**HARROW SCHOOL GRIEVANCE POLICY AND PROCEDURE**

**MODEL LETTERS, FORMS AND REPORT TEMPLATE**

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**PLEASE ADAPT THESE MODEL LETTERS AND REPORT TEMPLATE FOR USE BY YOUR SCHOOL.**

**PLEASE READ THE GRIEVANCE TOOLKIT FOR FURTHER INFORMATION WHERE. THE ENCLOSED MODEL LETTERS, FORMS AND REPORT TEMPLATE CAN BE FOUND AS APPENDICES.**

****

# APPENDIX 2 – STAGE 1 FORMAL GRIEVANCE FORM

*Note: You should always try to resolve your grievance informally before invoking the formal process.*

|  |  |  |  |
| --- | --- | --- | --- |
| Full Name: |  | School: |  |
| Post Title: |  |  |  |
| State the reason for your grievance. Continue on a separate sheet if necessary. |
| What informal steps have been taken to resolve your grievance before invoking the formal grievance procedure? |
| Who was your grievance raised informally with? |
| Why are you unhappy with the outcome? |
| Name any witnesses to the matter complained about: |
| What solution are you seeking? |
| Please confirm the name of your Trade Union representative or work colleague who will accompany you along with the names of any witnesses you would like to be called on your behalf: |
| *Employees should be aware that their personal information including possible sensitive information will be shared with their nominated representative unless their permission is formally withheld.* |
| Signed: |  | Date: |  |

# APPENDIX 3 – STAGE 2 FORMAL GRIEVANCE APPEAL FORM

|  |  |  |  |
| --- | --- | --- | --- |
| Full Name: |  | School: |  |
| Post Title: |  |  |  |
| Please state clearly why you are dissatisfied with the decision made at Stage 1 and you continue to feel aggrieved (continue on separate sheet if necessary). Your appeal must relate solely to the your original grievance: |
| What solution are you seeking? |
| Please provide the following information for consideration by the Employee Grievance Panel: * Copy of your Stage 1 Formal Grievance form Appendix 1
* Copies of all relevant documentation relating to your grievance.
 |
| Please confirm the name of your Trade Union representative or work colleague who will accompany you along with the names of any witnesses you would like to be called on your behalf: |
| *Employees should be aware that their personal information including possible sensitive information will be shared with their nominated representative unless their permission is formally withheld.* |
| Signed: |  | Date: |  |

#

# APPENDIX 4 – FORMAL GRIEVANCE MEETING PROCEDURE

* **Introductions**

The Hearing Officer will introduce him/herself and request that each person explains who they are and they are present.

* **Procedure**

The Hearing Officer will then explain the procedure.

* **Employee (or Representative) Presents their Grievance**

The employee (or their representative) will be given the opportunity to explain the grievance and present relevant evidence.

* **Person against whom the Grievance has been raised Questions Employee**

The person against whom the grievance has been raised, or their representative if one is present, will be given the opportunity to question the employee regarding the details of the grievance.

* **Hearing Officer Questions Employee**

The Hearing Officer follows up on any points for clarification or seeks further detail on any aspects that are not clear.

* **\*The Investigating Officer Questions Employee \*(if one is present)**

The Investigating Officer follows up on any points for clarification or seeks further details on any aspects that are not clear.

* **Employee calls Witness(es)**

The Hearing Officer will then call any witnesses on the employee’s behalf to support their case. The witnesses will be prepared on what questions they will be asked in advance.

* **The Person Against Whom the Grievance has been Raised Questions Witness(es)**

The person against whom the grievance has been raised, or their representative if one is appropriate, is given the opportunity to question the employee’s witnesses.

* **Hearing Officer Questions Witness(es)**

The Hearing Officer has the opportunity to ask questions of the witness(es)

* **The Investigating Officer Questions Witness(es)**

The Investigating Officer has the opportunity to ask questions of the witness(es)

* **Witness(es) Leaves**

The Hearing Officer will ask the witness(es) to leave, unless either party wants to recall the witness at a later time.

* **The Person Against Whom the Grievance has been Raised Responds to Grievance**

The employee, who is the subject of the grievance, or their representative if present, responds to the grievance.

