



WOMEN'S EQUALITY PARTY APPEALS PROCEDURE AND GUIDANCE ON ITS APPLICATION

PART ONE – Appeals procedure rules.

Please note that, in terms of Article 10.4.2 of the Constitution, the Appeals Body determines that any appeals made to the Appeals Body must comply with the procedure set out in Part One of this document.

- 1. Appeal application**
- 1.1.** Any application for an appeal must be made in writing in the form prescribed by the Appeals Body (Form 1).
- 1.2.** When an application for an appeal is received by the Appeals Body, the Appeals Body may, before determining whether the appeal is eligible, seek information from the decision-maker, whose decision is the subject of the appeal.
- 1.3.** No party to an appeal (whether appellant or respondent) shall be entitled to rely on material which was not before the decision-maker, unless with leave of the Appeals Body. Leave will only be given where the Appeals Body is satisfied that there is good reason why the information was not provided to the decision-maker and that the information is likely to be of importance in determining the appeal.
- 1.4.** No application for an appeal can be lodged until any internal complaints procedure has been exhausted.

2. Grounds on which you can appeal

- 2.1.** The Appeals Body will consider granting an appeal only where:
- i.** The decision was a significant breach of procedure;
 - ii.** The decision-maker has made an error in the application of the constitution or relevant rules or has wrongly interpreted the constitution or the rules;
 - iii.** The decision appealed against is one that no reasonable decision-maker could have made.

3. Eligibility to appeal

- 3.1.** The Appeals Body will refuse to hear any appeal which is not made within the time limit set out in Article 10.4.1 of the Constitution.
- 3.2.** In relation to applications for an appeal made in terms of Article 10.3.1 of the Constitution, upon receipt of the report from the decision-maker, the Chair of the Appeals Body will appoint one member of the Appeals Body to determine whether the appeal is eligible to be considered by the Appeals Body. That member will be provided with the application for an appeal along with any material requested from the decision-maker. The Appeals Body will aim to determine eligibility within 4 weeks of receipt of an application. Where that is not possible, the Appeals Body will inform the appellant of the reason. An appeal will be eligible if the appointed Appeals Body member is satisfied that the appeal concerns a disputed matter falling within Article 10.3.1 of the Constitution.
- 3.3.** In relation to applications for an appeal made in terms of Article 10.3.2 of the Constitution, the Chair of the Appeals Body shall appoint three members of

the Appeals Body to decide whether the Appeals Body will exercise its discretion to hear the appeal. The Appeals Body will aim to determine eligibility within 6 weeks. Where that is not possible, the Appeals Body will inform the appellant of the reason. For the avoidance of doubt, Article 10.3.2 of the Constitution cannot be used to permit an appeal which is otherwise out of time.

- 3.4.** The Appellant will be told whether their appeal is or is not eligible for consideration. If the Appeals Body decides the appeal is not eligible and refers the appeal to the Steering Committee under the terms of Article 10.3.3 of the Constitution, the Appellant and the decision-maker will be told.
- 3.5.** Any decision on eligibility of an appeal will be final and is not subject to appeal.
- 3.6.** Participation in the decision on eligibility of an appeal does not prevent an Appeals Body member from hearing the appeal itself.

4. The appeal

- 4.1.** If an appeal is eligible, the Chair of the Appeals Body shall appoint three members of the Appeals Body to determine the appeal.
- 4.2.** At this stage, unless it has done so when considering eligibility, the Appeals Body will ask the decision-maker to provide a report on the decision being appealed. The report will be in the form prescribed by the Appeals Body (Form 2) and must be received within four weeks of the request. The Appeals Body may request copies of any documents or other material considered by the decision-maker.
- 4.3.** The Appeals Body will tell any respondent that the appeal has been determined to be eligible. Any respondent in the appeal shall be entitled to

make written representations in respect of the appeal within 2 weeks of being told that the appeal is eligible. Any such written representations will be in the form prescribed by the Appeals Body (Form 3). The Appeals Body will send a copy of any such written representations to the appellant.

- 4.4.** Where a respondent makes written representations, the Appellant shall be entitled to submit a response in writing to the Appeals Body. This will be in the form prescribed by the Appeals Body (Form 4). This will be done within 7 days of the date when the Appeals Body sent a copy of the representations to the appellant.
- 4.5.** Appeals will ordinarily be determined on the basis of the written material only and in the absence of parties.
- 4.6.** In exceptional circumstances, either on the motion of one of the parties or of its own volition, the Appeals Body may convene an 'in-person' hearing and request that the appellant and respondent appear. Any 'in-person' hearing will take place in private. Parties attending an 'in-person' hearing will ordinarily bear their own expenses.
- 4.7.** Each member of the Appeals Body appointed to hear an appeal will be required to come to a decision on the appeal. The appeal will be determined by majority decision of those members hearing the appeal.
- 4.8.** The Appeal Body's decision will be issued to parties and the decision maker in writing. The decision will be final in terms of Article 10.4.5 of the Constitution. A copy of the decision will be retained by the Appeals Body for four years and will not ordinarily be published. The Appeals Body may, in its annual review, provide information about decisions it has made in order that lessons may be learned. This will be done on an anonymized basis.

