



ABERDEEN
CITY COUNCIL

MANAGING GRIEVANCES

GUIDANCE FOR MANAGERS

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SECTION 1: INTRODUCTION

Purpose and principles of the procedure

The procedure, which applies to all Aberdeen City Council employees, allows grievances to be raised and dealt with fairly, consistently and quickly. The procedure allows grievances to be properly considered

However, before an employee can raise a grievance through the formal procedure, they must first discuss their grievance informally, within a reasonable period of time, with their line manager, in order to attempt to reach a satisfactory resolution. If the grievance is against the line manager then the employee must discuss their grievance with a more senior officer in their Service

It is expected that every attempt will be made to resolve grievances at the earliest possible stage in the procedure, and as low down the management hierarchy, as possible. However, it is recognised that in some instances, the person dealing with the grievance may not have the authority to sanction a particular resolution to a grievance. Should this be the case, rather than allow the grievance to proceed to the next step in the procedure, the manager involved should first consult a more senior officer to establish if authority can be given for the resolution that both parties consider will resolve the grievance

Statutory requirements

The procedure is in accordance with the Acas statutory Code of Practice covering grievance procedures, which provides employers with good practice guidance and sets out principles for handling grievances in the workplace, with the content of the Code of Practice taken into account by employment tribunals.

Early intervention

Employees should aim to settle their grievances informally with their line manager who, in turn, should make every reasonable effort to resolve grievances at this early stage. The key to successfully resolving grievances is to settle the problems quickly before they develop into major difficulties for all concerned

Managers who develop open and trusting relationships with employees are more likely to be able to resolve grievances before they become more serious

SECTION 2: THE PROCEDURE IN OPERATION

What is a grievance?

Any employee may at some time have problems or concerns about their work, working conditions or relationships with colleagues that they may wish to talk about with management. By doing so they are indicating to management that something at work is making them unhappy and they want the matter to be addressed and, if possible, resolved

It is clearly in management's interests to resolve problems before they become more serious and have a negative impact on working relationships and service delivery. As far as possible, management should make every reasonable effort to prevent the grievance from reaching the formal stage

Raising a grievance

At the informal stage

The employee would firstly be expected to discuss their grievance and the remedy they seek with their line manager as soon as possible after the problem they have occurs. However, if the complaint is against the line manager then the employee should approach a more senior officer within their Service

There is no need for the employee to present their grievance in writing at this informal stage although they may choose to do so if they feel it will help to explain the problem

Whoever deals with the grievance at this stage should do so quickly and in doing so carefully consider whether the grievance being raised is reasonable and legitimate and whether it can be satisfactorily resolved. This to a large extent will depend on the remedy the employee seeks and whether it is reasonably achievable. Bear in mind that an alternative or compromise solution may resolve matters

At the formal stage

If the employee considers that the grievance remains unresolved then he/she must write to their Head of Service setting out the grounds for their grievance, the remedy they seek and the outcome of their attempt to resolve the matter informally with their line manager (or other senior officer)

It may of course not be easy for the employee to set out their grievance in writing - especially for those employees whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances, the employee should be encouraged to seek help from a work colleague or a trade union representative

Dealing with grievances about fellow employees

There may be occasions when an employee may be the cause of grievances among his/her colleagues. This could perhaps be on grounds of personal hygiene, attitude, or capability for the job

This will need to be dealt with carefully, and sensitively, and will usually start with the relevant line manager talking privately to the employee concerned about the concerns expressed by colleagues

Such counselling will hopefully resolve the grievance to the satisfaction of the colleagues who expressed concern on the basis that appropriate action has been taken to address the issue. Guidance on how to carry out counselling is contained within the management guidelines pertaining to managing discipline and equally applies in these circumstances

However, if matters do not improve, then you will need to consider whether the grievance should be dealt with under the disciplinary procedure, in which case a disciplinary investigation would need to be initiated. Disciplinary action may eventually be required to address the problem, although that is strictly a matter for management through following the proper procedure

Who hears the grievance and when?

