

UCU Member Redundancy Appeals guidance

What is an appeal and how does it work?

You are granted the right to appeal your redundancy under the [university ordinances](#). This will have been explained to you in the letter you received from the University confirming your redundancy. You should appeal if you think that you were unfairly selected or that there was a problem with the redundancy process that made your redundancy unfair.

You must submit your appeal within 28 days of receiving the letter confirming redundancy.

While an appeal is the responsibility of the individual appealing, the branch casework team will do what we can to support you. Here is an overview of the process as we expect it to take place.

0. Decide what you want

Before acting, you should decide what outcome you hope to achieve with your appeal.

An appeal can be an emotionally taxing and time-consuming process. Carefully consider what it is that you hope to accomplish. While other outcomes are possible, the goal of an appeal is generally to have your role reinstated. This will be exactly what some redundant staff would want; others may decide that returning to their role after being selected for redundancy would not be desirable.

Take the time to consider if you would wish - if your appeal was successful - to carry on in your role. Alternatively, you may only wish to have your grievances heard in a public forum, without regard to outcome.

Simply put: understand your reason for appeal going in.

1. Requesting Casework Support

If you intend to appeal, please reach out to the Essex UCU Casework team at ucy-casework@essex.ac.uk as soon as possible. Please complete and attach the [Casework support request form](#) to your email request. You will be assigned a caseworker as soon as possible. Please be aware that the Casework team is all volunteer and receiving many requests at short notice. Thank you for your patience and respect.

Caseworkers can provide advice on your appeal and assist you during your appeal meeting but cannot provide legal advice. As necessary, additional support will be provided to branch caseworkers by the UCU regional office. Your appeal is **not** a legal process, and you do not need legal representation at this stage. If your appeal is denied and you wish to proceed with a legal claim, this will happen after your contract ends. See "Unfair Dismissal Claims below under "What Happens Next?"

Do not wait to hear from your caseworker to start drafting your appeal. Please plan to have a complete first draft to send to your caseworker ahead of your first meeting or call.

2. How to appeal

To appeal, you must make your intentions known to the university *in writing* within 28 days of the date on your redundancy notice. The goal of this document is simple: why have you been unfairly selected for redundancy?

Here is some guidance on how to prepare your appeal letter.

Identify your grounds for appeal

If you do appeal, you will need to clearly state the grounds on which you are appealing. For example:

- The scores or rationale for your selection seems incorrect or unfair, or inconsistent with each other
- The consultation process was not conducted in the way that it should have been, and this led to your unfair selection
- You feel you were discriminated against and selected because of a protected characteristic, such as gender, age, ethnicity, etc. or other area protected by employment law, e.g. union membership, maternity/parental leave etc.
- There is relevant information that was not considered - or was unavailable - at the time that the decision was made

This is not an exhaustive list. There could be different grounds for individual appeals. The best that you can do is to:

1. Stick to appeals grounded in what affected you *personally* - this appeal is for you alone. If you ground your appeal in where the redundancy process was wrong, you must show how this led to you being unfairly selected.
2. Stick to grounds for which you have reasonable evidence.
3. Stay brief, but don't leave out any key points that you think are relevant to your argument that you have been selected unfairly.

Gather your evidence

Your appeal will only go so far as you are able to *demonstrate with evidence* the unfair nature of your dismissal, so before you begin drafting your appeal letter, it is worth considering what evidence you have or are able to gather to support each of the grounds of your appeal.

Supporting evidence might include:

- Emails, letters, or other written communication, between you and line managers, P&C, etc.
- Official staff communications from the VC, P&C, your ED or HoD, etc.
- Meeting notes or minutes
- Official university documents - e.g., the Ordinances, the Managing Structural Change policy, or documents published on the Structural Change website
- Audio recordings - if you obtained permission for these
- Testimony by yourself or other member of staff

Draft your appeal letter

Your request for appeal should take the form of a formal letter addressed to the University Secretary, Lucy Johnson. ACAS provides a [template letter](#) that you can use as a starting point.

