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**Grievance Policy Procedure**

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**Federation / FSU Grievance Policy & Procedure**

## **Introduction**

The Federation / FSU recognises that in the course of work, an employee may feel aggrieved but expect that normal day-to-day management should deal with the majority of work issues without the need to resort to formal procedures.

The FSU recognises the right of employees to seek a satisfactory resolution to their grievances. Employees should normally in the first instance give their immediate manager the opportunity of resolving the matter, before progressing their grievance formally.

The purpose of this procedure is to provide an employee or group of employees with the opportunity to have their grievance considered as quickly and effectively as practicable. When a grievance is raised, it should, where possible be resolved at the earliest opportunity and at the most appropriate level of management.

**1.1 Roles and Responsibilities**

**Managers/ Panel Members are responsible for:**

* Making every effort to resolve issues at the earliest opportunity and informally where possible.
* Ensuring those involved in this process are treated fairly and equitably.
* Ensuring the Policy is adhered to, and timescales are followed as practicable in conjunction with Human Resources.
* Carrying out a fair, timely and thorough investigation into grievances as required.
* Providing a fair and reasonable outcome for staff in line with this Procedure
* Maintaining confidentiality during the application of this Policy and its outcomes.

**The employee is responsible for:**

* Working with their line manager/Lead to try and resolve grievances informally where possible.
* Taking responsibility for making their own suggestions in finding a resolution where practicable
* Treating those involved in this process with respect and fairness.
* Attending meetings as requested under this procedure.
* Maintaining confidentiality during the application of this Policy and its outcomes.

**Human Resources are responsible for:**

* Providing accurate advice and support to employees in the application of this policy & procedure.
* Providing accurate advice and support to managers in the application of this policy & procedure.
* Identifying grievance panels and arranging grievance meetings in line with the procedure
* Ensuring the procedure is followed in a fair and equitable manner.
* Ensuring the Policy is adhered to, and timescales are followed as practicable in conjunction with Managers.
* Maintaining confidentiality during the application of this Policy and its outcomes.

## **Guidance and definitions**

**Employee** - is anyone employed by the Federation / FSU.

**Legal Representation, that is solicitors and/or professional legal counsel, will not be permitted at any stage of this Grievance Procedure.**

**Grievance Panel** – the persons with the appropriate authority to resolve the grievance

## **Principles**

**a**. The employee has the right to have their Grievance heard

**b**. Relevant witnesses may be called by the employee or the FSU

**c**. Issues which may give rise to a grievance may include differences between the Federation / FSU and an employee on any employment matter generally, for example, on an illustrative but not exhaustive basis: a decision taken by management or the application of terms and conditions of employment etc.

Management should seek to ensure that all grievances raised under this Procedure are addressed as quickly as practicable

**d**. It is expected that when an employee has a grievance, that this will be raised as close to the issue / event as soon as is practically possible. This should not normally be later than four months after the issue / event other than in exceptional circumstances.

**e**. All parties have the responsibility to respond to issues pertaining to this grievance process in a timely manner.

**f**. Managers have a duty to make every effort to resolve issues at the earliest opportunity. They are accountable for maintaining good employee relations and must therefore ensure that unacceptable delays do not occur in responding to grievances.

**g**. At all stages, the grievance procedure will be completed as quickly as possible within the defined timelines unless by mutual agreement.

**h**. An employee who has a grievance must exhaust each stage before proceeding to the next. The matter will not normally be progressed until the previous procedural stages have been concluded.

**i.** Managers should retain written records of all grievance hearings and meetings.

**j**. All parties are expected to take all reasonable steps to participate fully with the grievance procedure.

## **Meetings / hearings**

Employees are expected to participate fully with the grievance process. If a Federation / FSU employee cannot attend a meeting/hearing through circumstances outside her/his control and unforeseeable at the time the meeting/hearing was arranged they must notify the FSU Human Resources Manager and provide reasons. The FSU will arrange one further meeting/hearing. Failure to attend this rearranged meeting/hearing may result in the grievance process continuing in their absence based on the information available.

## **Exclusions**

There are some employment issues, which may be excluded from being raised under this procedure, as there will be other Federation / FSU policies and procedures in place that assist in the resolution of specific issues. In such circumstances this Grievance Procedure will not be applied. Advice on the appropriate procedure can be provided by Human Resources as required.

## **Grievance procedure**

This procedure details the appropriate steps to be followed when pursuing and dealing with a grievance.

* 1. **Informal procedure**

In the event of an employee being aggrieved, the matter should be informally discussed in the first instance with their line manager. If the line manager is directly involved in the grievance, the grievance can be discussed with the next level of line management. They will determine who it is appropriate for employees to informally discuss the grievance with. There should be an open and frank discussion of the grievance and the management response should be explicit and timely. It may be appropriate to record the response in writing. If the employee should choose to be accompanied by a colleague, the manager should facilitate this.

