

## **Appendix 1**



### **HUMAN RESOURCES PROCEDURE**

#### **Grievance, Bullying and Harassment Procedure**

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## **PART 1**

### **Introduction and Principles**

#### **Scope and Aims**

1. This procedure is applicable to all employees of Cheshire East except school based employees. There are specific policies for schools employees which can be accessed via the Schools Intranet Site (link below ).

<http://centranet.ourcheshire.cccusers.com/schools/SchoolsHR/Pages/default.aspx>

2. Cheshire East Council believes that every employee has a right to raise grievances about their work, conditions of service or working relationships. These procedures provide a process and guidance for employees and managers on raising and responding to grievances, both informally and formally, including those that relate to harassment. The aims of these procedures are to:

- enable an employee (or group of employees) to raise a grievance and ensure that it is dealt with quickly and in a fair and consistent manner
- enable grievances to be dealt with informally, wherever possible
- enable an employee to raise a grievance relating to concerns that they feel that they are being subjected to harassment or bullying<sup>1</sup> in the workplace
- ensure there is guidance on the circumstances in which a grievance can be raised and a clear process and timescales
- ensure staff receive a timely and appropriate response from management, with a view to reaching a satisfactory outcome

3. In implementing this procedure the Council will ensure that managers deal fairly and effectively with employees should they complain about the behaviour of another employee, or if they are complained about.
4. It is emphasised that use of these procedures should not replace normal day-to-day discussions between managers and employees and every effort should be made to resolve issues without recourse to them.
5. Many grievances can be dealt with informally without the need to progress to the formal stage (see Informal Procedure below). Employees should aim to resolve most issues informally with their line manager (or the next senior manager where the complaint is against their line manager), but if they are unable to do so the matter should be raised formally without undue delay.

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<sup>1</sup> The definition of harassment used in these procedures includes bullying as a form of harassment, though it is recognised that the terms are sometimes used interchangeably. Where reference is made to harassment it applies equally to bullying. **Harassment** is defined in the Council's Grievance and Harassment Policy as any unwanted attention or behaviour that a person finds objectionable or offensive and which makes him or her feel threatened or uncomfortable leading to a loss of dignity and self-respect.

6. Both managers and employees are required to commit to and support constructive discussions, adopting a positive approach to enable grievances to be resolved at the informal stage, wherever possible.
7. Where it has not been possible to resolve a matter informally employees have a right to raise a formal grievance. It is also possible to use the formal procedure in cases where the employee or manager feels that it is not feasible to resolve the matter informally.

## **Exclusions**

8. The Council reserves the right to decline to consider any matter which it considers inappropriate under these procedures and confirms employees are specifically excluded from using the Procedures as follows:
  - Grievances or complaints involving members – they will be dealt with in accordance with the Council's Code of Conduct for Members and in accordance with the relevant provisions of Part III of the Local Government Act 2000.
  - Concerns regarding Service Users, Consultants, Volunteers, Contractors or employee of partner organisations – such concerns should be raised with the employee's line manager who may seek advice from HR. Most of these concerns will be dealt with under the Council's Complaints Procedure or service specific arrangements agreed for this purpose. Service managers are expected to ensure that appropriate measures are taken in relation to concerns raised in relation to service users, consultants, volunteers, contractors and employees of partner organisations.
  - Complaints relating to a pension, national insurance or income tax matter.
  - Where the employee fails to comply with the relevant time limits within the procedure (unless management agrees in advance to a particular time limit being extended).
  - Where they attempt to restart the procedure in respect of a grievance which has been previously heard under the procedure and the facts of the matter or circumstances have not altered substantially.
  - Where an employee has been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter.
  - Where an employee has been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns or is connected with that matter or the arrangements for that interview or hearing.
  - Where resolving the grievance is beyond the powers of the Council e.g. where an employee wishes to raise a grievance concerning regulations or legislation.

## **Advice and Support for Employees**

9. The Council recognises that raising certain grievances, including those that relate to harassment, can be difficult and the Council will ensure that all employees involved

receive support where appropriate. Employees may seek support from HR who can give informed advice in confidence and without pressure. It should be noted, however, that complete confidentiality cannot always be guaranteed as the Council has an obligation to investigate serious concerns/allegations. The objective of contacting HR is to help an employee to decide which course of action to take, and to support employees during both informal and formal action. Employees who are the subject of complaints may also seek advice from HR. Employees may also seek advice from their line manager or trade union representative.

