

SOUTH DERBYSHIRE DISTRICT COUNCIL

GRIEVANCE PROCEDURE

Finance & Management Committee for approval 2nd September 2004

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Supporting Information

The following supporting information is on Public Folders/All Public Folders/Personnel/.....

- Sample Letter – Confirmation of Grievance Hearing arrangements.

The following information is on Public Folders/All Public Folders/Constitution:

- **Members Code of Conduct.**
- **Protocol on Member and Employee Relationships.**

1.0 INTRODUCTION

- 1.1 The Council expects that employees should be able to discuss work-related problems with their immediate supervisor or manager on a day to day basis. Where a work-related complaint or grievance arises, it is expected that a supervisor or manager will try to resolve it **informally** as soon as possible. However, it is acknowledged that occasionally it may not be possible to settle a grievance to the satisfaction of all parties concerned using an informal approach and this procedure also outlines how matters can be resolved under a formal procedure.
- 1.2 The procedures (One and Two) below have been agreed with the relevant trade unions. They take into account ACAS Code of Practice on Disciplinary and Grievance Procedures (2004) and the statutory Grievance Procedures in the Employment Act 2000.

2.0 DISCRIMINATION

- 2.1 The Council considers it unacceptable to discriminate by using the Grievance Procedure. Examples of this would be to victimise an individual using this procedure because he or she has;
- Made a complaint about being discriminated against because of their gender, race, ethnic or national origin, disability, family status, age religious belief, class or sexuality.
 - Complained about being harassed (or bullied).
 - Given evidence in proceedings concerning complaints about discrimination or harassment.

This is not an exhaustive list of examples.

- 2.2 Allegations of discrimination or harassment by an employee will be investigated under the appropriate procedure and may lead to disciplinary action, including dismissal, being taken.

3.0 WHO DO THE PROCEDURES APPLY TO?

- 3.1 Procedures One and Two apply to current employees covered by:
- The National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services (Green Book).
 - The National Agreement on Pay and Conditions of Service of the Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book).
- 3.2 It should be noted that Procedure One applies to previous employees who were covered by the above agreements and who commenced the procedure but then left the Council's employment before its completion.
- 3.3 Procedure Two **only applies where the grievance occurred during employment but where the employment has ended** and either:
- The individual and the Council agree in writing that Procedure Two should apply. This means, in effect, that both parties agree that they should not meet face to face.

- It is not reasonably practical for the individual or the Council to follow Procedure One. An example of this is where the former employee is unable to secure time off work from their new job to attend a meeting a meeting.

A grievance from more than one employee

3.4 Where a grievance may apply to more than one employee it may be appropriate for it to be considered on a collective basis. The resolution may, therefore, be a collective agreement between the trade union(s) and the Council.

4.0 WHAT IS A GRIEVANCE?

4.1 The procedures enable employees to raise issues with management about their work, working environment or in some cases about the Council's actions that affect them. It is impossible to provide a list of everything that might give rise to a grievance. Some common examples include:

- Terms and conditions of employment (this can include some matters related to pay e.g. where the employee feels that she/he has not been paid in line with their contract of employment).
- Warnings (written and oral) and investigatory suspensions that may have been applied outside of specific procedures.
- Health and Safety at work.
- New working practices.
- Organisation change.
- Equal opportunities.

5.0 WHAT THE PROCEDURES DO NOT APPLY TO

5.1 Basically, the procedures do **not** apply where the Council has another specific procedure for dealing with an employment-related matter. These procedures already include an appeal process that employees can use if they wish to.

5.2 Examples of where the Grievance Procedure **would not** apply because there are specific procedures that deal with these matters are:

- The grading of a post using job evaluation or other agreed methods.
- Matters related to discipline, capability (performance), capability (health) and harassment.
- Decisions relating to requests from employees to change their working arrangements (e.g. working hours and/or working pattern).
- Matters subject to collective bargaining.
- The non-confirmation of the appointment of an employee on probation.