Only where it has not been possible to resolve the grievance through informal discussion and/or communication should the formal procedure, as detailed below, be initiated.

## **Formal procedure**

**7.1 Formal discussion and resolution of grievance**

**Submission of a Formal Grievance**

Where it has not been possible to resolve a grievance informally, an employee may raise a formal grievance. Employees are encouraged to do so by completing a Notification of Grievance Form see Appendix 1. The grievance should be forwarded to the FSU Human Resources Officer/Advisor, who will acknowledge receipt of the grievance in writing and will arrange for a Grievance Panel to hear the grievance, normally within fifteen working days.

**The Grievance Panel.**

A grievance panel consisting of two managers at an appropriate level will be

identified by HR, in conjunction with the appropriate manager, to consider the

grievance. Due to the nature of the Federations as separate employing authorities, it

may be necessary to incorporate appropriate panel members from the Federation /

FSU Board, or from another Federation/FSU or other suitably skilled independent individuals as considered appropriate.

**The Grievance Meeting**

The purpose of a grievance meeting is to allow the employee to explain their grievance and to allow the panel to ask questions to assist them in reaching a decision based on the available evidence and the representations made. The employee may also provide realistic options they have considered by way of reaching a resolution.

The panel may need to seek additional information/clarification in the pursuit of resolution of the grievance following the meeting through investigation.

The Grievance Panel may invite a management representative and/or

other employees associated with the grievance to be present at the meeting, if considered necessary to clarify any points raised.

**Investigation**

It may be necessary for the grievance panel to carry out an investigation into the grievance. The panel will normally hold the grievance meeting before deciding what investigation (if any) to carry out.

The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from any witnesses, and/or reviewing relevant documents etc.

All parties including the complainant and any witnesses must co-operate fully and promptly in any investigation. This may include, disclosing any relevant documents, emails etc to the panel and attending interviews, as part of the investigation.

**Grievance Outcome**

The decision of the Grievance Panel will be conveyed in writing to the

Employee, clearly stating the reasons for the acceptance, partial acceptance, or

rejection of the case. Where appropriate, the decision should set out what action the

employer intends to take to resolve the grievance.

The panel will provide the written outcome within seven working days from the date

of the hearing where practicable. Where it is unlikely that the matter will be resolved

within 10 working days (where a longer investigation is required, for example), the

employee will be notified by the Chair of the Grievance Panel in conjunction with HR

and a likely timescale for resolution will be given.

This outcome letter will also provide details of how to appeal this decision, should the

employee believe the matter has not been resolved.

## **Right to appeal**

**Submission of a Grievance Appeal**

An employee wishing to appeal the stage 1 decision should write to the FSU Human Resources Officer/Advisor within 5 working days from the date of receipt of the letter containing the decision.

It is not sufficient for an employee to appeal against a decision purely on the grounds that they disagree with it. A letter or email outlining the appeal must include detailed grounds for the appeal, the original Notification of Grievance, the stage 1 grievance decision, and any other documents relevant to the appeal.

The FSU Human Resources Officer/Advisor will acknowledge receipt of the appeal letter in writing and will arrange for a Grievance Appeal Panel to hear the grievance within fifteen working days or as soon as reasonably practicable.

**The Grievance Appeal Panel**

The FSU Human Resources Officer/Advisor will be responsible for identifying an

appropriate appeal panel, in conjunction with the appropriate manager. The appeal

panel will normally comprise 2 Managers at an appropriate level, neither of who

should have had previous involvement with the case.

As with the grievance panel it may be necessary to incorporate appropriate appeal panel members from the Federation / FSU Board, or from another Federation/FSU or other skilled independent individuals as considered appropriate.

**The Grievance Appeal Meeting**

The purpose of a grievance appeal meeting is to allow the employee to explain their grounds for appeal and provide any further information to the panel. The

meeting will also provide an opportunity for the panel to ask questions to

assist them in reaching a decision based on the available evidence and the

representations made.

Where appropriate, the appeal panel may invite a suitably qualified and experienced Manager in the same profession as the aggrieved employee(s) from the Federation / FSU or outside the Federation / FSU to attend the hearing as an assessor. The assessor is there to provide professional advice to the panel as required and has no decision-making role.

The Appeal Panel may need to seek additional information/clarification from any relevant parties as appropriate in the pursuit of resolution of the grievance following the meeting.

The Grievance Appeal panel may invite a management representative and/or other employees associated with the grievance to be present at the meeting, if considered necessary to clarify any points raised. The Grievance Appeal Panel may also seek additional information/clarification in the pursuit of resolution of the grievance.

**Grievance Appeal Outcome**

The decision of the Grievance Appeal Panel will be conveyed in writing to the

employee within 10 working days from the date of the hearing, stating clearly the

reasons for the acceptance or rejection of the case.