* **The Employee Questions the Person Against whom they have Raised the Grievance**

The employee is given the opportunity to question the person whom they have raised the grievance against.

* **The Hearing Officer Questions the Person Against whom the Grievance has been Raised**

The Hearing Officer will follow up with any questions for the person against whom the grievance has been raised, to clarify any points made prior to any decision being made.

* **The Investigating Officer Questions the Person Against whom the Grievance has been Raised**

The Investigating Officer will follow up with any questions for the person against whom the grievance has been raised, to clarify any points that have been made.

* **Investigating Officer Presents Findings**

The Investigating Officer will present any findings on the grievance.

* **The Person Against whom the Grievance has been Raised calls any Witness(es)**

The person against whom the grievance has been raised, or their representative if one is present, has the opportunity to call any witness(es). The witness(es) will be prepared on what questions they will be asked in advance.

* **The Employee Questions the Witness(es)**

The aggrieved employee has the opportunity to question any of the witnesses.

* **Hearing Officer Questions any witness(es)**

The Hearing Officer will question any witness(es) for the person against whom the grievance has been raised.

* **The Investigating Officer Questions Witness(es)**

The Investigating Officer will then follow with any questions for the witness(es).

* **Witness(es) Leaves**

The Hearing Officer will ask the witness(es) to leave unless either party want to recall any of the witness(es) at a later time.

* **Employee/Representative Sum up**

This is an opportunity for the employee, or their representative, to make a final statement and sum up their main points.

* **Person Against whom the Grievance has been Raised Sums up**

This is an opportunity for the person against whom the grievance has been raised, or their representative if present, to make a final statement and sum up their main points.

* **Investigating Officer Completes Case**

The Investigating Officer sums up the key points of the investigation and makes a final statement.

* **Adjournment**

The Hearing Officer will ask the Investigating Officer, the employee, their representative and the person against whom the grievance has been raised to adjourn in order for a decision to be made.

* **Decision by Hearing Officer**

The employee, their representative, the person against whom the grievance has been raised and the Investigating Officer will return to be advised of the Hearing Officer’s decision. In exceptional circumstances the Hearing Officer may decide to postpone the decision in order for any additional investigation to be undertaken or for further deliberation based on the current facts. In this situation, a further meeting will be arranged to hear any additional information.

In some instances it may not be appropriate to advise of the outcome to both parties at the same time. Separate meetings can be held to discuss the outcome or alternatively, both parties can be notified in writing only. It is important to notify both parties at the same time, whichever method is chosen.

* **Decision confirmed in Writing by the Hearing Officer**

The Hearing Officer confirms the decision in writing normally within **5 working days** of the date of the formal meeting to both parties, unless both parties are notified of any delay. Any appeal must be lodged within **10 working days** of the date of the decision letter.

The order of the Stage 1 Formal Grievance Meeting may vary slightly due to the nature, sensitivity and content of the grievance. In more straightforward grievances, it may not be necessary to call witnesses or appoint an Investigating Officer and therefore the format of the meeting may be slightly less formal and may differ from the above.

# APPENDIX 5 – STAGE 1/2 FORMAL MEETING - ARRANGEMENTS CHECKLIST

This checklist is to act as a reminder for the School when arranging a formal grievance meeting.

|  |  |
| --- | --- |
| **Action** |  **Completed** |
| Collate contact list for all attendees |  |
| Arrange dates (Allow 2 days for complex cases - HR to advise) |  |
| Confirm cost centre for costs of grievance meeting |  |
| Arrange location |  |
| Location arrangements:Main room* 2 additional rooms - IO, HR Support & Witnesses
* - Employee & representative
* - Witness waiting room
* Refreshments
* Lunch
* Parking/disabled parking