5.3 This is not a comprehensive list. Advice on the correct procedure to be followed can be obtained from Human Resources or a trade union representative.

Same or similar grievances

5.4 An employee cannot attempt, within six months of the **completion of any action** under the Grievance Procedure to restart it in respect of the same or similar grievance **unless any action decided upon by management to redress the grievance has not been**

implemented. Similarly, any issues that have been determined under a previous grievance cannot be referred to in any subsequent grievance matter. This does not preclude the right to use the Grievance Procedure again if there is a separate incident, which is a repetition of the original behaviour/action.

Other exemptions

5.5 The Grievance Procedures will not be completed in the following cases:

- The violent abusive or otherwise unacceptable behaviour of one party which make it unreasonable to expect the other party to continue with the procedure. Examples of are where there is reasonable belief that following the procedure would result in harm to one party, their property or another person or where one party has subjected the other party to harassment (i.e. creating an intimidatory, hostile, degrading, humiliating or offensive environment).
- Where factors beyond the control of either party make it effectively impossible for the procedures to be completed in the foreseeable future (e.g. the employee is absent due to long-term illness).

6.0 GENERAL PRINCIPLES

Fairness

6.1 Both parties have the right to expect a grievance to be dealt with fairly, consistently, transparently and within an agreed time scale.

General considerations

6.2 It is recommended that in applying the Grievance Procedures consideration should be given to the possible effect of the following on an employee's behaviour:

- Discriminatory abuse or other discriminatory provocation.
- Communication and comprehension difficulties.
- Differences in background or behaviour.

Representation

6.3 An employee will be entitled to be either represented or accompanied by a representative during the Grievance Procedure. Her/his representative must be a fellow employee or a trade union official. The representative's roles are briefly described below.

6.4 At:

- **A Grievance Hearing or Appeal Hearing:** the representative will be able to address the Hearing and to ask questions on behalf of the employee. However, the representative will not be able answer questions put directly to the employee. The employee and her/his representative will be able to confer during the Hearing.
- **An interview that is part of a formal investigation:** the representative will be able to advise/confer with the employee but not to answer questions put to their client.

Assistance

- 6.5 Employees can obtain assistance to help them comply with this procedure (e.g. to write to management or to write a Statement of Case) from their trade union representative or a colleague. Human Resources can also advise on how the procedure works.

Time scales

- 6.6 Where there is a failure by management to deal with a grievance within the prescribed time scale without acceptable explanation, employees shall have the right to proceed to the next stage of the procedure.
- 6.7 Where an employee fails to comply within a prescribed time scale without an acceptable explanation, the procedure will cease and the grievance will be considered withdrawn. If, in conjunction with Human Resources, it is agreed that the failure was due to exceptional circumstances **one** mutually agreed extension of time will be granted. If the employee fails to meet the second deadline, her/his grievance will be considered withdrawn.

Investigation

- 6.8 In some cases, a grievance will require investigation. Normally, a member of Human Resources will assist an independent manager to do this.
- 6.9 Notes will be taken of any interviews that are undertaken during an investigation. The employee who is interviewed will be able to review the notes and will then be expected to sign and date them as a true record of the interview. The employee will be given a copy of the notes.

7.0 WHEN SHOULD AN ALTERNATIVE MANAGER CONSIDER A GRIEVANCE?

- 7.1 There may be occasions where the manager who would normally be expected to consider a grievance is, in fact, the subject of the grievance or may have had some involvement in relation to it. In cases another manager of equivalent status or above may consider the grievance. This person must have had no previous involvement in the grievance. To enable management to appoint an alternative manager, the employee must submit their grievance in writing to their Head of Service or Director requesting for this to be done and the ground(s) for the request.

8.0 EMPLOYMENT DURING GRIEVANCE PROCEEDINGS

- 8.1 When the Grievance Procedure has been invoked, unless otherwise determined, all parties will be expected to continue in their normal roles and activities until the procedure has been concluded.