10. Where a grievance relates to alleged harassment, in appropriate circumstances (and where both parties agree), they will be referred for mediation in an attempt to re-establish a positive working relationship.
11. Access to confidential counselling will also be available to employees through Occupational Health and/or the Employee Assistance Scheme.

### **Hate Crime**

12. Any complaint that is perceived to be potential hate crime by the employee, their colleagues or management, must be reported to the Monitoring Officer under the appropriate procedures. The Head of Service will then use this procedure to investigate the matter.

### **Timescales**

13. Whilst it is appreciated that in some cases employees may be reluctant to initiate this procedure, it is important that grievances are raised promptly in order that they can be investigated and resolved swiftly, avoiding any unnecessary stress and anxiety for all involved.
14. Employees are encouraged to raise complaints within 3 months of the event occurring, or final event where there is a sequence of events. However, this should not deter them from highlighting issues which occurred prior to this timescale, which form a sequence or pattern of events and give substance to the complaint.
15. Time limits are specified for each stage of the procedure to ensure the efficient resolution of complaints and to avoid delays. Such timescales should be followed unless both management and the employee or their trade union representative, mutually agree that speed is not essential or where there are exceptional circumstances. An extension may be necessary where a detailed investigation of the allegations made in a grievance is required.
16. If a complaint is not dealt with by an appropriate manager within a specified time limit, the employee shall have the right to proceed to the next stage of the procedure. Where an employee fails to comply with a time limit the procedure will cease and the complaint will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee. This will not apply if the manager and the employee agree that the time limits should be extended. There may be some cases where action is required by management, even if the employee decides not to proceed with their complaint.
17. The timing and location of any meetings should be reasonable and the employee must take all reasonable steps to attend. If the person accompanying the employee cannot attend on a proposed date, the employee can suggest a suitable alternative date/location. This must not be more than 5 days after the date originally proposed by the Head of Service.

## **Victimisation**

18. Action will be taken to protect employees from intimidation, victimisation or discrimination for filing a complaint or assisting an investigation. Retaliating against an employee for complaining under these procedures or assisting in an investigation is a disciplinary offence.

## **Malicious Allegations**

19. If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against them.

## **Anonymous Allegations**

20. The Council does not encourage the making of anonymous allegations and will only consider these in exceptional circumstances. Any decision to consider anonymous allegations will be at the absolute discretion of the Council. In exercising this discretion the following factors will be considered:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of being able to confirm the allegation

## **Equality**

21. Cheshire East Council will ensure that when implementing these procedures no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the procedures may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

22. Before introduction, the potential equality impact of the procedures was assessed to ensure that it promotes equality for all staff and does not discriminate unfairly against any protected groups.

## **PART 2**

### **Informal Procedure – Day to Day Management of Grievances and Harassment**

#### **Timeframe Standards:**

- **Management acknowledgement within 5 working days of receipt of informal grievance**
- **Meeting with employee and management decision within 20 working days**

23. Many grievances can be resolved quickly and informally through day to day discussions between an employee and their manager/supervisor. Effective supervision, one to one meetings, support and informal counselling can help establish an environment where an employee feels comfortable discussing concerns and has regular opportunities to raise any problems.

24. Managers need to be alert and respond promptly to grievances raised informally, especially where they may develop into more serious issues or where they involve concerns over any form of harassing behaviour. Examples of inappropriate behaviour are listed at Appendix 2. The employee should be directed to or given a copy of these procedures.

### **Action by Manager**

25. The manager should normally respond to the grievance **within 5 working days**, either orally or in writing, when the grievance concerns harassment or where a written response is requested by the employee. In some cases this response may, at this stage, only be an acknowledgement of the issues and confirmation that the grievance will be investigated. If there is no response within 5 working days the employee may proceed to the Formal stage.

26. Sufficient investigation must be undertaken to establish the facts of the case. The nature and extent of the investigation will depend upon the individual circumstances. In more serious or complex cases, particularly under the Formal Procedure, it may be decided to appoint an Investigating Officer.

27. The manager should hold a meeting as soon as possible to explore the employee's (or group of employees<sup>2</sup>) concerns and agree how to move forward, identifying any appropriate support needed for the employee or other action to be taken. Advice should be sought from HR colleagues where appropriate. A note of any agreed action must be shared with the employee.

28. The manager should normally give a decision **within 20 working days** from receipt of the informal grievance. (Absences of the respective parties on annual leave or sickness absence may affect this timescale e.g. by delaying an investigation interview).