- **at the informal stage**

At the **informal stage**, the employee's line manager would normally be expected to deal with and respond to the grievance. This helps to retain the authority of the line manager who may well be able to resolve the matter quickly and directly. If the complaint is against the line manager then the employee should approach a more senior officer. Whoever deals with the grievance at this stage should do so promptly

If the manager is unable to discuss the grievance when approached by the employee concerned, then they should arrange to meet in private with the employee **within 5 working days** of being notified by the employee that they have a problem or concern that they wish to be addressed. The manager should keep a note of this informal meeting and share it with the employee

After hearing the grievance and the remedy the employee seeks, the manager should respond **within 5 working days** of the discussion with the employee. This manager should use this time to carry out whatever enquiries are necessary to determine whether the employee's grievance is justified and if so, what may resolve the grievance. Such enquiries may include discussions with other relevant employees, examining documents (for example conditions of service, policies and procedures, collective agreements) and seeking specialist advice. If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example, because of the unavailability of people the manager needs to talk to) then the employee must be given an explanation for the delay and told when a response can be expected

The employee then has **five working days** of receiving the manager's response to raise the grievance formally if they consider that it has not been satisfactorily resolved at the informal stage

Only where attempts to resolve the grievance informally have been exhausted can the grievance be dealt with under the formal stage of the procedure

- **at the formal stage**

Once the employee raises their grievance at **Step 1** of the procedure (and they will not be allowed to do so unless they have made a reasonable attempt to resolve the matter informally), then the Head of Service who receives the written statement of grievance will need to nominate an appropriate senior officer to hear the grievance at a formal grievance hearing. This is **Step 2** of the procedure

In order to demonstrate fairness, objectivity and impartiality in the process, the chair of the hearing must have had no prior involvement in the case

This hearing should take place as quickly as possible and certainly **no later than 10 working days** from receipt of the statement of grievance - not from the date that the person chairing the hearing has been notified of the grievance. If for some good and sufficient reason it is not practicable to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place. This must only be within a few days of the 10 day timescale

Arranging a grievance hearing

The person chairing the hearing must:

- hold the meeting in as private location as possible and ensure that there will be no interruptions (for example, mobile phones needs to be switched off). It is important that the employee feels that their grievance is being treated confidentially
- write to the employee giving adequate notice of when the hearing will take place (NB remember the 10 day timescale). A model letter for this purpose is shown at **Appendix 1**
- include in the letter an explanation of how the hearing will be conducted and confirmation of the employee's right to be accompanied, and by whom
- arrange a separate room in case adjournments are necessary and arrange for water to be made available in both rooms

In addition, the chair of the hearing may arrange to be accompanied by an HR Adviser where they believe that it will be helpful to receive procedural advice and guidance and help them arrive at a fair and reasonable decision. The chair may also find it useful to have someone else present to take notes

Prior to the hearing, the chair should find out whether similar grievances have been raised before, whether they were resolved and if so, how. This allows for equity and consistency. Management colleagues or Human Resources may be able to assist here

The employee's right to be accompanied

The employee has a statutory right to be accompanied by a work colleague or trade union representative when attending a grievance hearing at the formal stage of the procedure, but not by a legal practitioner, partner or spouse. The statutory right to be accompanied does not extend to informal discussions that the employee has with their line manager (or other senior officer) ,however, accompaniment is permitted at the informal stage of the grievance procedure by a work colleague or trade union representative, in the interests of facilitating a resolution to the issue before it reaches the formal stage

The individual chosen by the employee is referred to as "the companion". If the companion is an employee of Aberdeen City Council (whether they be a work colleague or a trade union representative), they should be allowed reasonable paid time off to prepare for and go to the hearing/meeting. This includes time for the companion to familiarise themselves with the case and confer with the employee before and after the hearing/meeting

Employees may choose a representative of any trade union to accompany them at a grievance hearing/meeting, regardless of whether the trade union is a recognised one

In advance of the grievance hearing/meeting, the employee is required to inform the person chairing the hearing/conducting the meeting who their chosen companion is