Payment arrangements (invoices to be sent to etc.) |  |
| Arrange note taker |  |
| Send arrangements confirmation to all  |  |
| Bundle arrangements:* Obtain prepared bundle
* Example contents attached
* Send to all attendees (Special Delivery if required)
* To arrive 5 days before grievance meeting
 |  |
| Witness support:* IO/Manager to prepare/support their witnesses before, during and after meeting
* Be aware of possible witness anxiety & reluctance
* Take into account when arranging room for witnesses to wait in prior to the meeting.
 |  |
| Post Formal Grievance Meeting Actions:* Support with decision letter (HR to assist)
* Send decision letter normally within 5 working days of formal grievance meeting
* Send to individual & copy representative (Special Delivery if required)
* Bring forward receipt of minutes of the formal grievance meeting (Hearing Officer/HR)
* Bring forward Appeal deadline receipt (HR)
 |  |
| HR debrief – at next Case Review |  |
| Management debrief (if necessary) |  |

# APPENDIX 6 – RECOMMENDED BUNDLE CONTENTS

 **Introduction**

* Title page
* Index of contents
* Index of participants at the formal Stage 1/2 grievance meeting and their role e.g. A Smith – Investigating Officer

 **Main body of report**

* Investigation Report and statements
* Documents (e.g. letters, e-mails) relating to Grievance
	+ Include Invitation letter to Stage 1/2 meeting(s), Suspension letter and any e-mail dialogue with the individual regarding the case
	+ If process & procedure being challenged can include Investigating Officer information
* Relevant documents from personal file including:
	+ e.g. documents concerning any “live” warnings
	+ Contract of employment
	+ Job description/person specification
	+ Occupational Health reports

**Policy**

* Include relevant policy e.g. Conduct & Discipline, Grievance, Capability

**Recommended format**

* Number pages for ease of reference (photocopier can do this)
* Separate sections (e.g. with divider, coloured paper etc.)

**Copies to:**

Panel members

Investigating Officer

Individual concerned

Individual’s representative

HR Support to Panel

HR Support to Investigating Officer

Note taker

**Post Stage 2 Appeal meeting – retrieval of bundle**

Responsibility for this rests with Clerk of Governors or Note taker. Collect bundles after Stage 2 Appeal meeting when no longer required and dispose of in confidential waste ONCE APPEAL PERIOD HAS ELAPSED.

HR to retain their copies for Appeal/ ET/archiving.

# APPENDIX 7 Letter 1 – Model Invitation Letter – Informal Process

[Name]

[Address]

[Date]

Dear [Name]

**Re: Grievance Procedure – Invitation - Informal Process**

I refer to the grievance you have raised and would like to arrange to meet with you on [date] at [time] at [venue]. The purpose of this meeting is to explore the reasons for your grievance more fully and to gather any relevant documentation you have in respect of your areas of concern.

Should you wish to have the date and time of this meeting changed for any reason, please let me know immediately. Following on from our meeting, I will then interview other relevant parties and inform you verbally of my*\*findings/decision*without unreasonable delay. I will then provide written confirmation of my \**findings/decision****.***

Throughout the course of the grievance procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their trade union representative or work colleague as stated in the Schools’ Grievance Policy.

I would like to emphasise that, in accordance with the School’sGrievance Procedure, this matter will be dealt with in a fair and timely manner. Should you have any concerns or queries, please to not hesitate to contact me.

Yours sincerely

***Name and Designation***

**Copy to:** Manager

 Headteacher

 Chair of Governors

 HR

# APPENDIX 8 Letter 2 – Model Decision Letter – Informal Process

[Name]

[Address]

[Date]

Dear [Name]

**Re: Grievance Procedure - Decision – Informal process**

I am writing to confirm my \**findings/decision* into the following grievance submitted by you:

* *State grievance*

Having completed my investigation, I have concluded that

* *\*your grievance is substantiated*
* *\*your grievance is unsubstantiated*

*State findings – be clear, brief and precise. Include approaches to help address the issue e.g. training, mediation etc. and how these will be implemented.*

*Explain what actions are to be taken (if any).*

 As I explained you have the right to take this matter to Stage 1 of the Grievance Procedure should you not be satisfied with this outcome. If you wish to exercise this right, you should complete the Stage 1 Grievance Form \**attached/available on the HR intranet*and send it to [*Name], Manager/Head of Service/Headteacher/Chair of Governors*within 10 working days of the date of this letter. You should state the grounds for proceeding to Stage 1 (e.g. that you are appealing against the decision that your grievance was unsubstantiated and the reasons for this).

