



BBC Appeals Policy

This policy applies to all employees at the BBC. It forms part of the contract of employment that applies to BBC employees in the UK on Grades 2-11, and is an agreed statement between the BBC and recognised joint unions which may only be varied by joint negotiation at the National Joint Council.

Definition

An appeal is a formal complaint made by an employee under the following circumstances:

- If they are dissatisfied with the outcome of their grievance procedure;
- If they are dissatisfied with the outcome of their bullying and harassment grievance procedure;
- If they are dissatisfied with the penalty imposed on them as a result of a disciplinary procedure;
- If they are dissatisfied with their penalty and/or warning of termination on the grounds of capability;
- If they wish to appeal against their dismissal including the terms of the dismissal;
- If they wish to appeal the outcome of their request for a career break; or
- If they are dissatisfied with the application of the procedure followed for any of the above.

Those employees who wish to appeal a decision to make their role redundant including, their selection for redundancy, may do so under the procedure set out in the **BBC Reorganisation and Redundancy Policy**.

Employees who want to appeal a decision to refuse a request under the terms of the **BBC Flexible Working Policy** may do so under the appeals procedure set out in the policy.

For employees who are dismissed because they do not meet the required conditions of the employment offer within the first six months e.g. failure to provide a satisfactory reference, there is no right to appeal.

The BBC is committed to protecting the privacy and security of your personal information.

Our [People Privacy Notice](#) describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation 2016/679 (**GDPR**). If you require further details as to how your personal data is processed, we ask that you refer to this document, which is incorporated into this policy by reference.

Additional information about how we use your personal information and how long we keep it for can be found in [the Data Protection Handbook](#) and our [Corporate Retention Schedule](#).

It is your responsibility to familiarise yourself with the BBC's data processing policies and notices set out above. If you have any queries regarding the processing of data by the BBC, please contact your manager.

Principles

- Employees raising an appeal should be able to do so without fear of victimisation.
- All those involved in an appeal have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously may be subject to disciplinary action.
- Appeals are heard at the level of management above the one at which the decision was taken, provided the manager hearing the appeal was not involved in the original decision.
- Where the appeal is against a bullying & harassment grievance not upheld, (partially or fully) this will be heard by a hearing manager appointed from outside of the employee's division and an external expert (with a casting vote if agreement cannot be reached). An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the employee's appeal relates to their disciplinary sanctions which resulted from a bullying & harassment disciplinary, this will be heard by a hearing manager appointed from outside of the employee's division. An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the appeal is against a disciplinary or capability dismissal this will be heard at Head of Division level or by the nominated deputy. The employee and their representative will be advised of the manager hearing the appeal.
- All cases should be dealt with in a non-discriminatory and consistent way.
- BBC management will provide a written outcome of an individual's appeal as soon as is practicable and within 90 days from the date of notification of the appeal unless there are exceptional circumstances. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- Employees who are on notice of dismissal will remain on the payroll until their appeal is decided or their notice expires, whichever is the later, see Procedure Step 2, for exceptions. However no employee will remain on the payroll after 90 days except where their notice is greater. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- The procedure set out in the appeals policy should be followed rigorously.
- All those involved in an appeal procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example at an employment tribunal, any statements may be dis-closable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer) and the employee will be advised of that right prior to the meeting

Procedure

Step 1: Submitting the Appeal

The employee must give the hearing manager who made the decision that they are appealing written notification of their appeal within 14 days of the decision they are



appealing against. This time limit may be extended at the discretion of the BBC, when circumstances make it impracticable for written notification to be lodged within 14 days.

The manager will send the employee written acknowledgement the appeal and pass it to Manager Advice. Manager Advice will contact the manager to appoint an appeal hearing manager and advise the appointed appeal hearing manager throughout the appeal process.

Step 2: The Meeting

A meeting is arranged to hear the employee's appeal and the employee and employer must take all reasonable steps to attend the meeting. Employees will be given no less than 3 working days' notice in writing of the date and time of their appeal meeting, unless a shorter time period is mutually agreed. In exceptional circumstances the employee may request that the meeting is postponed. The hearing manager will advise whether such a request should be granted.