9.0 RELATIONSHIP BETWEEN THE CAPABILITY, DISCIPLINARY, AND GRIEVANCE PROCEDURES.

- 9.1 **In the course of a capability or disciplinary (relating to performance or health) case, an employee might raise a grievance** that is related to the case. In most circumstances, it will be expected that this issue should be addressed under the procedure currently being followed. However, this will not prevent the employee submitting a formal grievance under this procedure. If this happens, it may be appropriate (depending on the circumstances) to suspend the Capability/Disciplinary Procedure for a short period until

the grievance can be considered. This does not mean that the procedure should cease. Depending on the nature of the grievance, consideration may have to be given to bringing in another manager to deal with the capability/disciplinary case.

9.2 Capability or disciplinary proceedings should not be started by a manager/supervisor against an employee who has already lodged a grievance against him/her. Any disciplinary or capability proceedings will, if appropriate, await the completion of the Grievance Procedure.

9.3 If it is considered, following an appropriate investigation that an employee's grievance has been malicious and without substance then the matter will be dealt with under the Disciplinary Procedure.

10.0 SICKNESS ABSENCE AND GRIEVANCES

10.1 If an employee falls sick during the course of the Grievance Procedure, it does not necessarily mean that the procedure will be suspended until her/his return to work. The individual circumstances will be discussed with Human Resources before a decision is taken.

10.2 To ensure the matter is resolved at the earliest opportunity a range of options could be used to continue the grievance. This will depend on the nature of the illness and the ability of the individual to make an appropriate response. Options could include a meeting being arranged at a neutral venue, a written exchange of information or the matter being continued by the recognised representative of the employee.

11.0 EXTERNAL INDEPENDENT SUPPORT

11.1 External independent support may on occasion be required to help resolve a grievance. Examples of where this might happen would be where it is considered independent persons are required to hear a case or to conduct an investigation.

11.2 External support will only be sought with the agreement of both parties to the grievance. There should also be agreement on who and what type of support is used.

12.0 GRIEVANCES AGAINST MEMBERS

12.1 The relationship between Members and employees of the Council is explained in The Members Code of Conduct and the Protocol on Member and Employee Relationships.

12.2 The Members Code of Conduct says that a Member must:

- (a) Promote equality by not discriminating unlawfully against a person.
- (b) Treat others with respect and
- (c) Not do anything which compromises or which is likely to compromise the impartiality of those who work for on behalf of the authority.

12.3 The protocol includes the following principle:

“There shall be mutual courtesy and respect between Members and employees with regard to their respective roles.

12.4 Complaints against Members which amount to a breach of the Code of Conduct for Members can be referred to the Standards Board for England by the complainant. It is advisable that the employee seeks advice from her/his Head of Service, Director or the Monitoring Officer (Head of Legal and Democratic Services).

12.5 A complaint about a breach of the protocol by a Member should be referred to the employee's Head of Service or Director who should consult with the Monitoring Officer before any action is taken.

13.0 HOW PROCEDURE ONE WORKS

13.1 Procedure One is subject to paragraph 7.1 (i.e. an alternative manager dealing with the grievance).

Informal stage

13.2 Most routine complaints and grievances are best resolved informally in discussion with the employee's supervisor or line manager. Dealing with grievances in this way can lead to speedy resolution of the problem, as the supervisor or line manager may well be able to resolve the matter directly. In these instances the supervisor or line manager should keep a file note of such an informal meeting. This will be put on the employee's personal file. The supervisor or line manager will also be expected to respond orally to the grievance as soon as possible and in any case by no later than 10 working days after the discussion with the employee. Where this is not reasonably practicable, the supervisor or line manager must keep the employee informed of what is happening.

13.3 If the grievance is satisfactorily resolved at this stage, the supervisor or line manager must ensure that any decision is actioned within a reasonable period of time.

