

## Appealing a disciplinary or grievance outcome

Your employer should offer you the right of appeal. This is so you can raise an appeal if you feel:

- your [disciplinary outcome](#) is too severe
- your [grievance outcome](#) is wrong
- any part of your disciplinary or grievance procedure was wrong or unfair
- you have new evidence to show

This means your employer needs to look at your case again to see if:

- the procedure was followed in a fair way
- the outcome is fair

They should:

- hear your appeal
- carry out another [investigation](#), if necessary
- see if a different outcome is appropriate
- provide the final outcome in writing as soon as possible

### The right of appeal and the law

The Acas Code says that employees should be given the right to appeal a disciplinary or grievance outcome.

If an employer does not give the opportunity to appeal, this could be counted against them if the case goes to employment tribunal.

Your workplace should have a policy or guidelines you can follow for appeals, otherwise you should follow the [Acas Code of Practice on discipline and grievance](#) and this guide.

You can also speak with your trade union, if you have one, to get advice and support.

### How to appeal

Your workplace discipline and grievance policy should tell you how to appeal. If not, you should raise your appeal in writing to your employer.

Write in a letter or email:

- why you think your outcome was wrong or unfair (for example, if you felt the person investigating your case did not get enough evidence)
- what you would like to happen next (for example, you could ask if your employer can carry out another investigation or look at the new evidence you have found)

## [Download an appeal letter template](#)

You should do this as soon as possible or within the timeframe that your workplace might have set in their policy. Acas recommends 5 days from receiving your outcome as an appropriate amount of time.

### Who carries out the appeal process

The person who hears your appeal and carries out any further investigation should:

- not have been previously involved in your case
- be more senior than anyone who carried out any part of your case previously

This might not always be possible, especially in small businesses, but the employer should try and make the process as fair as they can. They could also see if it's possible to bring in an external person to carry out the appeal.

### Getting ready for an appeal hearing

After you have raised the appeal, your employer or the person carrying out the appeal process should invite you to an appeal meeting or 'hearing'.

They should do this as soon as possible and tell you in writing:

- the date, time and place of the hearing
- about your right to be accompanied

Employers can use the [Acas templates for disciplinary appeal letters](#).

### The right to be accompanied

By law, an employee or worker can bring a relevant person ('companion') with them to both disciplinary and grievance appeal hearings. This is called 'the right to be accompanied'.

Having a companion can be helpful as it means they can:

- give you support
- be a neutral person to observe
- speak for you if you need them to

You should tell your employer as soon as possible who you want to be your companion so they can make the arrangements in good time.

### Who you can bring with you

You must choose your companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Under discrimination law, employers must make reasonable adjustments for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Employers can, but do not have to, allow companions who do not fall within the above categories. For example, some employment contracts might allow for a professional support body, partner, spouse or legal representative.

## What you can do in the hearing

The appeal hearing is the chance for you to state your case and ask your employer to look at a different outcome.

It could help for you to:

- explain why you think the outcome is wrong or unfair
- say where you felt the procedure was unfair
- ask questions about the parts of the procedure you felt were unfair
- present new evidence, if you have it
- listen to your employer's point of view
- refer to your workplace policy or the [Acas Code](#)
- ask how your workplace dealt with any similar cases before

## What employers should do in the hearing

In an appeal hearing, the person carrying out the appeal process should:

- introduce everyone, explaining why they are there if necessary
- explain the purpose of the meeting, how it will be conducted and what powers the person hearing the appeal has
- ask you why you are appealing
- look at new evidence, if there is any
- after discussing the points, summarise them and end the hearing

They will then need to consider if:

- the original outcome was fair
- they need to change the original outcome, if it's clear it was not right
- a new investigation is needed to find out more before making a final decision

## Carrying out a new investigation

After hearing your appeal, your employer or the person they have assigned might decide they need to carry out another investigation.

This would be in cases where they need to:

- find or look at new evidence
- re-check the evidence they found
- talk to the same people ('witnesses') again
- find and talk to new witnesses

If so, they would need to follow the steps in the [investigation stage](#).

The person carrying out the appeal investigation should then make a written, confidential report. Your employer should show you this

report.

## Getting the appeal outcome

Your employer should tell you the appeal outcome as soon as possible in writing, including:

- the reason for their decision
- whether this is the final decision

## Delays in getting an appeal outcome

If you are worried your appeal outcome is taking longer than you expected, you should ask your employer. If you have a trade union representative, you could also ask them to help follow it up.

[Find out how to raise a problem at work.](#)

## If you disagree with an appeal outcome

If you are not happy with the new outcome, you could:

- check your workplace appeals policy for any next steps
- [call the Acas helpline](#) to talk through your options (we cannot give an opinion or legal advice)
- find out how to [raise a problem at work](#)