5. Decisions on appeals

5.1. When deciding the outcome of an appeal, the Appeals Body can do any of the following things:

- i.** refuse the appeal;
- ii.** grant the appeal and set aside the decision;
- iii.** grant the appeal, set aside the decision and substitute a different decision;
- iv.** grant the appeal, set aside the decision in whole or in part and pass the matter back to the decision-maker to reconsider in whole or in part.

6. General dispensing power

6.1. Failure to comply with any time limit set out in these rules may, in exceptional circumstances, be excused by the Appeals Body on application to it. However, failure to comply with the time limit set out in Article 10.4.1 for intimating an appeal cannot be excused by the Appeals Body.

6.2. The Appeals Body shall have the power to vary the procedure in any given case where it considers it necessary in the interests of justice.

7. Definitions

7.1. In this procedure:

- i.** “Appellant” means the person making an application to appeal;
- ii.** “Respondent” means a party to the original dispute who is not the appellant;

- iii. “Decision-maker” means the person or body whose decision is being appealed to the Appeals Body, ordinarily the Executive Committee;
- iv. “In person hearing” means personal attendance at a hearing or attendance by telephone, videolink of other electronic communication.

PART TWO- Guidance on applying the procedure.

1. Introduction to Appeals

- 1.1. This Guidance is intended to assist anyone involved in an appeal under the Constitution. The appeals process itself is governed by Article 10 of the Constitution and by the rules of the procedure published by the Appeals Body, as set out in Part One of this document.
- 1.2. Before you appeal to the Appeals Body, you will need to exhaust any internal complaints procedures which the Party has put in place. Usually this means that you cannot appeal until the Executive Committee has made a decision on the matter in dispute.

2. Who can appeal?

- 2.1. Party Members and/or Party Organisations may initiate an appeal. No one else has a right of appeal.

3. What can I appeal against?

- 3.1. In terms of Article 10.3.1 of the Constitution, you can appeal against a decision made:
 - i. under the Constitution
 - ii. about the interpretation of the Constitution, or

- iii. a decision in relation to which the Constitution or any Code of Conduct states that an appeal may be made to the Appeals Body.
- 3.2.** Under Article 10.3.2 of the Constitution, the Appeals Body has a discretion to hear appeals where the dispute is between Party Members and/or Party Organisations and concerns Party matters and all parties to that dispute agree to appeal to the Appeals Body.
- 3.3.** The Appeals Body will not deal with appeals relating to decisions about what the Party policy is on any given issue; disputes involving employees about their employment and disputes related to insurance.
- 3.4.** As explained at paragraph 1.2, you can only appeal to the Appeals Body once any internal complaints procedure has been exhausted.
- 3.5.** You can appeal on the following grounds:
- i. The decision was a significant breach of procedure;
 - ii. The decision-maker has made an error in the application of the constitution or relevant rules or has wrongly interpreted the constitution or the rules;
 - iii. The decision appealed against is one that no reasonable decision-maker could have made.
- 3.6.** You can tick more than one grounds for appeal box on Form 1 if more than one apply to your appeal.

4. How do I lodge an appeal?

- 4.1.** You should fill in Form 1 which you will find included in the email as an attachment. Those unable to do this may ask a nominated representative to email the Appeals Body (appeals@womensequality.org.uk) requesting that special arrangements be made to receive the Appeal.

4.2. Once you have completed Form 1, you should email it to the following email address: appeals@womensequality.org.uk

5. Are there time limits for lodging an appeal?

5.1. Yes. The time limits are set out in the Constitution.

5.2. Where there is an internal complaints procedure, you must exhaust that procedure before you can appeal. While the maximum time for any appeal is set out in the Constitution, where practical, the appeal should be received by the Appeals Body no later than 6 weeks of the final decision of the internal complaints procedure.

5.3. Where there is no internal complaints procedure, you can appeal directly to the Appeals Body. Where practical, such an appeal should be received by the Appeals Body no later than 6 weeks after the matter which forms the subject of your appeal happened.

5.4. The Appeals Body will not consider any appeal that is not made within the time limits set by the Constitution.

6. Is there a guarantee that my appeal will be heard?

6.1. Once your appeal form has been received, the Appeals Body will decide whether it is eligible for an appeal hearing.

6.2. We aim to tell you whether your appeal has been accepted for a hearing within 4 weeks if you are appealing under Article 10.3.1 of the Constitution. If we can't manage to tell you within that time, we will let you know the reason why.