Formal Stage One – Grievance Hearing

13.4 Where the employee feels that his/her grievance has not been satisfactorily resolved or is dissatisfied with the response of their supervisor or line manager, they may take up the matter with their Head of Service or Director (called the senior manager for the purpose of Formal Stage One), whoever is appropriate. This must be done in writing by no later than 10 working days of the response from their supervisor or line manager. The employee must clearly put in writing the ground(s) of her/his grievance.

13.5 The employee's letter should also state whether she/he has any objection to the senior manager hearing the case. This must be on the basis that the employee considers that the senior manager has already been substantially involved in the grievance

13.6 Following receipt of the employee's letter, the responsibilities in paragraphs 13.7 to 13.9 will apply:

Senior manager

13.7 The senior manager is responsible for:

- Arranging a Grievance Hearing. This must be done within 20 working days of receiving the employee's letter. She/he should ensure that the employee's letter clearly states the ground(s) of her/his grievance.
- Ensuring that the employee and supervisor or line manager is given at least 5 working days' notice of the Grievance Hearing.

- Exchanging Statement of Cases at least 5 working days before the Grievance Hearing.
- Arranging the attendance of a member of Human Resources at the Grievance Hearing to act as her/his advisor. If practicable, this person must have had no previous involvement in the grievance.
- Considering any matters raised by either party prior to the Hearing.
- Chairing the Grievance Hearing. The procedure in Annexe A should be followed. New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the hearing. If either side attempt to introduce new information, the senior manager will not allow its consideration unless both parties agree to its introduction. This may involve an adjournment for both parties to consider their position.
- Informing the employee at the Grievance Hearing (if practicable) of her/his decision, the reasons for her/his decision and any remedy deemed to be appropriate.
- Confirming in writing to the employee and supervisor or line manager the decision and any remedy deemed appropriate. This should be done by no later than 5 working days of the date of the Grievance Hearing.

Line manager or supervisor

13.8 The line manager or supervisor is responsible for:

- Informing, if applicable, the senior manager of anyone who she/he intends to call as a witness.
- Ensuring any written information is available for exchange with the employee by the required date. **It is the line manager's/supervisor's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.
- Raising any objections or points of clarification with the Chair of the Hearing prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.
- Ensuring, if necessary, that they have support from Human Resources at the Grievance Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Grievance Hearing.
- If there is no appeal to Members, complying with any remedy, resulting from the Grievance Hearing, that is thought appropriate to resolve the grievance.

Employee

13.9 The employee is responsible for:

- Ensuring that she/he has made written submission that explains the grounds of her/his grievance.
- Ensuring that any written information is available for exchange with the line manager or supervisor by the required date. **It is the employee's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.
- Raising any objections or points of clarification with the Chair of the Hearing prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.

- Informing, if applicable, the senior manager of anyone who she/he intends to call as a witness.
- Ensuring that her/his representative attends the Grievance Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Grievance Hearing.
- Observing and complying with the decision of the Chair at the conclusion of the Grievance Hearing if no appeal is made.
- Submitting an appeal, if she/he does not agree with the decision of the Chair as outlined below.

13.10 The employee has the right to appeal against the decision made at the Formal Stage One Grievance Hearing. A member of the Corporate Management Team will hear the Appeal

Formal Stage Two – Appeal to CMT Member

13.11 If the employee wishes to appeal, she/he should inform the Head of Human Resources. This must be done by no later than 10 working days of receiving the senior manager's letter confirming her/his decision. The employee's letter must clearly state her/his ground(s) for appeal. This must be based on:

- That the Grievance Procedure has not been properly followed.
- That the employee considers she/he has been unfairly treated within the provisions of the procedure.

13.12 A member of the Corporate Management Team will be nominated to hear the employee's Appeal. This person will have had no previous involvement in the grievance.

