacher

Head Teacher/Manager Comments

Please provide a response in relation to your considerations of this Appeal and the Statement of Case made by the employee.
**Head Teacher/Manager Decision**

I **AGREE** to uphold this Appeal and that the Job Description and Grade as proposed by the employee is appropriate in this case

Signed ............................................................................................

Date ..........................................................

I **DO NOT AGREE** to uphold this Appeal, and the alignment I determined should remain unchanged

Signed ............................................................................................

Date ..........................................................
Teaching Assistants Stage 2 Appeal Submission Form

Please return completed forms via email to schoolconsultation@durham.gov.uk or send it to Human Resources (Advice and Support), Resources, Durham County Council, County Hall, Durham, DH1 5UL

Your Details

<table>
<thead>
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</tr>
</tbody>
</table>

Right to be Accompanied

- [ ] Yourself
- [ ] Work colleague Name:
- [ ] Trade union Name:

*It is your responsibility to arrange representation by your trade union representation or work colleague at the hearing.*

Appeal Details

Please briefly summarise the grounds on which you are raising an appeal, and to which Job Description and Grade you believe you should have otherwise been aligned.

Availability

Please could you advise of any forthcoming dates that you are unavailable in order to avoid having to reschedule your Hearing date.
Statement of Case

Please provide a detailed statement of case explaining the reasons why you believe you have been incorrectly aligned and why you feel you should be aligned to an alternative Job Description and Grade, which will be considered by the Appeals Panel (a maximum of 1 side A4 will be accepted).

Signature……………………………………………………………………………………….
Supporting Document B - Procedure to be followed at the Stage 2 Appeal Hearing

Introduction

The Chair of the Appeals Panel will invite all parties present to introduce themselves and their role in the hearing. As well as the Appeals Panel, other parties present will include the employee (and/or his/her Trade Union representative), the Head Teacher/Manager, and representatives from the Council’s HR Advice and Support Team and from the School and Governor Support Service, if appropriate. The purpose of the hearing, how it will be conducted and the powers of the Appeals Panel will be explained by the Chair.

Statement of Case by the Employee

1. The Employee (and/or his/her representative) will put their case in the presence of the Head Teacher/Manager.

2. The Head Teacher/Manager will have the opportunity to ask questions of the Employee.

3. The members of the Appeals Panel and the representative from HR will have the opportunity to ask questions of the Employee.

Statement of case by the Employer

4. The Head Teacher/Manager will put their case in the presence of the Employee and his/her representative.

5. The Employee (and/or his/her representative) will have the opportunity to ask questions of the Head Teacher/Manager.

6. The members of the Appeals Panel and the representative from HR will have the opportunity to ask questions of the Head Teacher/Manager.

Summing Up

7. The Head Teacher/Manager and then the Employee (or his/her representative) will have the opportunity to sum up their cases if they so wish.

Parties to Withdraw

8. The Head Teacher/Manager and the Employee (and his/her representative) withdraw from the hearing.

Consideration by the APPEAL PANEL

9. The members of the Appeals Panel and the representatives from HR and the School and Governor Support Service will deliberate in private, only recalling the Head Teacher/Manager and the Employee (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.