The employee is required to submit the grounds of their appeal in writing to the appeal hearing manager as soon as possible and at least two working days in advance of the meeting.

The hearing manager will either take summary notes at the meeting or if applicable, arrange for a note taker to be present take summary notes of the meeting. A copy of the summary notes will be sent to the employee and their representative (if appropriate) for comment. Provided comments are received within a reasonable timeframe, as defined by the hearing manager, they will be held with the original notes from the meeting.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

Employees appealing against dismissal, other than

- summary dismissal which takes effect immediately, or
- a fixed term contract expiring on its due date,

remain on the payroll until their contractual notice has expired or until the internal appeal has been completed or abandoned, which will be no longer than 90 days. All other decisions against which an appeal is pending are implemented on the due date, without prejudice to such adjustments as will be necessary if the appeal succeeds.

The outcome of the appeal is final.



Polisi Apeliadau'r BBC

Nodyn: Yn unol â Safonau'r Iaith Gymraeg, mae gennych yr hawl i wneud cŵyn yn y Gymraeg ac i ymateb i gŵyn neu honiad(au) yn ymwneud â chi yn y Gymraeg.

Mae'r polisi hwn yn berthnasol i holl gyflogeion y BBC. Mae'n rhan o'r contract cyflogaeth sy'n berthnasol i gyflogeion y BBC yn y DU ar Raddfeydd 2-11. Datganiad y cytunwyd arno rhwng y BBC ac undebau ar y cyd cydnabyddedig yw hwn ac ni ellir ond ei amrywio drwy drafodaethau ar y cyd yn y Cydgyngor Cenedlaethol.

Diffiniad

Cwyn ffurfiol yw apêl a wneir gan gyflogai o dan yr amgylchiadau canlynol:

- Os yw'n anfodlon â chanlyniad trefn gwyno;
- Os yw'n anfodlon â chanlyniad trefn gwyno am fwlio ac aflonyddu;
- Os yw'n anfodlon â chosb a osodwyd o ganlyniad i drefn ddisgyblu;
- Os yw'n anfodlon â chosb a/neu rybudd diswyddiad ar sail gallu;
- Os yw'n dymuno apelio yn erbyn diswyddiad gan gynnwys telerau'r diswyddiad;
- Os yw'n dymuno apelio yn erbyn canlyniad ei gais am seibiant gyrfa; neu
- Os yw'n anfodlon â sut y defnyddiwyd y weithdrefn a ddilynwyd ar gyfer unrhyw un o'r uchod.

Caiff cyflogeion sy'n dymuno apelio yn erbyn penderfyniad i ddileu eu rôl, gan gynnwys cael eu dewis ar gyfer hyn, wneud hynny'n unol â'r weithdrefn a nodir ym **Mholisi Ad-drefnu a Dileu Swyddi y BBC**.

Caiff cyflogeion sy'n dymuno apelio yn erbyn penderfyniad i wrthod cais dan delerau **Polisi Gweithio Hyblyg y BBC**, wneud hynny'n unol â'r weithdrefn apeliadau a nodir yn y polisi.

Nid oes hawl apelio i gyflogeion sy'n cael eu diswyddo am nad ydynt yn bodloni amodau'r cynnig cyflogaeth o fewn y chwe mis cyntaf e.e. methu â darparu geirda boddhaol.

Mae'r BBC yn ymrwymedig i amddiffyn preifatrwydd a diogelwch eich gwybodaeth bersonol chi.

Mae ein [Hysbysiad Preifatrwydd Pobl](#) yn disgrifio sut rydym yn casglu ac yn defnyddio gwybodaeth bersonol amdanoch chi yn ystod eich perthynas weithio â ni, ac wedi hynny, yn unol â Rheoliad Diogelu Data Cyffredinol 2016/679 (**GDPR**). Os byddwch angen rhagor o fanylion am y ffordd mae'ch data personol yn cael ei brosesu, gofynnwn i chi gyfeirio at y ddogfen hon, sydd wedi'i chynnwys yn y polisi hwn drwy gyfeiriad.