### **Grievance against Line Manager**

29. If the employee's immediate line manager is the subject of the grievance it is very unlikely that it will be appropriate for them to deal with the complaint. In such cases the matter should normally be referred to a manager of equivalent status who has no direct involvement. In the first instance, the employee should, therefore, refer their grievance to their Head of Service or Director, as appropriate. They may also approach HR, who will also be able to advise on referral to an appropriate manager.

### **Mediation**

30. In some circumstances, managers may consider whether using a mediator to help resolve issues would be appropriate. Mediation is a voluntary process where someone with an independent focus tries to facilitate a resolution. Mediation will only be used where appropriate and where all parties agree to take part. If mediation is used it is expected that the process will be completed within the overall 20 working day timeframe.

<sup>2</sup> A group of employees (two or more) with the same or similar grievance may use the procedure and be represented by a member of the group or through their trade union. All employees involved must jointly agree to do this.

## Grievances involving harassment

31. Prompt action is especially important where a grievance relates to harassment. If possible, an employee who believes that they (or a colleague) have been subjected to any unacceptable behaviour should, in the first instance, ask the person to stop the behaviour. The individual must make it clear what aspect of the behaviour is offensive, upsetting, intimidating or in any other way unacceptable and explain the effect it is having on them (or their colleague). It should also be made clear that if the behaviour continues, a formal complaint will be made.
32. It is recognised that this can be a difficult thing to do and if the employee feels unable to make this approach on their own, it can be made with the support of a Trade Union representative or work colleague employed by the Council.
33. An employee may also report any unacceptable behaviour directly to their line manager or, if the behaviour involves their line manager, to the next tier of management. Complaints concerning Members of the Council must be reported to the Council's Monitoring Officer.
34. Employees may also approach any HR Officer, a manager of their own gender if preferred, or any other employee who they feel would be able to support their individual needs.
35. Employees should identify at this stage the outcome they are seeking (if known). They should also be advised by their manager (or HR Officer) of the options for both formal and informal resolution.
36. Where the grievance relates to alleged harassment the manager will undertake some initial enquiries, including discussing the complaint with the employee against whom the allegation has been made. The manager will consider the following options for informal resolution:-
  - i) Arrange a meeting with all those involved, either altogether or meeting the complainant separately where there are obvious sensitivities or the complainant may find a joint meeting too intimidating, with the aim of establishing understanding, recognition and acceptance of:
    - the alleged unacceptable nature of the behaviour.
    - the impact on the employee to whom the behaviour is directed.
    - the feelings of the complainant and the person against whom the allegation is made.
    - the motivation, or lack of it, of the alleged perpetrator.
    - the expected standards of behaviour.
    - how the employees involved will work together following the meeting.
    - what steps the manager will put in place to monitor and review the situation (a confidential written record of the meeting and outcomes should be kept).
  - ii) Act as mediator or appoint an independent mediator to conduct further discussions with the complainant and with the person against whom the complaint has been made, with the aim of improving understanding and establishing common ground from which to agree a practical resolution.

iii) Consider whether it is practical or desirable for either party to voluntarily move to another job or location either on a temporary or permanent basis, to support their wellbeing or the maintenance of an appropriate working environment.

37. Acknowledgement, recognition and agreement on a resolution strategy between the parties at this stage will preclude the need for further investigation.

38. The management decision will be completed within **20 working days** of the initial complaint being raised.

## **PART 3**

### **Formal Procedure**

#### **Timeframe Standards:**

- **Management acknowledgement within 5 working days of receipt of formal grievance**
- **Meeting with employee and management decision within 20 working days**

39. The Formal Procedure will commence where:-

- informal action does not result in the grievance being resolved (or the offending behaviour ceasing where harassment is alleged).
- the employee who raised the grievance, or the employee who is the subject of the grievance, is dissatisfied with the informal action taken.
- an employee wishes to make a formal complaint in the first instance.
- the complaint is so serious that informal action is inappropriate.

40. The grievance should be submitted in writing to the employee's Head of Service<sup>3</sup> (or Director where the Head of Service is the subject of the grievance) using the Notification Form at Appendix 3. Managers should be aware that any written complaint by an employee may be considered to be a formal grievance - where it is the employee's intention to have their complaint dealt with as a grievance they should be asked to complete the form.

41. The Head of Service (or a manager they nominate) – referred to as the 'manager' in the subsequent paragraphs - will provide an acknowledgement **within 5 working days** and a written response and decision **within 20 working days** of receipt.