Yours sincerely

Manager/Headteacher/Chair of Governors

**Name and Designation**

**Copy to:** Manager

 Headteacher

 Chair of Governors

 HR

 Trade Union/work colleague

# APPENDIX 9 Letter 3 – Model Stage 1 Acknowledgement and Investigation Letter

[Name]

[Address]

[Date]

Dear [Name]

**Re: Grievance Procedure – Stage 1 Acknowledgement – Formal Process**

I refer to the completed Stage 1 Formal Grievance Form that you submitted dated [date] stating that you wish your grievance to proceed to Stage 1 under the School’s Grievance Procedure.

 As the Hearing Officer for your grievance I have appointed [Name, Designation] as Investigating Officer for this case. As part of this investigation, you will have the opportunity to put your account of events directly to the Investigating Officer and you will be contacted shortly to arrange a meeting. You have the right to be accompanied at any meetings by atrade union representative or work colleague.

The investigation should be completed by [date] *(good practice within 28 days)*. If it is found that the facts warrant a hearing, you will receive written notification of this. Alternatively you will receive written notification if it is necessary to extend the investigation beyond [date]or if it is found there is no case to answer.

Throughout the course of the grievance procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

I would like to reassure you that this matter is being taken seriously and will be dealt with in a fair and timely manner. Should you have any concerns or queries, please contact the Investigating Officer.

Yours sincerely

**Hearing Officer/Head of Service/Headteacher/Chair of Governors**

**Copy to:** HR

 Chair of Governors

 Investigating Officer

 Trade Union/Professional Association Representative

# APPENDIX 10 Letter 4 – Model Stage 1 Acknowledgement and Meeting Invitation Letter

[Name]

[Address]

[Date]

Dear [Name]

**Re: Grievance Procedure – Stage 1 Meeting Invitation – Formal Process**

I am writing to invite you to attend a formal Stage 1 meeting with *\*me/name of officer conducting the meeting*as Hearing Officeron [date] at [time] at [venue]. You have the right to be accompanied by a trade union representative or work colleague. On arrival please report to *[insert instructions].*

 This meeting will be heard by the Employee Grievance Committee comprising of three School Governors: [insert names of Governors].The management case will be presented by [name] supported by [name]***.***In attendance at the meeting will be:

* *[Name of officer as Hearing Officer]*
* *[Name of Investigating Officer where appropriate]*

*[Name of note taker]\*The following witness(s) may be called to give evidence: (if any)*

* *[Insert names]*

The matter will be considered by [*name and designation of the manager hearing the case],* who will chair this meeting and determine whether the grievance issubstantiated and what action should be taken.

This grievance meeting is intended to give you the opportunity to:

* Be accompanied by a trade union representative or work colleague
* Put your side of events
* Call witnesses
* Question the evidence of witnesses

You will need to prepare for your grievance and arrange for:

* your representative to attend the meeting if you choose to be accompanied. Please ensure that you have checked with their manager that they have been given permission to attend.
* any documents to be in my office by [date]*.*

Please confirm your attendance in writing at this Stage1 grievance meeting, including details of your trade union representative or work colleague.

The procedure to be followed will be that contained in the School’s Grievance Policy, a copy of which has already been given to you.

Throughout the course of the grievance procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

 Please find enclosed the documents to be considered at the Stage 1 meeting:

 *List documents:*

 *1)*

 *2) etc.*

Yours sincerely

Hearing Officer

**Name and Designation**

**Copy to:** Manager

 Headteacher

 Chair of Governors

 HR

 Chair and members of the Committee

**Enc.** Management response documents (if available)

# APPENDIX 11 Letter 5 – Model Stage 1 Decision Letter – Formal Process

[Name]

[Address]

[Date]

Dear

**Re: Grievance Procedure - Stage 1 Decision – Formal process**

I write to confirm my decision following the Stage 1 grievance meeting, which you attended with [name], your \**trade union representative/work colleague* on [date].

