

Annex 19 - Local appeals procedures

Local appeals procedures (England)

Model local appeals procedures

1. All employers should agree procedures with their local staff representatives for dealing with differences over the local application of the national agreement, to their individual pay and terms and conditions of service, including:

- the application of the system of unsocial hours payments
- the use of local recruitment and retention premia
- where applicable, the use of the NHS Knowledge and Skills Framework and development reviews
- the provision of support for training/development.

2. The procedure should provide that an employee who wishes to appeal must first attempt to resolve the issues of concern informally before recourse to these procedures. Therefore, as a first step, the problem should be discussed between the employee and management and, if wanted by the employee, a union representative.

3. If, during the informal stage, it is agreed after having considered the issues that the matter can be resolved without recourse to the appeal procedure, then they should confirm the agreement in writing. This agreement may include a recommendation that the case should be linked with a number of similar cases and dealt with by local review, rather than by individual appeal.

4. The informal review should establish in particular whether:

- the issue of concern is not based on incorrect information
- the issue of concern is not based solely on opposition to the clear terms of the agreement
- the issue of concern has already been determined (or is already under consideration) either by the NHS Staff Council, or on local review or

in a preceding appeal in similar circumstances

- reasonable attempts have been made to first resolve the issue without recourse to an appeal.

5. Appeals may not be lodged more than six months after the employee was notified or could otherwise have reasonably been expected to be aware of the decision giving rise to the appeal.

6. Where an appeal proceeds it should commence with a statement in writing from the appellant. The appeal should then be heard using the locally agreed procedure. Organisations can use already established grievance procedures or develop a new system if deemed necessary.

7. The decision of the local appeal procedure is final and there will be no further levels of appeal. The local appeal panel or equivalent body may, however, consult the NHS Staff Council on the interpretation of this agreement before reaching a decision, and should do so where an issue of interpretation is material to the case and has not already been clarified by the council.

8. The decision of a local appeals procedure does not establish any precedents beyond the organisation concerned.

Job evaluations

9. There are separate protocols for locally resolving any disagreements that arise from the procedure for matching jobs against national job evaluation profiles, or from local job evaluations.

10. These protocols include provision for referring the matching decision or local evaluation to a second panel. There is no right of further appeal beyond the second panel.

11. These protocols are set out in the following sections of the Job Evaluation Handbook:

- Job matching procedure against national job evaluation profiles

- National protocol for local job evaluations.

Amendment number 39: NHS TCS Advisory Notice 01/2018

Local appeals procedures (Scotland, Wales and Northern Ireland)

Model local appeals procedures

1. All employers should agree procedures with their local staff representatives for dealing with differences over the local application of the national agreement, to their individual pay and terms and conditions of service, including:

(i) the application of the system of unsocial hours payments

(ii) the use of local recruitment and retention premia

(iii) the use of the NHS Knowledge and Skills Framework (KSF) and development reviews

(iv) the provision of support for training/development

(v) the progression of staff through pay band gateways.

2. The procedure should provide that an employee who wishes to appeal must first attempt to resolve the issues of concern informally before recourse to these procedures. Therefore, as a first step, the problem should be discussed between the employee and management and, if wanted by the employee, a union representative.

3. If, during the informal stage, it is agreed after having considered the issues that the matter can be resolved without recourse to the appeal procedure, then they should confirm the agreement in writing. This agreement may include a recommendation that the case should be linked with a number of similar cases and dealt with by local review, rather than by individual appeal.

4. The informal review should establish in particular whether:

(i) the issue of concern is not based on incorrect information

(ii) the issue of concern is not based solely on opposition to the clear terms of the agreement

(iii) the issue of concern has already been determined (or is already under consideration) either by the NHS Staff Council, or on local review or in a preceding appeal in similar circumstances

(iv) reasonable attempts have been made to first resolve the issue without recourse to an appeal.

5. Appeals may not be lodged more than six months after the employee was notified or could otherwise have reasonably been expected to be aware of the decision giving rise to the appeal.

6. Where an appeal proceeds it should commence with a statement in writing from the appellant. The appeal should then be heard using the Implementation annexes Annex S: Local appeals procedures locally agreed procedure. Organisations can use already established grievance procedures or develop a new system if deemed necessary.

7. The decision of the local appeal procedure is final and there will be no further levels of appeal. The local appeal panel or equivalent body may, however, consult the NHS Staff Council on the interpretation of this agreement before reaching a decision, and should do so where an issue of interpretation is material to the case and has not already been clarified by the council.

8. The decision of a local appeals procedure does not establish any precedents beyond the organisation concerned.

Job evaluations

9. There are separate protocols for locally resolving any disagreements that arise from the procedure for matching jobs against national job evaluation profiles, or from local job evaluations.

10. These protocols include provision for referring the matching decision or local evaluation to a second panel. There is no right of further appeal beyond the second panel.

11. These protocols are set out in the following sections of the job evaluation handbook:

- (i) job matching procedure against national job evaluation profiles
- (ii) national protocol for local job evaluations.

Pay circular (AfC) 2/2013: amendment number 28