Your letter should:

- Clearly state **all** the grounds upon which you wish to make your appeal, as succinctly and distinctly from each other as possible
- Include all of the grounds that you feel you can effectively make a case for with evidence
- Remain respectful and professional
- Be drafted in full before you meet with your caseworker
- [optional] Note that you would like to be accompanied to your appeal meeting by your caseworker, and provide their name (with their permission)

Your letter should not:

- Hold any information back to "surprise" the panel in the appeal meeting
- Rely on external legal advice or be issued by a solicitor - this will exclude you from future casework and legal support from UCU
- Use language that is derisive, derogatory, or openly combative

Meet with your assigned caseworker to get feedback on your draft

Once your draft is complete and you have been contacted by your assigned caseworker, send them your draft and let them know you are ready to meet. They will arrange a time to meet with you confidentially in person or online.

Be prepared to outline all the evidence that you must substantiate each point made in your letter and have copies of these documents available.

Your caseworker will review your draft and offer advice on how to make your case clearer based on your right to appeal. They may suggest revisions to make and return to them for further consideration.

Submit your written appeal

Submit your appeal to Lucy Johnson, University Secretary (lucyj@essex.ac.uk). We recommend copying your caseworker.

3. Your Appeal Meeting

The University should invite you to an appeal meeting to present your case. According to the University's [published timeline](#), this may be anytime between 5 May – 31 July 26.

Who will hear my appeal?

Under the university ordinances (O41.28), Council will appoint a person who must:

1. not be employed by the University
2. hold or have held judicial office or be a solicitor or barrister of at least ten years' standing.

If that person believes it will aid the fairness of the appeals process, they may also invite two further members to form a panel:

- one member of the Council not employed by the University
- one member of the Academic Staff nominated by the Senate

University management have provided no further information at present.

What rights do I have during my appeal

Under the University Ordinances (O41.29.2), you are entitled to:

- be represented by another person at any hearing of their appeal
- not have your case decided without an oral hearing at which you and your appointed representative are present
- call witnesses for your case, with the permission of the appeals panel

Additionally, you can ask for the meeting to be recorded, although the employer is not obliged to agree to this.

How can my caseworker support me during my meeting?

Your caseworker can support you in many of the ways that your buddy may have during your consultation meeting. This includes:

- Helping take notes
- Making observations of the proceedings
- Help ensure you make the points you wished to raise
- Request reasonable adjustments on your behalf prior to the meeting
- Request comfort breaks or brief adjournment to confer during the appeal meeting
- With your permission, offer clarifications or speak if you become overwhelmed

How should I prepare?

Your caseworker will help you prepare for your appeal meeting, but generally you should plan to walk through the points laid out in your written appeal carefully, clearly, and concisely. At each point you

should plan to offer evidence that attests to your interpretation of events that you were unfairly selected for dismissal.

At the end of your hearing, you should provide a concise summary to help cement your argument.

4. Receiving an Outcome

After conferral, your appeal panel will reach an outcome. They can uphold your appeal completely, reject it completely, or accept it partially (e.g., they might agree you were treated unfairly on one point but not another). If they feel that your appeal has sufficient merit, they can send your case (or simply a specific issue) back to Council for further consideration. They can provide specific instructions on what to re-examine.

You should expect to receive notice of your outcome in writing

The university ordinances state that the appeals panel must send the written decision to 1) the Vice Chancellor and 2) you and your representative (O41.30). This letter should:

- Explain the outcome of your appeal and the reasons the panel decided this.
- State any findings of fact – differences in the facts between the original reading of your case and corrected facts according to the appeals panel
- State any action taken because of their decision – for example, returning your case to council for further consideration

5. What happens next?

If the appeals panel upholds your appeal, then Council has strong reason to reinstate you. However, this is not guaranteed.

If your appeal is denied, then your redundancy status remains unchanged, and you will serve the remainder of your notice period.

Legal Claims

If you are considering legal action, you should go through the appeals process first. However, the appeal is not itself part of a legal process. You don't need legal advice or representation for your appeal but do let your caseworker know if you are considering legal action.

Please be aware that taking outside legal counsel will mean that you are not eligible for legal aid or casework support from UCU.

When the appeal is completed, your branch caseworker will help you prepare any potential legal case, with support from the Regional Office. Your case will be evaluated by UCU's legal team to determine whether legal support can be provided. The UCU legal team will consider both your membership status, as well as the chances of winning your case. More information about UCU's legal support can be found [here](#).

Note: in most cases, you will need to have been a UCU member 3 months prior to notification of the redundancy process to receive legal aid. This is approximately late August/early September depending on the dating of your letter. If this affects you, please let your caseworker know.

Further resources

If you wish to understand the process and your employment rights further, both [ACAS](#) and [Citizens Advice](#) have helpful guides.