The Stage 1 meeting was convened under the School’s Grievance Policy when the following \**was/were*considered:

* *Insert full details of grievance*

I carefully considered the facts presented to me, including supporting documentation, before reaching my decision*:*

* \**That your grievance was substantiated*
* *\*That your grievance was unsubstantiated*
* *State findings - be clear, brief and precise*
* *Explain what actions are to be taken (if any)*

You have the right to appeal under Stage 2 of the Grievance Policy if you are not satisfied with this outcome and consider you have grounds to appeal. If you wish to exercise this right, you should state your grounds of appeal on the Grievance Appeal Form attached (e.g. that you are appealing against the decision that your grievance was unsubstantiated and the reasons for this). Please forward your completed form to [name, designation] to be received within 10 working days of the date of this letter:

Yours sincerely

**Hearing Officer/Manager/Headteacher/Chair of Governors**

**Copy to:** Headteacher

 Chair of Governors

 Manager

 HR

 Chair and members of the Committee

 Investigating Officer

# APPENDIX 12 Letter 6 – Model Stage 2 Appeal Invitation Letter

[Name]

[Address]

[Date]

Dear

**Re: Grievance Procedure – Stage 2 Appeal Invitation – Formal Process**

I acknowledge receipt of yourFormal Grievance Appeal Form and write to invite you to attend a formal Stage 2 appeal meeting, details as follows:

Date:

Time:

Venue:

The appeal will be heard by the Employee Grievance Committee comprising of three School Governors: [insert names of Governors], and will be supported by [name of HR Support]. The management case will be presented by [name] supported by [name]***.***

You have the right to be accompanied by a trade union representative or work colleague.

On arrival please report to [insert instructions].

If you should wish to have the date and time of this meeting changed for any reason, please let me know immediately.

Also in attendance at the meeting will be:

* *[Name of HR Officer]*
* *[Name of Investigating Officer where appropriate]*
* *[Name of note taker]*

The following witness(s) may be called to give evidence: (if any)

* *[Insert names]*

You will need to prepare for your grievance appeal and arrange for:

* your representative to attend the meeting if you choose to be accompanied. Please ensure that you have checked with their manager that they have been given permission to attend.
* any documents to be in my office by [date].

Please confirm your attendance in writing at this Stage 2 appeal meeting, including details of your representative or work colleague.

The procedure to be followed will be that contained in the School’sGrievance Policy, a copy of which has already been given to you.

Throughout the course of the grievance procedure, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

 Please find enclosed the Stage 1 documents to be considered at the meeting.

Yours sincerely

Hearing Officer

**Name and Designation**

**Copy to:** Manager

 Headteacher

 Chair of Governors

 HR

 Chair and members of the Employee Grievance Committee

**Enc.** Management response documents (if available)

# APPENDIX 13 Letter 7 - Model Stage 2 Appeal Decision Letter

[Name]

[Address]

[Date]

Dear [Name]

**Re: Grievance Procedure - Stage 2 Appeal - Decision**

I write to confirm the decision of the Employee Grievance Committee following the Stage 2 appeal meeting, which you attended with [name], your \**trade union representative/work colleague* on [date]***.***

The Stage 2 appeal was convened under the Schools’ Grievance Policy when the following \**was/were*considered:

* *Insert full details of the appeal*

The Employee Grievance Committee carefully considered the facts presented to them, including supporting documentation, before reaching their decision*:*

* \**To uphold the original grievance decision made by the Hearing Officer following the Stage 1 meeting.*
* *\*To revoke the original grievance decision made by the Hearing Officer and uphold your appeal.*
* *State findings - be clear, brief and precise*
* *Explain what actions are to be taken (if any)*

This concludes the grievance process.

Yours sincerely

**Chair of the Employee Grievance Committee**

**Name, Designation**

**Copy to:** Headteacher

 Chair of Governors

 Manager

 HR

 Chair and members of the Employee Grievance Committee

Investigating Officer

# APPENDIX 14 Investigation Report Template

**STRICTLY PRIVATE & CONFIDENTIAL**

REPORT

Detailing the investigation into the Grievance raised by *(Insert name, Insert Job Title)*