The employee is not permitted to choose a work colleague whose presence is likely to prejudice proceedings or who might have a conflict of interest

Conducting the hearing

As previously stated, the hearing should be held in as private and convenient a location as possible where there will be no interruptions

Where necessary, you should make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language you may also need to provide translation facilities

Remember though that a grievance hearing is significantly different from a disciplinary hearing and is an opportunity for open discussion, which may fruitfully resolve the problem. You should be careful to hear the grievance in a calm and impartial manner, being as fair to the employee as possible in the effort to find a satisfactory resolution. However, the employee may have been holding the grievance for some time so be prepared to make allowances for any reasonable "letting off steam" if the employee appears to be under stress. The following format should help you to conduct a fair and reasonable hearing

You should conduct the hearing by following these steps:

- **Step 1 - Introduction**

firstly make introductions as necessary and then explain the purpose and format of the hearing. Confirm that you will allow necessary adjournments

- **Step 2 – Statement of grievance and remedy required**

invite the employee to explain their grievance, why they were dissatisfied with the employer's response at the informal stage and how they would like matters resolved

- **Step 3 – Response from manager who dealt with grievance at Step 1**

the manager who dealt with the grievance at the informal stage should then set out his/her response

- **Step 4 – Information gathering**

question both parties in order to obtain a clear understanding of the issues and what it might take to resolve the grievance

- **Step 5 – Summing up**

allow both parties to sum up their position

- **Step 6 – Position summary**

summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that you have understood the issues, the remedy the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed

- **Step 7 – Checking whether employee has fully stated their concerns**

ask the employee whether he/she feels that they have had a fair hearing and whether they have anything further to say. This should help demonstrate to the employee that they have been treated reasonably

- **Step 8 - Adjournment**

adjourn the hearing so that you can consider all of the relevant issues that have emerged, to consider whether the employee has a legitimate grievance and seeks a reasonable remedy and then decide what action to take. Inform the employee at this point when they might reasonably expect a response bearing in mind the time limits set out in the procedure

- **Step 9 – Communicating the decision**

re-convene the hearing so that you can notify the employee of your decision and your reasons for it and then confirm the decision in writing (see **Appendix 2** for a model letter). You should

do so **within 5 working days** of the hearing. You must also notify the employee of their right to appeal if they consider that your response will fail to satisfactorily resolve their grievance

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example, where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected

Arriving at your decision

Before making a decision, you may need to seek advice on how best to take matters forward, particularly if you are not sure how to deal with the grievance. This may involve:

- exploring possible opportunities to resolve the grievance, and checking the legitimacy of potential solutions, with other managers and Human Resources
- checking whether similar grievances have been raised before and if so, how they were resolved
- checking whether the employee's proposed remedy is reasonably achievable and indeed, whether it may render the Council vulnerable to other grievances from employees who may potentially be disadvantaged were the grievance to be upheld

Role of the employee's companion at the hearing

The employee's companion has a legal right to address the hearing but does not have a right to answer questions on behalf of the employee. You should however allow the companion to ask questions and participate as fully as possible during the hearing. You should also give the companion a reasonable amount of time to confer privately with the employee – hence the need to allow adjournments when necessary and allocate a separate private room for this purpose

Responding to the grievance

As previously stated, you should re-convene the grievance **hearing within 5 working days** to announce your decision, and your reasons for it. You must confirm this in writing along with notification of their right of appeal if they feel that the grievance has not been satisfactorily resolved

If exceptional circumstances exist whereby it is not possible to respond by this deadline then the employee must be given an explanation for the delay and told when a response can be expected

SECTION 3: APPEALS

What if the grievance cannot be resolved after the grievance hearing?

Employees who are unhappy with the decision reached after the grievance hearing must be given the opportunity to appeal

The appeal is about looking at what happened previously in the grievance process and remedying any defects. The appeal is NOT however a rehearing of the original grievance hearing but rather an opportunity for the employee to highlight to an independent manager, with the authority to make an alternative decision, why they believe the decision not to uphold their grievance was wrong

Registering an appeal

To register an appeal, the employee must

- put their appeal in writing to their Director in which they must set out the grounds for appeal (it is insufficient for the employee just to state that they wish to appeal without setting out the grounds)
- submit their letter **within 10 working days** of receiving the manager's response at Step 2

Who hears the appeal?