42. During this period, as appropriate, they will arrange any required fact-finding and an investigation where required. They will also arrange a meeting with the employee to hear further details, informing the employee of their right to be accompanied by a trade union or work colleague of their choice as a 'companion' (see 'Role of the Companion' below). The meeting will allow the manager to explore the issues and enable the employee to fully explain their complaint and how they think it should be resolved.

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<sup>3</sup> The Head of Service is defined as the most senior officer in the operating unit.



43. The manager will subsequently provide a written response that will outline their decision, the reasons for it and the employee's right of appeal. Any extension to the 20 day timescale should only be in exceptional circumstances.
44. If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.

### **Harassment cases**

45. Where the grievance relates to harassment the complainant should include the additional details shown on the Notification Form. It is important this information is provided in full to enable the manager to provide a prompt and effective response, including a written response and decision within the 20 working day timescale.
46. The manager will acknowledge receipt of the Notification Form within 5 working days, confirming that an investigation will take place, the name of the Investigating Officer and reminding the employee of the support available to them. The manager provides details of the complaint to the person against whom the allegations have been made, advises them of their rights under these Procedures and explains what will happen next.
47. Where the Informal Procedure has not been used, the Investigating Officer will interview separately both the complainant and the person against whom the complaint has been made in order to establish the issues, the seriousness of the complaint and whether informal resolution is still possible.
48. If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.
49. Where an employee alleges that sexual harassment or other serious harassment has occurred managers must ensure that such complaints are handled sensitively. For example, careful consideration should be given to arranging meetings when in the immediate aftermath of a complaint of harassment e.g. by ensuring the employee is comfortable with the proposed meeting location and asking if the employee wishes to be accompanied by an appropriate person/colleague as a companion. The manager should also ensure that the employee is fully briefed on the procedure, in liaison with HR.
50. In circumstances where it is considered that an employee requires additional support and does not have trade union representation or an experienced companion, the manager, with HR advice, may consider making support available to ensure the employee is fully aware of the procedure and any options available to them. This may be particularly appropriate in cases of alleged sexual harassment. The support would normally be an experienced officer of the same gender, from another Directorate, who could brief the employee and accompany them to meetings as required. It is stressed, however, that the support is not intended to be a 'representative' of the employee.

51. If, at any time, the manager considers that the circumstances constitute misconduct they should move to the Disciplinary Procedure. Suspension or relocation of an employee(s) may be appropriate in some circumstances, for example where their presence is likely to impede the investigation. In accordance with the Disciplinary Procedure, any employee who is suspended must be notified in writing of the reasons for the suspension and the conditions attached to it, including confirmation that any breach of the conditions of their suspension may of itself be a disciplinary matter.
52. The Investigating Officer will prepare a report of their findings including notes of interviews with any witnesses. The report should include a summary of the issues, the evidence available, where appropriate an assessment of any alleged unacceptable behaviour, and the impact on the complainant.
53. The manager will consider this report and make it available to both the complainant and any alleged perpetrator (and their representative where appropriate).

### **Hearing – Harassment Cases**

54. The manager will arrange a hearing and invite the complainant and the person against whom the complaint has been made to attend in order to consider the contents of the Investigating Officer's report.
55. The manager will have the discretion to invite both parties into the hearing together or separately, depending upon the circumstances (and any sensitivities) of the case.
56. The employees will be advised of their right to be accompanied by a work colleague or represented by their Trade Union Representative at the hearing. At the meeting the complainant will be given an opportunity to explain their case and the resolution they are seeking.
57. The manager may decide that:
- i) there is sufficient evidence of unacceptable behaviour of a serious nature to require that a disciplinary hearing be held in accordance with the Disciplinary Procedure. The Disciplinary Hearing will be chaired by another Head of Service.
  - ii) unacceptable behaviour has occurred, but that in the circumstances it is not considered serious enough to warrant disciplinary action. In this case an action plan and monitoring arrangements should be agreed to ensure the behaviour stops. A record should be kept of these arrangements.
  - iii) there is no evidence (or insufficient evidence) to substantiate allegations of unacceptable behaviour. The Head of Service Manager will discuss this outcome with all parties and ensure that continued personal support is available to them.
58. The manager will confirm his/her decision in writing to both parties within 20 working days of the initial receipt of the complaint, or within any extended timescale where appropriate. The decision should include the right of appeal (see below).

### **Third Party Harassment**

59. In circumstances where an employee makes a complaint about harassment from a third party who is not employed by the Council, the manager must take reasonably

practicable steps to safeguard the Health and Safety of all employees and to minimise the risks of such incidents reoccurring.