A report for

*Insert name and job title of commissioning manager*,

 By *Insert name*, *Job title*

Investigating Officer

*Insert date*

**Table of Contents –** *please amend as appropriate*

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| **Appendices –** *Example only - please update the numbering to link to contents of report and include all documents referenced as part of the investigation* |  |
| 1. | Interview statements with witness (give names and job titles) – include signed statements for all interviewees |  |
| 2. | Interview with employee (give name and job titles) |  |
| 3. | job description of employee |  |
| 4. | Any other supporting information  |  |
| 5 | Requirement to Stay Away From Work letter dated xxxx |  |
| 6. | Harrow Council’s Schools Disciplinary Policy & Procedure (October 2018)  |  |
| 7. | Harrow Council’s Code of Conduct Policy & Procedure if referenced *Any other policies/procedures/or professional documents referenced should also be included.* |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**1. Introduction**

**The author of the report**

*1.1 I am XXX , Job title at Harrow Council. I have worked for Harrow Council*

*since XXX*.

**Role of the Investigating Officer (IO)**

*1.2. The role of an IO is to investigate serious misconduct/misconduct allegations or complex grievances as defined and scoped by the Commissioning Officer. At the investigation stage, the IO’s role is impartial. The IO will submit a fair and unbiased investigative report to the commissioner, which reaches evidenced conclusions and/or conclusions based on the balance of probabilities.*

*1.3 The report will be based on the information made available by the commissioner, the subject of the investigation and any other witnesses. The report will make appropriate recommendations. The report will recommend on the balance of probability whether a disciplinary or grievance hearing should be held and, in disciplinary cases will indicate the potential severity of the case; whether it should be considered as potential misconduct or serious misconduct, based on the evidence presented.*

*1.4 Should a disciplinary or grievance hearing be required the IO may be commissioned to present the management case. The IO will conduct the presentation, using the evidence contained within the report and evidence from relevant witnesses, in a fair and balanced manner applying the principles of natural justice. At this point in the proceedings, the IO is no longer neutral as they have formed a view that on the balance of probabilities the allegations/grievance has substance.*

**Purpose of the report**

*1.5 The purpose of this report is to set out the facts relating to this investigation, pointing out where discrepancies have been identified. Reasoned conclusions are reached with evidence to support these statements.*

**Disclaimer**

*1.6 The conclusions reached in this report have been based on the material presented within the report. No additional material has been used, except where specifically referenced. Additional material, of which I am currently unaware, may have affected the conclusions reached. I am not responsible for failing to take into account information or evidence that was not available to me at the time of writing this report. This report must be considered in its entirety and I am not responsible for omissions in reproduction or amendments made by other parties, after its submission.*

**Statement of instructions**

*1.7 I was commissioned by XXX , Job title on (insert date) to investigate the allegations set out in a letter to XXX(Insert employees name) (insert employees initials) dated xxxx, under the Council’s Grievance Procedure. It was agreed whom I needed to see in connection with the matter and the relevant background paperwork to refer to (see Methodology section below).*

**2. The Specific Concerns/terms of reference**

*2.1 As provided by the commissioning manager*

*Please cut and paste wording from grievance letter*

**3. Executive summary**

*3.1 Summary of what the IO believes happened, based on their investigation.*

**4. Sources of Evidence/Methodology**

4.1 Interviews took place with the following people:-

Xxxxx

xxxxxx

4.2 Additional evidence is contained within:-

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |

**5. Background/Events leading to the Grievance**

*5.1 Insert initials of employee has been employed in the xxx Service/School since XXXX.*

*An outline of the duties associated with each of these two job roles can be found at (list appendix numbers). Recommend that you give a brief overview of job role, and expectations*

*5.2 Provide some background relating to how the concerns came to light*

**6. Investigation**

*6.1 Summary of what the IO believes happened, based on their investigation. This section should ‘cross reference’ to evidence and quotes from statements to provide reason to the IO’s beliefs. Alternative views uncovered during the investigation must be included also, together with the IO’s reasons for having less belief in such versions.*

**7. Conclusions**

*7.1 This should pull the whole report together and make the case for any further action to be considered by a panel, and/or any other action which may be appropriate.*

**8. Recommendations**

*example only*

*8.1 I recommend that a grievance hearing is convened to consider whether Insert initials of employee concerns are substantiated or not in accordance with the Council’s Grievance Procedure.*

Signed: ................................................................ Dated: ...............................

 *Insert name of Investigating Officer*

 **Appendices**

*Signed copies of all statements, documents and other evidence referenced in the report etc.*