

**EARNLEY PARISH COUNCIL
PROTOCOL FOR HEARINGS BY THE EMPLOYMENT COMMITTEE**

1. INTRODUCTION

The Employment Committee has delegated authority to determine matters in relation to the formal stage of the Grievance Policy sections 3.1 to 3.6 and also to the formal stage of the Disciplinary Policy sections 3.3 to 3.4.

At such a hearing the Committee is acting in a quasi-judicial capacity and must observe the principle of natural justice. This does not require the formality of a Court of Law but: -

- (i) there needs to be a proper procedure. (see below)
- (ii) the member of staff must be able to present their case and to question the employer either directly or through their representative.
- (iii) members of the Committee should be present throughout the hearing and remain until a decision is reached.

2. ROLE OF THE PARTIES

The member of staff has the right to present their case in person to the Committee, with or without Union representation. The officer representing the Council should be the person who took the decision which gives rise to the hearing. Another person may also be required to act as the Committee's advisor on procedural matters.

3. PROCEDURE

A written submission will be prepared by the member of staff and made available to Committee members prior to the hearing. Other relevant documentation relating to the hearing will be supplied by the Council representative.

The general principles applying to the procedure are as follows: -

- (a) the Council's representative should state their case first.
- (b) the member of staff or their representative should then be able to put any questions they may have to the Council's representative.
- (c) the Committee should then be able to put any questions they have to the Council's representative.
- (d) the member of staff or their representative should then put their case.
- (e) the Council's representative should then be able to put any questions they have to the member of staff or their representative.
- (f) the Committee can then ask questions of the member of staff or their representative.
- (g) the Council's representative then sums up the Council's case.

- (h) the member of staff or their representative sums up their case.
- (i) the parties withdraw and the Committee reaches its decision.
- (j) the Committee may confirm, amend or reject the original decision.

A review of this protocol shall be undertaken bi-annually (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to Full Council for approval.

The Council will undertake to ensure that its members and employees are trained in the processes required by this protocol as deemed appropriate.

Adopted on: 26th January 2017 Minute No: 08.17(6)

Review: January 2019