Head of Human Resources

13.13 The Head of Human Resources (or her/his representative) is responsible for:

- Making the arrangements for the Appeal Hearing within 20 working days of receiving the employee's letter. The Appeal Hearing will take place as soon as practical subject to member availability.
- Ensuring that the employee and senior manager are given at least 5 working days notice of the Appeal Hearing.
- Arranging the attendance of a member of Human Resources at the Appeal Hearing to act as Advisor/Clerk to the Appeals Panel. This person must have had no previous involvement in the grievance.
- Obtaining and exchanging Statement of Cases. The exchange must take place by no later than 5 working days before the hearing. It is acceptable for the senior manager to provide his/her Statement of Case in advance of receiving the employee's Statement of Case.

Senior manager

13.14 The senior manager who conducted the Grievance Hearing is responsible, at this stage, for presenting the management's case. She/he, therefore, has the responsibility for:

- Producing a Statement of Case for the Appeal Hearing. This will then be given to the Appeal Panel and employee when all documents are exchanged. **It is the line manager's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.

- Raising any objections or points of clarification with the Chair of the Hearing prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.
- Informing, if applicable, the Head Human Resources of anyone who she/he intends to call as a witness.
- Ensuring, if necessary, that they have support from Human Resources at the Appeal Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Appeal Hearing.
- Complying with any decision, resulting from the Appeal Hearing.

Employee

13.15 The employee is responsible for:

- Producing a Statement of Case for presentation at the Appeal Hearing. This will then be given to the Appeal Panel and the management representative when all documents are exchanged. **It is the employee's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.
- Raising any objections or points of clarification with the Chair of the Hearing prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.
- Informing, if applicable, the Head of Human Resources of anyone who she/he intends to call as a witness.
- Ensuring that their representative attends the Appeal Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Appeal Hearing.

CMT member

13.16 The CMT will chair the Appeal. She/he has the following responsibilities:

- Considering any matters raised by either party prior to the Hearing.
- Ensuring that the Appeal Hearing is conducted on the same lines as Annexe B. New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the Hearing. If either side attempt to introduce new information, the Chair will not allow its consideration unless both parties agree to its introduction. This may also involve an adjournment for both parties to consider their position.
- Informing the employee at the Hearing, if this is practicable, of her/his decision, the reasons for this decision and any remedy deemed to be appropriate.
- Confirming the decision and any remedy deemed appropriate in writing to the employee and the senior manager. This should be done by no later than 5 working days after the Appeal Hearing.

13.17 The employee has the right to appeal against the decision made at Formal Stage Two. A Panel of three Members from the Licensing and Appeals Committee will hear the Appeal.

Formal Stage Three (final stage) – Appeal Hearing

13.18 If the employee wishes to appeal, she/he should inform the Head of Human Resources (copy to the Head of Legal and Democratic Services) This must be done by no later than

10 working days of receiving the CMT member's letter confirming her/his decision. The employee's letter must clearly state her/his ground(s) for appeal. This must be based on:

- That the Grievance Procedure has not been properly followed.
- That the employee considers she/he has been unfairly treated within the provisions of the procedure.

Head of Legal and Democratic Services

13.19 The Head of Legal and Democratic Services (or her/his representative) is responsible for:

- Making the arrangements for the Appeal Hearing within 20 working days of receiving the employee's letter. The hearing will take place as soon as practical subject to member availability.
- Ensuring that the employee and senior manager are given at least 5 working days notice of the Appeal Hearing.
- Arranging the attendance of a member of Legal Services at the appeal hearing to act as Advisor/Clerk to the Appeals Panel. This person must have had no previous involvement in the grievance.
- Obtaining and exchanging Statement of Cases. The exchange must take place by no later than 5 working days before the hearing. It is acceptable for the CMT member to provide her/his Statement of Case in advance of receiving the employee's Statement of Case.
- Liaising with the Panel to ensure that issues raised by either party are considered prior to the hearing to prevent undue delay.