60. Reasonably practical steps might include:

- notifying third parties that harassment of employees is unacceptable and in some cases unlawful and will not be tolerated, for example by the display of a public notice;
- inclusion of a term in all contracts with third parties notifying them of the employer's policy on harassment and requiring them to adhere to it;
- encouraging employees to report any acts of harassment by third parties to enable the employer to support the employee and take appropriate action;
- taking action on every complaint of harassment by a third party.

61. Please also refer to the Violence at Work Policy.

### **Withdrawn Complaints**

62. Where a complainant withdraws a serious complaint or resigns before the issue has been investigated, the Council reserves the right to continue to apply this procedure according to the circumstances and severity of the issues raised.

### **APPEALS**

63. Appeals are intended to ensure consistency of approach, that procedures in previous meetings have been properly conducted and that a reasonable conclusion was reached. To be progressed an appeal must have proper grounds that should normally related to one of the following:

- There was a procedural error.
- New evidence has emerged that was not available at the grievance meeting.
- The decision/conclusion reached by the manager who heard the hearing was unreasonable.

In the event of new evidence coming to light this will be provided to the Chair of the original hearing so that it can be investigated and the Chair can consider the matter at a reconvened hearing, and decide whether it changes the outcome. This will be before the formal appeal.

64. Appeals are not intended to re-hear the case, though they will require sufficient detail to reach a fair outcome.

### **Exercising the Right of Appeal**

65. An employee who feels that their grievance has not been resolved has the right of appeal, they should inform the Executive Director in the appropriate service area in writing setting out the grounds of their appeal and outcome they are seeking, within 10 working days of receiving the grievance decision.

66. The procedure for Grievance Appeals is outlined at Appendix 3.

67. The subsequent decision of the Appeals Staffing Sub-Committee will be final – there are no further appeal rights.

## **Role of the Companion**

68. A companion can only attend a hearing in a trade union capacity if they are either a full time official or accredited by their union as having the necessary experience or training to perform such a role. Work colleagues may also act as companions.

69. Companions may:

Address the meeting and put the employee's case on their behalf; sum up the employee's case; respond on the employee's behalf to any view expressed at the hearing and sum up on behalf of the employee at the end of the hearing.

70. Companions are **not** entitled to answer any questions put directly to the employee, these should be answered by the employee themselves, although companions may care to add to any response given. Neither must the companion participate in any way that the employee has specifically requested them not to, or disrupt the meeting or its progress.

## **Monitoring Arrangements**

71. All instances of alleged harassment of employees, including any dealt with informally, will be notified to the HR Business Partner and copied to the Head of Human Resources.

72. In harassment cases, the Head of Service responsible for the work area will hold a meeting with both the complainant and the employee against whom the allegation was made, 3 months (or other period as agreed) after the outcome, to review the situation and determine whether further action is necessary.

73. Data relating to harassment cases will be collated and monitored regularly by HR to ensure that the Procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

## **Review**

74. This procedure will be reviewed in the light of operating experience and/or changes in policy or legislation.

Useful Links:

Prepared by:	HR
Date :	20 March 2015
Revisions and reasons:	
Review Date:	20 March 2017

**Harassment/Bullying at Work – Examples- Not an exhaustive list**

**The following gives examples of inappropriate behaviour by an employee or directed at an employee by a third party who does not work for the Council**

- Unwelcome sexual advances
- unwelcome physical contact or invading a person's personal space
- suggestive comments, questions or innuendo
- persistent unwelcome attention
- singling out or victimisation
- consistently undermining someone and their ability to do their job
- inappropriate detailed checking of work, times of coming and going or excessive supervision
- unreasonably withholding information, resources or training
- setting impossible objectives
- changing priorities or objectives unreasonably
- shouting at an individual to get things done
- humiliating an individual in front of their colleagues
- belittling or patronising comments
- display or issue of offensive, sexist or racist literature and images
- practical jokes or initiations
- behaviour or language which is intimidating, physically abusive or threatening
- isolation or non co-operation
- intrusion by pestering, spying or stalking
- other forms of harassment can include the use of e-mails, the sending of faxes or making telephone calls within the working environment or to a person's home invading their privacy.

