

## **GRIEVANCE APPEALS – PROCESS**

1. An appeal by an employee against a Chief Officer's decision is referred to the Legal and Democratic Services section.
2. Democratic Services inform the Chairman of the Employment and Appeals Committee and seek a suitable date subject to the Grievance Procedure, the protocol for appointing members of the Committee to Appeals Panels and the availability of accommodation.
3. Once the members of the Panel have been appointed they should seek to agree between themselves which of them is to chair the hearing and inform Democratic Services accordingly.
4. Democratic Services circulate the agenda for the Panel hearing five clear days in advance. This will have attached the written case submissions of both the Appellant and Management. It will also identify which officer from Legal Services will act as Clerk to the Panel.
5. Members of the Panel should not discuss the details of the appeal amongst themselves or with anyone else before the hearing. If they have any preliminary questions they should be addressed to the Clerk or to the Democratic Services officer who circulated the agenda, depending on the nature of the enquiry.
6. The Panel and the Clerk will convene 60 minutes before the scheduled start of the hearing, in private, for a briefing by the Clerk on the procedure for the hearing and to identify any issues that members consider material but which have not been addressed explicitly in the written case submissions. Any such issues normally will be raised during the appropriate questioning stage of the hearing. Members will decide which of them is to chair the hearing if they have not decided already under stage 3.
7. At the start of the hearing the Panel Chairman will advise those present that s/he will chair and will introduce the members and officers supporting the Panel. The officers will be the Clerk, the Democratic Services Officer who is to take notes, and a Human Resources (HR) officer whose role is to offer advice to the Panel on any HR procedural and practice matters that might arise. The HR officer will not have had any direct involvement in the matter which is the subject of the hearing.
8. The Panel Chairman will ask the parties and any representatives to introduce themselves and any witnesses they intend to call. The Panel Chairman also will ask the appellant to confirm that s/he is content with the composition of the Panel. If the appellant objects to the composition, the Chairman will adjourn the hearing and the Panel will consider the objection in private, advised by the Clerk. Upon resuming

the hearing the Panel Chairman will announce the decision on the objection. (The following assumes that the decision is to proceed with the hearing.)

9. The Panel Chairman will ask for any declarations of interest by members. Any interest should have been made apparent by the member(s) concerned before the hearing, but it is possible that the appreciation of an interest arises only on the day of the hearing.
10. The Panel Chairman will confirm that the hearing will be held in private and will outline the procedure to be followed (the **Appendix**), inviting any comments from the parties on procedural matters. If any are raised they will be resolved with advice from officers (and possibly retiring to discuss) if necessary.
11. The hearing will proceed in accordance with the procedure in the **Appendix**.
12. When the members have the opportunity to ask questions the Panel Chairman will invite the other two members in turn to ask any questions before asking his or her own questions. It is important that members ensure that they ask questions rather than making statements (even as a preamble to asking a question). At all stages members should avoid making any remark that suggests that they have reached a conclusion before hearing all the evidence and arguments.
13. During their consideration of the case in private members might wish to request a debriefing session at some time after the hearing to explore any issues that have arisen in respect of which lessons could be learned for future circumstances. Such a session could include any officers considered appropriate.
14. If the Panel's decision is to be announced to the parties the Clerk will draft a summary for the Panel Chairman to read. There should be no discussion about the merits of the decision in front of the parties and nor should the parties make any comment about the merits after the announcement. The Panel Chairman will advise the parties that a full written decision will be sent as soon as possible. The Panel Chairman will close the meeting.
15. The Clerk will draft the decision letter and clear it with the members of the Panel by e-mail before sending the final version to the parties.