CMT member

13.20 The CMT member who conducted the Formal Stage Two Appeal Hearing is responsible, at this stage, for presenting the management's case to the Appeal Panel. She/he, therefore, has the responsibility for:

- Producing a Statement of Case for the Appeal Hearing. This will then be given to the Appeal Panel and employee when all documents are exchanged. **It is the CMT member's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.
- Raising any objections or points of clarification with the Chair of the Hearing (through the Head of Legal and Democratic Services) prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.
- Informing, if applicable, the Head of Legal and Democratic Services of anyone who she/he intends to call as a witness.
- Ensuring, if necessary, that they have support from Human Resources at the Appeal Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Appeal Hearing.
- Complying with any remedy, resulting from the Appeal Hearing.

Employee

13.21 The employee is responsible for:

- Producing a Statement of Case for presentation at the Appeal Hearing. This will then be given to the Appeal Panel and management representative when all documents are exchanged. **It is the CMT member's responsibility to ensure that all the information required to present her/his case is provided by the required date.** Please note that additional information cannot be introduced at the hearing without the agreement of the other party.
- Raising any objections or points of clarification with the Chair of the Hearing (through the Head of Legal and Democratic Services) prior to the Hearing occurring. The consideration of issues at this stage will ensure that the hearing will be conducted without undue delay.
- Informing, if applicable, the Head of Legal and Democratic Services of anyone who she/he intends to call as a witness.
- Ensuring that their representative attends the Appeal Hearing.
- Arranging, if applicable, the attendance of any witness(es) at the Appeal Hearing
- Complying with any decision resulting from the Appeal Hearing.

Appeal Panel

13.22 The Appeal Panel through the elected Chair has the following responsibilities:

- Dealing with matters raised by either party prior to the Hearing.
- Ensuring that the Appeal Hearing is conducted in line with Annexe B. New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the Hearing. If either side attempt to introduce new information, the Chair will not allow its consideration unless both parties agree to its introduction. This may also involve an adjournment for both parties to consider their position.
- Informing the employee at the Hearing, if this is practicable, of the decision of the Panel, the reasons for this decision and any remedy deemed to be appropriate by the Panel.
- Confirming the decision and any remedy deemed appropriate in writing to the employee and the senior manager. This should be done by no later than 5 working days after the Appeal Hearing.

13.23 **As this is the final stage of Procedure One, the decision of the Appeal Panel is final.**

14.0 HOW PROCEDURE TWO WORKS

14.1 Procedure Two will **only** be applied to individuals who left the Council's employment and:

- At any point it becomes not reasonably practicable for one or the other party to follow Procedure One e.g. if the person has moved to another location and would have to travel a significant distance to attend a meeting or the person cannot get time off to attend meetings from her/his new job.

Or

- Both parties agree in writing that Procedure Two will be applied instead of Procedure One i.e. where one party may not wish to attend meetings.

Stage one

- 14.2 The person sets down in writing the nature of the alleged grievance and the basis for it to the appropriate manager. This should be done within 15 working days of the person's employment ending if they have not already agreed (i.e. before their employment ended) that procedure Two will be applied.

Stage two

- 14.3 The manager must set out her/his response in writing and send it to the individual within 20 working days. Before any response is given, advice should be sought from the Head of Human Resources or her/his representative. If the manager is unable to provide a full response within 20 working days, she/he should agree an extension of time with the individual and/or her/his representative.
- 14.4 This is the final stage of the process. However, should any issue arise that needs further consideration this should be discussed with the Head of Human Resources or her/his representative.
- 14.5 This is a statutory modified grievance procedure and any information exchanged can be used in any matter that can be taken to an Employment Tribunal.

15.0 RECORDS

- 15.1 Human Resources will keep all records relevant to a grievance. They will be kept in a secure confidential manner and in accordance with the Data Protection Act 1998.
- 15.2 Signed statements will be obtained from any employee who is interviewed as a witness during an investigation. The employee will be given a copy of her/his statement.
- 15.3 Relevant information will be provided to a complainant throughout the procedure. However, in certain circumstances (e.g. to protect a witness), some information may be withheld.