6.3. If you are appealing under Article 10.3.2 of the Constitution, we aim to tell you whether your appeal has been accepted for a hearing within 6 weeks. If we can't manage to tell you within that time, we will let you know the reason why.

7. What happens if my appeal is accepted for a hearing?

7.1. If your appeal is accepted, you will be given details about the appeal hearing.

7.2. Before any appeal hearing, you will be sent a copy of any written representations on Form 3 made by anyone else involved in the appeal (such as the Party Member or Organisation to whom the dispute relates), i.e. respondents.

7.3. You will also be given a copy of the report, Form 2, provided by the body whose decision is being appealed (this is usually the Executive Committee).

7.4. You can respond in writing to the written representations of the respondent(s) within 7 days. Any response should be made using Form 4.

8. What if I am asked to comment on an appeal as a respondent?

8.1. If the Appeals Body has been informed by an appellant or by the decision maker that you were party to activities referred to in the Appeal, then you may be asked to comment. You will be sent a copy of the Appeal (Form 1), decision makers report (Form 2), and Form 3 to complete and submit to the Appeals Body within 2 weeks. The appellant will be sent a copy of this and will be able to respond. You will receive a copy of the appellant's response to your submission.

9. What happens at an appeal hearing?

9.1. Appeals are usually decided based on the written information provided to the Appeals Body. That means that normally you will not be entitled to appear “in person” at an appeal hearing.

9.2. In exceptional circumstances, you can ask for the Appeals Body to hold a hearing where you can appear “in person”. The Appeals Body can also decide that an “in person” hearing would be best. If that happens, you will be contacted and requested to attend. That can include attendance by internet video link or telephone.

9.3. All appeal hearings will take place in private. That is the same whether the appeal is being decided based on written representations or at an “in person” hearing. All information about individuals will ordinarily be kept confidential.

10. How do I find out the result of the appeal?

10.1. Once the appeal has been decided, you will be sent a copy of the written decision of the Appeals Body.

11. Can someone else assist me in an appeal?

11.1. Another person can assist you in an appeal, for example to help you complete the paperwork, and if it is an in-person hearing, to be with you to give you support. In the event of your supporter joining you at an in-person hearing you should tell the Appeals Body in advance who they are. You should ensure your supporter understands that they are with you to support you, not to represent you. If there are special circumstances, please tell the Appeals Body.

12. Is there funding available to help me?

12.1. There is no funding available for any appeal that is being decided based on written submissions.

- 12.2.** If there is an “in person” hearing, normally those attending will have to pay their own expenses. In exceptional circumstances, such as for Disabled people, people with low or no income and those with caring responsibilities who may incur additional costs, an application for funding for expenses to attend the hearing can be made to the Appeals Body.
- 12.3.** Individuals attending a hearing can apply to a limited access fund from the Central Office of the Party if:
- i.** they are a member of the Party;
 - ii.** they have been requested to attend an “in person” hearing;
 - iii.** the additional costs are over and above costs they would incur in their everyday life;
 - iv.** they can provide evidence of their needs (e.g. receipt of a means-tested benefit; receipt of a non means-tested benefit; CVI, BP1 or A655 etc)
- 12.4.** The access fund may be used only to support your participation in an “in-person” hearing. This might include transport costs, sign language interpreters, assistive technology, additional travel costs for a carer, additional childcare costs, or support for lost working hours.
- 12.5.** Individuals wishing to apply to the access fund must submit their application (Form 5) no more than one week after they have been contacted by the Appeals Body to request their attendance at a hearing to appeals@womensequality.org.uk. No applications submitted after this time will be considered.
- 12.6.** The Appeals Body will assess all applications submitted on time and has the right to decide what proportion of costs to reimburse, if any, on a case-by-case basis. The decision of the Appeals Body will be considered final in all regards and will be communicated with the applicant.

12.7. Successful applicants are normally expected to cover approved costs themselves initially, and to submit their claims and receipts to the Central Office finance team as soon as possible via finance@womensequality.org.uk. The Central Office finance team aims to reimburse the approved costs within seven days of receipt. Where individuals are not able to cover the approved costs, the Central Office finance team will endeavour to provide the finances upfront.

12.8. Individuals claiming from the fund are expected to source the cheapest available appropriate options for the support that they need. If they request a more expensive option, the Central Office finance team may ask them to consider a cheaper option as the fund is limited.

13. Can I appeal against a decision of the Appeals Body?

13.1. The decision of the Appeals Body is final and there is no further appeal mechanism within the Party.

14. Appendix: Pro forma documents

- Form 1: Application for an appeal
- Form 2: Form of Report by Decision Maker
- Form 3: Written representations by respondent to an appeal
- Form 4: Further written representations by an appellant
- Form 5: Access fund application