The appeal must be heard by

- the relevant Director who in turn can nominate a Head of Service
- someone with no prior involvement in the case

When should the appeal be heard?

The manager appointed to hear the appeal should contact the employee in writing with the appeal arrangements as soon as possible, and inform them of their right to be accompanied at the appeal hearing. A model letter for this purpose is shown at **Appendix 3**

The appeal hearing should be held **within 10 working days** of receipt of the employee's written notice of appeal

If for some good and sufficient reason it is not practicable to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place. This must only be within a few days of the 10-day timescale.

Who should attend the appeal hearing?

- the manager holding the appeal
- an HR Adviser to provide the manager with procedural advice and guidance
- the appellant
- the appellant's companion if they wish to be accompanied. This should either be a work colleague or trade union representative, but not a spouse, partner or legal representative
- the manager who took the decision at the grievance hearing stage

Conducting the appeal hearing

The chair should hold the hearing in as private location as possible and ensure that there will be no interruptions (e.g. phone calls, maintenance work). The chair should identify a separate room in case adjournments are necessary and arrange for water to be made available in both rooms.

The chair should conduct the hearing by following these steps

- **Step 1 - Introduction**

firstly explain the purpose and format of the hearing and deal with any procedural issues that may arise

- **Step 2 – Statement of grounds for appeal**

ask the appellant to state their grounds and reasons for the appeal

- **Step 3 – Response from manager who dealt with grievance at Step 2**

ask the manager who took the decision at the grievance hearing stage to respond

- **Step 4 – Information gathering**

question both the manager and the appellant

- **Step 5 – Closing statements**

give both parties the opportunity to make a closing statement, firstly the manager then the appellant

- **Step 6 - Adjournment**

summarise the facts then adjourn the hearing to consider all of the relevant issues that have emerged and make a decision

- **Step 7 – Making the decision**

decide whether there are sufficient and reasonable grounds to either

- uphold the appeal in full (in which case the remedy the employee seeks should be actioned)
- uphold the appeal in part (in which case offer the employee a compromise solution)
- reject the appeal (in which case the decision taken at the grievance hearing stage will stand)

- **Step 8 – Communicating the decision**

re-convene the hearing so that you can notify the employee of your decision and your reasons for it and then confirm the decision in writing (see **Appendix 4** for a model letter). You should do so **within 5 working days** of the hearing. You must make it clear within the letter that this decision is final

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example, where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected

Factors to consider before reaching a decision

In arriving at a fair and reasonable decision, the chair should

- be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal
- listen carefully to both sides of the case and make a judgement as objectively as possible
- satisfy themselves that no unfair bias or prejudice affected the original decision
- consider whether previous responses were within the band of reasonable responses
- consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the appellant)
- pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the grievance hearing, whether the employee had the opportunity to raise these matters at the grievance hearing. The chair should ensure that manager has an opportunity to comment on these
- check whether similar grievances have been raised before and if so, how they were resolved
- check whether the employee's proposed remedy is reasonably achievable and indeed, whether it may render the Council vulnerable to other grievances from employees who may potentially be disadvantaged were the grievance to be upheld (even in part)
- explore possible opportunities to resolve the grievance, and check the legitimacy of potential solutions with other managers and the Human Resources Service

SECTION 4: KEEPING RECORDS

What records should be kept and why?

Management must retain records detailing

- the nature of the grievance raised
- management's response
- any action taken and the reasons for it
- whether there was an appeal and if so, the outcome

These records should be kept confidential and retained in the employee's personal file in accordance with data protection legislation which requires the release of certain data to individuals on their request

Copies of any meeting records should be given to the individual concerned where they request it although in certain circumstances some information may be withheld, for example to protect witnesses.