Mae gwybodaeth ychwanegol am y modd yr ydym yn defnyddio'ch gwybodaeth bersonol a pha mor hir y byddwn yn ei chadw ar gael yn [y Llawlyfr Diogelu Data](#) a'n [Atodlen Cadwraeth Gorfforaethol](#).

Eich cyfrifoldeb chi yw ymglyfarwyddo â hysbysiadau a pholisïau prosesu data'r BBC a nodir uchod. Os bydd gennych unrhyw ymholiadau ynglŷn â gwaith y BBC yn prosesu data, cysylltwch â'ch rheolwr.

- Dylai cyflogeion sy'n cyflwyno apêl allu gwneud hynny heb ofni cael eu herlid.
- Mae'n ddyletswydd ar bawb sydd gysylltiedig ag apêl i weithredu'n onest a heb falais at neb arall. Gellir disgyblu unigolion sy'n gwneud cwynion yn faleisus.
- Gwrandewir apeliadau ar y lefel rheoli uwchlaw'r un lle gwnaethpwyd y penderfyniad, cyn belled nad oedd a wnelo'r rheolwr sy'n gwrando'r apêl ddim â'r penderfyniad gwreiddiol.
- Os yw'r apêl yn erbyn cwyn bwlio ac aflonyddu nas cadarnhawyd, (yn rhannol neu'n llawn) gwrandewir hi gan reolwr gwrandawriad a benodir o'r tu allan i adran y cyflogai ac arbenigwr allanol (sy'n cael pleidlais fwrw oni ellir cyrraedd cytundeb). Neilltuir arweinydd ymchwiliad hefyd i ganfod unrhyw ffeithiau ychwanegol.
- Os yw apêl y cyflogai yn ymwneud â'i sancsiynau disgyblu o ganlyniad i achos disgyblu bwlio ac aflonyddu, gwrandewir hi gan reolwr gwrandawriad a benodir o'r tu allan i adran y cyflogai. Neilltuir arweinydd ymchwiliad hefyd i ganfod unrhyw ffeithiau ychwanegol.
- Os yw'r apêl yn erbyn diswyddiad am resymau'n ymwneud â disgyblu neu allu, gwrandewir hi ar lefel Pennaeth Adran neu gan y dirprwy enwebedig. Rhoddir gwybod i'r cyflogai a'i gynrychiolydd pa reolwr fydd yn gwrando'r apêl.
- Dylid trin pob achos mewn ffordd gyson heb gamwahaniaethu.
- Bydd rheolwyr y BBC yn darparu canlyniad ysgrifenedig i gŵyn unigolyn cyn gynted ag y bo'n ymarferol ac o fewn 90 diwrnod i'r dyddiad hysbysu am yr apêl oni bai fod amgylchiadau eithriadol. Bydd pob parti'n ymdrechu i ddatrys materion cyn gynted ag y bo'n rhesymol ymarferol.
- Bydd cyflogeion sydd wedi cael hysbysiad diswyddo'n aros ar y gyflogres nes y gwneir penderfyniad am eu hapêl neu nes y bydd eu hysbysiad yn dod i ben, pa un bynnag yw'r diweddaraf; gweler Cam 2 y Weithdrefn am eithriadau. Fodd bynnag, ni fydd unrhyw gyflogai'n aros ar y gyflogres ar ôl 90 diwrnod oni bai bod ei hysbysiad yn hwy na hyn. Bydd pob parti'n ymdrechu i ddatrys materion cyn gynted ag y bo'n rhesymol ymarferol.
- Dylid dilyn y weithdrefn a nodir yn y polisi apeliadau yn fanwl.
- Bydd pawb sy'n ymwneud â gweithdrefn apêl yn parchu cyfrinachedd a phreifatrwydd pobl eraill. Er y gwneir ymdrechion i amddiffyn cyfrinachedd pobl eraill, os gelwir gweithdrefnau pellach i rym, er enghraifft mewn tribiwnlys cyflogaeth, efallai y gellir datgelu unrhyw ddatganiadau a hysbysir partion o faterion datgelu o'r fath. Lle bo'n briodol, ceir dal gwybodaeth yn ôl dan rai amgylchiadau, er enghraifft i amddiffyn tystion.
- Mewn unrhyw gyfarfod ffurfiol, mae gan gyflogeion hawl i gael cynrychiolydd undeb llafur achrededig neu gydweithiwr o'r BBC (nad yw'n gweithio fel cyfreithiwr) gyda hwy, a hysbysir y cyflogai o'r hawl hwnnw cyn y cyfarfod.