If for any reason this is to be delayed because further information/clarification is necessary, this will be communicated to the employee. The chair in conjunction with HR of the grievance Appeal Panel should provide the employee with a likely timescale for the decision to be issued.

The decision of the Grievance Appeal Panel is final.

## **Right to be Accompanied**

The employee raising the grievance may bring a companion who is a fellow worker or a trade union representative to any grievance meeting or appeal meeting under this procedure.

A ‘’fellow worker’’ is another employee of the same Federation or another recognised local GP Federation or FSU.

A ‘’trade union representative’’ is a trade union official who is employed by a trade union; or a lay trade union official, if he/she has been reasonably certified in writing by his/her union as having experience of, or having received training in, acting as a worker’s companion at grievance meetings. Certification may take the form of a card or letter.

The employee must notify the appropriate HR contact who their chosen companion is, in good time before the meeting.

Acting as a companion is voluntary and employees are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If the employee’s choice of companion is not available to attend at the time proposed

for the hearing in question, then the employee may propose an alternative time for

the hearing to take place. The alternative date proposed must be within five working

days of the initial hearing date.

The companion may address the grievance meeting or appeal to put forward the employee’s case, sum up their case or respond on the employee’s behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing but is not permitted to answer questions on their behalf.

## **Untruthful or Malicious Allegations**

This Policy & Procedure is designed to assist employees who have a genuine cause

for concern. It is not designed to enable individuals to escalate untruthful or

malicious allegations in bad faith.

For avoidance of doubt, the terms untruthful, malicious, and bad faith are defined as:

* Untruthful i.e., saying things during the process that you know are not true
* Malicious i.e., saying things during the process with an intent to cause harm and/or hurt rather than raising an issue with the intent to resolve it.
* Bad faith i.e., knowing that what you are doing is wrong e.g., the issue raised is untruthful or malicious but raising anyway.

Where the grievance panel finds a grievance has been brought in bad faith, the

Employing Federation/FSU may take disciplinary action under the Disciplinary

Procedure, as appropriate.

## **Absence during the Grievance Procedure**

If an employee is unable to attend a meeting at any stage of the grievance procedure, the meeting may, at the Federation’s discretion, be postponed for such period as the Federation considers appropriate (normally for a maximum of five (5) working days).

If the reason for non-attendance is medically certified ill health, the meeting may be reconvened on an appropriate date.

The Federation will take reasonable steps to arrange any meetings under the grievance policy at a convenient time for all parties involved. However, the Federation reserves the right, to reach a decision under the grievance policy, despite an employee’s failure or inability to attend any or all of the meetings, where it considers it is necessary to do so, taking into account all the circumstances.

If the Federation needs to convene a meeting in the employee’s absence, the employee will be invited to submit a written response setting out anything they wish to be considered during the hearing.

## **Post-Conclusion Support**

The Federation expects that all individuals involved in the grievance process will conduct themselves professionally throughout. All parties must always conduct themselves appropriately during, and after the conclusion of a grievance. Bullying, harassment, or intimidation of any person involved in a grievance (whether the complainant or the person against whom allegations have been made) will not be tolerated and disciplinary action may be taken as appropriate.

On occasion working relationships may be affected by a grievance. The Federation has a variety of resources that employees may access, including the Employee Assistance Programme, and advice from HR, who may signpost individuals to an appropriate service.

## **Record keeping**

Notes will be taken at all grievance, investigation and appeal meetings.

The Federation/FSU will provide a note taker to note the meeting, notes will be shared with the employee and their companion, and any amendments recorded.

Managers should forward copies of all documentation and correspondence relating to the grievance to the appropriate FSU Human Resources contact for retention for the required period.

## **Review of the procedures**

These procedures should be reviewed periodically as set out by the HR Policy Development Forum.

## **Equality statement**

In applying this policy, the GP Federation/FSU will have due regard for the need to eliminate unlawful discrimination and promote equality of opportunity.

## **Data protection / GDPR**

In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles. Data Subject’s Rights and freedoms will be respected, and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data.

**Appendix 1**

**Grievance procedure**

**Notification of grievance form**

**Employee details**

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Job Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date appointed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Federation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Staff Organisation/Professional body \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Grievance details**

Please tick below which type of grievance is involved

**A**

Individual Grievance

**B**

Grievance involving more than one employee, names of all employees should be given for grievances being raised by more than one employee.

**Details of grievance** - Please describe the nature of the grievance in as much detail as necessary to assist the manager(s) concerned to reach a resolution. Please continue on a separate sheet if necessary.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Please continue on separate page if necessary*

Have you any associated documentation or other information you wish to submit with this notice? **YES/NO**

Please list below the associated documentation and include it with this notice

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Have you raised the issue outlined above with your line manager? **YES/NO**

If NO, please give reasons

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please indicate what you would consider to be a satisfactory outcome:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Do you intend to call witnesses? **YES/NO**

If YES, please give names below:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_