

GRIEVANCE APPEAL HEARING PROCEDURE

1.0 Stage 3: Appeal Hearing Procedure

- 1.1 The appeal hearing will comprise:
 - 1.1.1 A hearing manager, supported by a Human Resources (HR) representative and a note taker.
 - 1.1.2 The employee and their representative (an accredited representative of a Trade Union or fellow Trust worker).
- 1.2 Notes will be taken at all formal meetings. Alternatively, formal meetings may, if agreed, be tape recorded and the notes transcribed.
- 1.3 The stage two meeting manager and a HR representative will attend to present their case and be questioned on it.
- 1.4 The hearing manager may adjourn the hearing at any time up to the summing up in order that either party may produce further evidence. In exceptional circumstances a new appeal hearing will be set: The date, time and venue along must be confirmed in writing. Documentation for the new hearings must be exchanged at least 10 working days before the scheduled hearing
- 1.5 All parties involved in the appeal hearing have the right to request an adjournment to the hearing, at any stage but the decision whether to allow this rests with the appeal manager.
- 1.6 Witnesses will only be in attendance, whilst they are giving evidence. Where possible witnesses will be provided with a time of attendance to ensure a minimum disruption to service provision within the Trust.
- 1.7 The meeting will open with introductions. The purpose and then the format of the meeting will be explained. The employee will present their case first.
- 1.8 Everyone involved in the appeal hearing is responsible for maintaining the confidentiality of the information shared during the proceedings.

2.0 Presentation of the Employee's Case

- 2.1 The employee or their representative will put their case in the presence of the stage two hearing manager and their HR support.
- 2.2 The stage two hearing manager and / or their HR support will have the opportunity to ask questions of the employee.
- 2.3 The employee or their representative may wish to call witnesses.

- 2.4 The stage two hearing manager and / or their HR support will have the opportunity to ask questions of the witnesses.
- 2.5 The employee or their representative will have the opportunity to re-examine their witnesses on any matters arising from prior examination.

3.0 Presentation of the Management Case

- 3.1 The stage two manager will present the rationale for their decision at the formal stage two grievance meeting, providing as evidence statements collected or minutes of meetings undertaken as part of any investigation carried out into the employee's grievance (paragraph 1.6).
- 3.2 The employee and / or their representative will have the opportunity to ask questions of the stage two manager following the presentation of their case.
- 3.3 The hearing manager and / or their HR support will have the opportunity to ask questions of the stage two manager.
- 3.4 The stage two manager will call witnesses and will have the opportunity to ask questions of them.
- 3.5 The employee and / or their representative will have the opportunity to cross-examine the witnesses.
- 3.6 The stage two manager/and their HR support will have the opportunity to re-examine the witnesses on any matters arising from prior examination.

4.0 Summing Up

- 4.1 The stage two manager will have the opportunity to sum up their case.
- 4.2 The employee or their representative will have the opportunity to sum up their case
- 4.3 No new evidence can be introduced at this time.
- 4.4 The appeal manager may ask the employee/their representative to clarify / expand on their statement.
- 4.5 Both parties will then withdraw so that the hearing manager and their support can evaluate the evidence and draw conclusions in private. The appeal manager may recall either party on points of uncertainty on the evidence submitted during the appeal.

5.0 Outcome of the Appeal

- 5.1 The hearing will be reconvened and the employee and their representative will be advised of the decision verbally. There may be occasions when a decision cannot be made at the time of the hearing. Given this situation, the hearing manager will provide the option of information being presented verbally and/or advise both parties of the decision of the panel in writing within three working days – and where practical hand it to the employee personally or send it by email (otherwise it will be sent by first class post to their home address). Two copies of the letter should be sent to the employee, one to be returned for their personal file and one to be retained.
- 5.2 The hearing manager will state clearly: how the decision was reached and what action will be taken.
- 5.3 The hearing manager will confirm any management action that will be carried out as a result of the issues raised during the case e.g. a review of working practices. This action must be effectively monitored and reviewed by the HR representative and the service director for the operational area concerned.
- 5.4 The employee will be advised that this concludes the grievance procedure and that there is no further right of appeal.

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