Gweithdrefn

Cam 1: Cyflwyno'r Apêl

Rhaid i'r cyflogai roi hysbysiad ysgrifenedig i reolwr y gwrandawriad a wnaeth y penderfyniad y mae'n apelio yn ei erbyn o fewn 14 diwrnod i'r penderfyniad y mae'n apelio yn ei erbyn. Gellir ymestyn y cyfyngiad amser hwn yn unol â disgresiwn y BBC, pan fo amgylchiadau'n golygu nad yw'n ymarferol bosibl cyflwyno hysbysiad ysgrifenedig o fewn 14 diwrnod.

Bydd y rheolwr yn anfon cydnabyddiaeth ysgrifenedig o'r apêl at y gyflogai a'i rhoi i Cyngor i Reolwyr. Bydd Cyngor i Reolwyr yn cysylltu â'r Partner Busnes AD i benodi rheolwr ar gyfer y gwrandawriad i ddelio â'r apêl a bydd yn hysbysu'r rheolwr sydd wedi'i bennu ar gyfer y gwrandawriad gydol y broses apelio.

Cam 2: Y Cyfarfod

Trefnir cyfarfod i wrando apêl y cyflogai a rhaid i'r cyflogai a'r cyflogwr wneud popeth rhesymol er mwyn bod yn bresennol yn y cyfarfod. Caiff cyflogeion o leiaf 3 diwrnod gwaith o rybudd yn ysgrifenedig o ddyddiad ac amser eu cyfarfod apêl, oni bai bod pawb dan sylw'n cytuno ar gyfnod byrrach. Mewn amgylchiadau eithriadol gall y cyflogai ofyn am ohirio'r cyfarfod. Rheolwr y gwrandawriad fydd yn dweud a ddylid caniatáu'r cyfryw gais.

Mae'n ofynnol i'r cyflogai gyflwyno sail ei apêl yn ysgrifenedig i reolwr gwrandawriad yr apêl cyn gynted â phosibl, ac o leiaf ddau ddiwrnod gwaith cyn y cyfarfod.

Bydd rheolwr y gwrandawriad naill ai'n cymryd nodiadau cryno yn y cyfarfod neu, os yw'n briodol, yn trefnu i rywun fod yn bresennol i gymryd nodiadau cryno o'r cyfarfod. Bydd copi o'r nodiadau cryno yn cael ei anfon at y cyflogai a'i gynrychiolydd (os yw'n briodol) i gael sylwadau. Gyhyd ag y derbynnir sylwadau mewn amser rhesymol, fel y diffinnir gan reolwr y gwrandawriad, byddant yn cael eu cadw gyda nodiadau gwreiddiol y cyfarfod.

Yn dilyn y cyfarfod rhaid i reolwr y gwrandawriad hysbysu'r cyflogai am ei benderfyniad mewn ysgrifenedig, gan amlinellu sail y penderfyniad a wnaed ac unrhyw gamau i'w cymryd.

Bydd cyflogeion sy'n apelio yn erbyn diswyddiad, ac eithrio

- diswyddiad diannod sy'n dod i rym ar unwaith, neu
- gontract cyfnod penodol sy'n dod i ben ar ddiwedd y cyfnod hwnnw,

yn aros ar y gyflogres tan ddiwedd eu hysbysiad contract neu nes i'r apêl fewnol gael ei chwblhau neu ei gadael; ni fydd hyn yn hwy na 90 diwrnod. Bydd pob penderfyniad arall y gwneir apêl yn ei erbyn yn dod i rym ar y dyddiad priodol, heb ystyried unrhyw addasiadau y byddai eu hangen pe bai'r apêl yn llwyddo

Bydd canlyniad yr apêl yn derfynol.