

ARTICLE 15A – CORPORATE APPEALS COMMITTEE

1 Composition

- 1.1 The Council will establish a Corporate Appeals Committee.
- 1.2 The Chair of the Committee shall be appointed at the commencement of the Meeting.
- 1.3 The Committee may convene a Panel of 3 Members drawn from its Membership to exercise its Appeals Committee functions. Nominated substitutes are permitted if a Member of the Committee is not able to attend. Appeals Committee Members and substitutes are appointed by Full Council.
- 1.4 All members of the Corporate Appeals Committee must have received appropriate training before sitting as a member of a Panel.
- 1.5 The Panel will not include any Member with a direct personal involvement in the complaint in question.
- 1.6 Where practicable every reasonable effort will be taken to ensure a gender mix of Members of the Panel.

2 Role and Functions

2.1 Corporate Appeals

- 2.1.1 The Appeals Committee will determine appeals in relation to the following matters:
 - a) To determine appeals made by Non-Statutory Chief Officers against action short of dismissal.
 - b) To determine appeals made by Non-Statutory Chief Officers against dismissal.
 - c) To determine appeals made by Non-Chief Officers against dismissal and actions short of dismissal.

2.1.2 Appendix 12, Officer Employment Procedure Rules, contains the procedures for recruitment, disciplinary and dismissal of Chief Officers.

2.2 Education Appeals

2.2.1 The Appeals Committee will determine appeals in relation to the following matters and to agree exceptions to Education policy in exceptional circumstances in relation to:

- a) Home to School Transport;
- b) Discretionary Awards;
- c) Early Admission to Schools;
- d) Nursery Admissions.

2.3 Housing Appeals

2.3.1 The Appeals Committee will determine appeals in relation to the following matters:

- a) To determine appeals against decisions by Officers in respect of City of York Council Housing Policies.
- b) To determine appeals against the decisions of Officers in respect of individual Housing cases.
- c) To authorise the execution of a warrant for repossession of a property in the case of mortgage arrears.

3 Nature of Appeals Committee

3.1 Appeals are heard as a measure of good administration, they are not statutory. The Appeals Committee observes the rules of natural justice and to that end:

- a) No Member of the Committee should have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the proceedings;
- b) All parties should be given an equal opportunity to present their case without unreasonable interruption;
- c) The decision of the Committee is based on the written evidence submitted and the evidence submitted at the Meeting;
- d) All written evidence must have been seen by all parties. If a new issue arises during the proceedings, parties should be offered an opportunity to consider and comment on it;
- e) Council policies are not applied in a blanket fashion. They are considered in relation to the circumstances of each Appeal.

4 Procedure

4.1 The following formal procedure will normally be observed:

- a) The Appellant and/or their representative and the Officers appearing for the Council are invited into the Meeting;
- b) The Chair of the Appeals Committee will confirm the nature of the appeal and ensure that the Appellant and/or their Representative are aware of the procedure to be followed;
- c) The Appellant and / or their Representative will be invited to present their case;
- d) The Committee will be invited to put questions to the Appellant and /or Representative;
- e) The Council's Representative will be invited to put questions to the Appellant and / or Representative;
- f) The Council's Representative will be invited to present the Council's case;

- g) The Committee will be invited to put questions to the Council Representative;
- h) The Appellant and / or Representative will be invited to put questions to the Council's Representative;
- i) The Appellant and / or Representative will be invited to make a closing statement;
- j) The Council's Representative will be invited to make a closing statement;
- k) The Appellant and/or their Representative and the Council's Representative(s) will be asked to leave the Meeting while the Committee considers the evidence;
- l) As soon as practicable, but no more than five working days after the Committee has made its decision, the Democracy Officer will notify in writing the parties of the Committee's decision. The notification should give the Committee's decision and reasons for that decision, which should be clear and easy to understand.

Members of the Committee may ask questions at any time during the Appeals Committee.

In the case of Corporate Appeals, Members will be advised by a HR professional and/or employment lawyer.