SECTION 5: MANAGING GRIEVANCES – AT A GLANCE

At a glance

- **the grievance procedure allows employees to raise concerns or problems they have about their work, conditions or relationships with colleagues**
- **managers must handle grievances fairly and speedily and follow the procedure**
- **employees must first attempt to settle their grievance informally with their line manager (or approach a more senior manager where the grievance is against the line manager)**
- **employees can only resort to the formal procedure where the informal approach has failed**
- **to raise a formal grievance, the employee must put their concerns in writing**
- **a grievance hearing needs to be arranged so that the employee can explain their complaint and how they think it should be settled**
- **ensure that the employee is aware of their right to be accompanied at the grievance hearing**
- **ensure that the hearing is an open discussion of the issue**
- **before making your decision, take further advice if required. Don't make snap decisions !**
- **inform the employee of your decision, and your reasons for it. Confirm this in writing**
- **give the employee the right to appeal if they are unhappy with the decision**
- **keep a record of the outcome of the process**

MODEL LETTER TO INVITE EMPLOYEE TO A GRIEVANCE HEARING

PERSONAL

Dear

GRIEVANCE HEARING

I have been nominated to hear your grievance at Step 2 of the **Managing Grievances** procedure. I understand that attempts to resolve your grievance at Step 1 have unfortunately proved unsuccessful and that this initial, informal stage has now been exhausted.

I intend to hold the hearing on *(insert date and time)* at *(insert location)*.

In general terms, I understand that the grounds for your grievance are *(set out briefly what you understand to be the employee's grounds for grievance)*.

I also understand that the remedy that you seek is *(repeat what the employee has stated in their written statement of grievance)*.

I will conduct the hearing as follows:

- **Introduction**

I will firstly make introductions as necessary and then explain the purpose and format of the hearing

- **Statement of grievance and remedy required**

I will then invite you to explain your grievance, why you were dissatisfied with management's response at the informal stage and how you would like matters resolved

- **Response from manager who dealt with grievance at Step 1**

I will then ask the manager who dealt with the grievance at the informal stage to set out his/her response

- **Information gathering**

I will question both parties in order to obtain a clear understanding of the issues and what it might take to resolve the grievance

- **Summing up**

I will allow both parties to sum up their position

- **Position summary**

I will attempt to summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that I have understood the issues, the remedy you seek, the arguments and any evidence presented and that nothing relevant has been missed

- **Adjournment**

I will then adjourn the hearing so that I can consider all the relevant issues that have emerged. In deciding what action to take, I will consider whether your grievance is legitimate and whether the remedy you seek is reasonable. I will inform you when you should expect a response from me.

- **Informing you of my decision**

I will then re-convene the hearing **within 5 working days** so that I can notify you of my decision and my reasons for it. I will then confirm the decision in writing

If exceptional circumstances exist whereby it is not possible for me to respond by this deadline (for example, where there is a need to discuss the matter with other officers) then I will give you an explanation for the delay and inform you when a response can be expected

I trust this satisfactorily explains my role and how the hearing will be conducted.

I will be accompanied by (*insert name and position*). You have the right to be accompanied by a work colleague or trade union representative if you so wish. Please note however that the procedure does not permit you to be accompanied by your partner, spouse or a legal practitioner.

Please telephone me as soon as possible to confirm that the above date, time and venue is suitable and whether you will be accompanied and if so, by whom

Yours sincerely

NAME OF OFFICER CONDUCTING THE HEARING

MODEL LETTER TO CONFIRM DECISION REACHED AFTER GRIEVANCE HEARING

PERSONAL

Dear

GRIEVANCE HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Grievance Hearing which was held on *(insert date)*.

As I informed you when I met with you on *(insert date)* I have decided after very careful consideration *to uphold/not to uphold (delete whichever is inappropriate)* your grievance.

My reasons for arriving at this decision are as follows:

(Provide full explanation including the relevant factors you took into account)

Include following paragraphs where you have decided not to uphold the grievance or where you have only partly upheld the grievance:

Whilst I hope you will understand and accept my reasons for arriving at this decision, you have the opportunity to appeal against my decision if you wish.