16.0 REVIEW OF THE PROCEDURE

- 16.1 The Grievance Procedure may be reviewed at any time in consultation with the appropriate trade unions.
- 16.2 As a minimum it will be reviewed every two years.
- 16.3 Human Resources have authorisation to make minor amendments to the procedure arising out of an organisational restructure (e.g. change in post titles).

SOUTH DERBYSHIRE DISTRICT COUNCILGRIEVANCE PROCEDURECONDUCT OF A GRIEVANCE HEARING

1. The "senior manager" will chair the hearing. She/he will be advised by a member of Human Resources.
2. The Chair will outline the procedure to all parties present.
3. The employee (or representative) will explain her/his case in the presence of the management representative. This may include calling witnesses to give evidence.
4. The management representative may ask questions of the employee (and/or representative) and any witnesses who give evidence.
5. The "senior manager" and/or her/his advisor may ask questions of the employee (and/or representative) and any witnesses who give evidence.
6. The management representative will explain her/his case in the presence of the employee and her/his representative. This may include calling witnesses.
7. The employee (or representative) may ask questions of the management representative and any witnesses who give evidence.
8. The "senior manager" and/or her/his advisor may ask questions of the management representative and any witnesses who give evidence.
9. The management representative will be given the opportunity to summarise her/his case.
10. The employee (or representative) will be given the opportunity to summarise her/his case.
11. The "senior manager" and her/his advisor will consider the evidence presented by both parties in private. They will be able to recall the employee (and representative) or management representative to clear up points of uncertainty in the evidence already given. Both parties should be asked to return, even if only one is asked to give clarification on the point of uncertainty.
12. The "senior manager" will give her/his decision to both parties personally (on the same day if possible). She/he will then confirm the decision in writing by no later than 5 working days after the Grievance Hearing.

- Notes:**
1. **Both parties must be present at all times when evidence is given.**
 2. **Any witnesses called must withdraw after they have presented their evidence.**
 3. **New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the Grievance Hearing. If either side attempt to introduce new information, the "senior manager" will not allow its consideration unless both parties agree to its introduction. This may also involve an adjournment for both parties to consider their position.**

SOUTH DERBYSHIRE DISTRICT COUNCIL

GRIEVANCE PROCEDURE

CONDUCT OF APPEAL HEARING BY PANEL FROM THE LICENSING AND APPEALS COMMITTEE

1. A member of the Appeal Panel will be chosen to Chair the Appeal Hearing.
2. The Advisor/Clerk to the Appeal Panel (Head of Legal and Democratic Services or her/his representative) will outline procedures to all parties present.
3. The appellant (or representative) shall put the case in the presence of the management representative and may call witnesses.
4. The management representative may ask questions of the appellant and/or representative and witnesses who may be called on evidence given.
5. The Appeal Panel may ask questions of the appellant and/or representative and any witnesses who may be called on evidence given.
6. The management representative shall put the case in the presence of the appellant and his/her representative and may call witnesses.
7. The appellant (or representative) may ask questions of the management representative and witnesses who may be called on the evidence given.
8. The Appeal Panel may ask questions of the management representative and witnesses on evidence given.
9. The management representative should have the opportunity to sum up their case if they so wish.
10. The appellant (or representative) should have the opportunity to sum up their case if they so wish.
11. The Appeal Panel, with the Head of Legal and Democratic Services (or representative) acting as advisor/clerk, should deliberate in private, recalling the management representative and the appellant only to clear points of uncertainty in evidence already given. If recall is necessary, both parties are to return, notwithstanding only one may be asked to give clarification on the point of uncertainty.
12. The Appeal Panel should announce the decision to the parties personally, on the same day if possible, then in writing by no later than 5 working days after the Appeal Hearing.

- Notes:**
1. **Both parties must be present at all times when the Appeal Panel hears evidence.**
 2. **Any witnesses called must withdraw after they have presented their evidence.**
 3. **New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the appeal hearing. If either side attempt to introduce new information, the Appeal Panel will not allow its consideration unless both parties agree to its introduction. This may also involve an adjournment for both parties to consider their position.**