**Certain forms of harassment at work will amount to unlawful discrimination e.g. if it is because of a person's;**

Race  
Nationality  
Skin colour or ethnic background  
Gender or transgender  
Disability  
Age  
Social or economic status  
Sexual orientation, marital status or civil partnership  
Pregnancy or maternity  
Caring responsibilities  
Religious or political beliefs  
Suspected or actual HIV/AIDS status  
Trade union membership or activity  
Assertion of contractual rights as an employee  
Status as an ex offender  
Willingness to challenge harassment/bullying and consequently being victimised  
Reporting of a breach of the Council's Standards of Conduct and consequently being victimised

**Form GH1**  
**Formal Grievance, Bullying and Harassment Notification Form**

**Appendix 2**

**Section1: To be completed by employee(s)**

Name	
Service and Team	
Name of line manager	
Name of Trade Union (if a member)	
Name of person who will accompany you to any meetings (if known)	
Date Grievance lodged	
<p>Details of Grievance (attach a separate sheet if necessary) including</p> <p>1. Nature of alleged Grievance</p> <p>2. Evidence to support it, including any witnesses if appropriate.</p> <p>For harassment/bullying grievances please include:</p> <ul style="list-style-type: none"> <li>• the name of the person(s) responsible for the alleged behaviour</li> <li>• the nature of the behaviour;</li> <li>• where possible details of specific incidents;</li> <li>• names of witnesses to any incidents;</li> <li>• any action already taken by the complainant to stop the behaviour;</li> <li>• what would be an acceptable outcome to the complainant, if known (attach a separate sheet if necessary)</li> </ul>	
Date of response already received from line manager (if appropriate)	
The outcome you are seeking, if known. (attach a separate sheet if necessary)	

Employee(s) Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 2 (continued)****SECTION 2: To be completed by management**

Name of complainant(s)	
Department and Service/Section	
Name of line manager	
Formal Stage – Date notification received	
Date response required by (to meet 30 working days standard)	
Date written response/decision sent to employee	
Date Employee's Appeal Received (within 10 working days of receipt of decision by employee)	
Date Hearing Notification sent (giving 15 working days' notice) and Hearing date	
Hearing date (to be held within 30 days)	
Final Outcome/Decision and date notified to employee	

Manager signature \_\_\_\_\_

Date \_\_\_\_\_

This form should be sent to the HRO

### Procedure for Grievance Appeal Hearing

It is important that grievance appeals are dealt with as soon as possible and, therefore, the appeals hearing will normally take place within 30 working days of the appeal being received.

The grievance appeal will be heard by the Staffing Sub-Committee.

The employee will be given, in writing, a minimum of 15 working days' notice of the time and place of the appeal hearing. They will be allowed to be accompanied by a work colleague or represented by the trade union representative. The procedure for the hearing will be circulated to all parties involved in advance.

Employee must send any supporting documentation to the Case coordinator at least 7 working days before the date of the hearing.

### Appeal Hearing Procedure

The procedure will be as follows:

1. The Staffing Sub-Committee consists of Elected Members of the Council, with a person acting as secretary in attendance. An HR advisor and a Legal advisor will also be present. The members will elect a Chair prior to the commencement of the hearing.
2. Introductions of all parties
3. The Chairman of the Sub-Committee will satisfy himself/herself that both parties are familiar with, and understand, the procedure to be followed at the hearing
4. The employee (or their representative) will present their grounds of appeal and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
5. The Chair and members of the committee and the Management representatives may then ask questions of the employee and/or witnesses
6. The Appellant or their representative will have the opportunity to re-examine their witness on any matter referred to in the examination by the Members of the Sub-Committee or the Management representative.
7. At the conclusion of the Appellants evidence the Management representative and Members of the Sub-Committee will have the opportunity to ask questions of the Appellant and or their representative.
8. The Management representative will respond to the appeal grounds and may call witnesses. Witnesses will only attend for the duration of their evidence.
9. The Chair and the appellant or their representative may then ask questions of the Management representative and witnesses.



10. At the conclusion of the Management evidence the Appellant or their representative and Members of the Sub-Committee will have the opportunity to ask questions of the Council's representative.
11. The Management representative will have the opportunity to re-examine their witnesses on any matter referred to in the examination by the Members of the Sub-Committee, the Appellant or their representative.
12. The management representative then sums up.
13. The appellant or representative then sums up
14. Both parties withdraw. The Chair (with the other committee members, HR advisor, Legal advisor and the secretary present) will consider the evidence and make a decision. If it necessary to recall either party to clear points of uncertainty both parties will return, notwithstanding that only one is concerned with the point giving rise to doubt.
15. Both parties will be recalled to hear the decision of the Chair, which will be confirmed in writing within 7 working days.