To register you appeal you must:

- put your appeal in writing to your Director *(include his/her name)*. You must set out the grounds for appeal within your letter
- submit your letter **within 10 working days** of receiving this letter

Any appeal will be heard by the Director who in turn can nominate a Head of Service, provided they have had no prior involvement in the case.

The appeal hearing will normally be held within 10 working days of receipt of your written notice of appeal.

Yours sincerely

NAME OF OFFICER WHO CONDUCTED THE HEARING

MODEL LETTER TO INVITE EMPLOYEE TO AN APPEAL HEARING

PERSONAL

Dear

APPEAL HEARING

I have been nominated to hear your appeal against the decision reached at Step 2 of the **Managing Grievances** procedure – the Grievance Hearing. I understand that attempts to resolve your grievance at Steps 1 and 2 have unfortunately proved unsuccessful and that these stages have now been exhausted.

I intend to hold the hearing on *(insert date and time)* at *(insert location)*.

In general terms, I understand that the grounds for your appeal are *(set out briefly what you understand to be the employee's grounds for appeal)*.

I also understand that the remedy that you seek is *(repeat what the employee has stated in their written statement of grievance)*.

I will conduct the hearing as follows:

- **Step 1 - Introduction**

Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise

- **Step 2 – Statement of grounds for appeal**

I will then ask you to state your grounds and reasons for the appeal. I should emphasise at this point that the appeal is about looking at what happened previously in the grievance process and remedying any defects. The appeal is not however a rehearing of the original grievance but rather an opportunity for you to highlight to someone with no prior involvement, but with the authority to make an alternative decision, why you believe the decision not to uphold your grievance at Step 2 was wrong

- **Step 3 – Response from manager who dealt with grievance at Step 2**

I will then ask the manager who took the decision at the grievance hearing stage to respond

- **Step 4 – Information gathering**

I will then question both the manager and you

- **Step 5 – Closing statements**

I will then give both parties the opportunity to make a closing statement, firstly the manager then you

- **Step 6 - Adjournment**

I will then summarise the facts adjourn the hearing to consider all of the relevant issues that have emerged and make a decision

- **Step 7 – Making the decision**

I will then decide whether there are sufficient and reasonable grounds to either

- uphold the appeal in full (in which case the remedy you seek would be actioned)
- uphold the appeal in part (in which case I would offer you a compromise solution)
- reject the appeal (in which case the decision taken at the grievance hearing stage will stand)

- **Step 8 – Informing you of my decision**

I will then re-convene the hearing **within 5 working days** of the hearing so that I can notify you of my decision and my reasons for it. I will then confirm the decision in writing. My decision will be final

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example, where there is a need to discuss the matter with other officers) then I will give you an explanation for the delay and inform you when a response can be expected

I trust this satisfactorily explains my role and how the hearing will be conducted.

I will be accompanied by (*insert name and position*). You have the right to be accompanied by a work colleague or trade union representative if you so wish. Please note however that the procedure does not permit you to be accompanied by your partner, spouse or a legal practitioner.

Please telephone me as soon as possible to confirm that the above date, time and venue is suitable and whether you will be accompanied and if so, by whom

Yours sincerely

NAME OF OFFICER CONDUCTING THE HEARING

MODEL LETTER TO CONFIRM DECISION REACHED AFTER APPEAL HEARING

PERSONAL

Dear

APPEAL HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Appeal Hearing which was held on *(date)*.

As I informed you when I met with you on *(date)* I have decided after very careful consideration to *uphold/not to uphold (delete whichever is inappropriate)* your grievance.

My reasons for arriving at this decision are as follows:

(Provide full explanation including the relevant factors you took into account)

Include following paragraph where you have decided not to uphold the grievance or where you have only partly upheld the grievance:

Whilst I hope you will understand and accept my reasons for arriving at this decision, I have to inform you that my decision is final and there is no further right of appeal.

Yours sincerely

NAME OF OFFICER WHO CONDUCTED THE HEARING