

FAIRNESS AT WORK (GRIEVANCE) POLICY

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POLICY STATEMENT

This policy aims to promote a working environment where employees feel able to raise concerns, issues or problems about their work, working environment or working relationships, and to provide assurance that any issues raised will be addressed in a prompt manner. This policy has been developed to comply with the ACAS Code of Practice.

Employees are encouraged to discuss any work-related concerns, issues or problems informally in the first instance. However, it is recognised that at times it is necessary to address such concerns through a formal procedure.

Issues that may cause concern include:

- Terms and Conditions of Service
- Health and safety
- Work environment
- Discrimination
- Working practices
- Working relationships

Some issues are best dealt with under specific policies and procedures. These should be used wherever possible.

Issue	Policy/procedure
Bullying and Harassment	Dignity at Work Policy
Improving Performance	Capability procedure
Pay and grading	Schools Pay Policy/Single Status
Pension	Teachers Pensions and LGPS Regulations
Sickness absence	Managing Attendance Procedure
Issues of malpractice/Whistleblowing	Whistleblowing Policy
Redundancy	Protection of Employment policy
Conduct	Disciplinary Policy

POLICY SCOPE

This policy covers all Council employees and school-based employees (appointed through a governing body) regardless of status or length of service. The exceptions being where a grievance is against the Chief Executive, an elected member of the Council or a member of a school governing body as separate procedures apply (please see Explanatory Notes section)

In its application, this policy seeks to ensure that there is no discrimination against employees either directly or indirectly on grounds prohibited by the Equality Act 2010 which covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation This policy is inclusive of partners of the opposite or same sex.

Where reference is made to line managers, this relates to the person to whom the employee reports. It should be noted that for school based employees that this may be their supervisor, school bursar, head of department, deputy Head-teacher or the Head-teacher. Reference to the line manager's line manager refers to the manager that their manager reports to or the next senior officer. This may include a head of service, chief officer, Head-teacher or chair of governors.

PRINCIPLES

The following principles will apply:

- Employees must raise grievances in a timely manner.
- All grievances will be dealt with fairly and consistently.
- Concerns that occurred more than three months ago may not be addressed under this procedure unless in the following exceptional circumstances:
 - There is a link with past concerns with the current concern, such as harassment or discrimination
 - The employee was unable to raise the grievance earlier (sickness absence, maternity/parental leave)
- All grievances will be dealt with promptly and within reasonable timescales.
- Employees should seek to resolve grievances informally (where appropriate) in the first instance with:
 - their line manager,
 - the person who is upsetting them if it is a work colleague or their line manager,
 - a third person (for example a trade union representative)
- Employees have a joint responsibility with management for seeking to resolve any issue.

- Employees have a right to be accompanied (by a trade union representative or work colleague) at meetings related to a grievance made either about them or by them at formal stages.
- Once the grievance has been dealt with, no further reference will be made to it, nor will the employee be discriminated against or victimised for raising the grievance in good faith.
- Raising a grievance that is known to be without foundation, is untrue, or is malicious or vexatious, may result in disciplinary action.
- If the line manager is the person against whom the grievance is raised, and it is not appropriate to raise the concern directly with that person, the grievance can be referred to their line manager. If the grievance is against a Head-teacher, the issue should be referred to the Chair of Governors, who is able to seek advice from their school's People Services HR Business Partner.

Where the grievance relates to a proposed change by management to terms and conditions, working practices, or other changes, then the status quo should prevail pending the processing of the grievance. Whilst the grievance is being processed, there should be no departure from normal working.

ROLES AND RESPONSIBILITIES

All employees are responsible for:

- Ensuring they are aware of the Fairness at Work (Grievance) Procedure.
- Considering mediation (where appropriate)
- Seeking to resolve grievances informally (where appropriate) in the first instance with
 - their line manager,
 - the person who is upsetting them if it is a work colleague or their line manager,
 - a third person (for example a trade union representative)
- Raising a grievance in writing under the formal procedure, if a grievance cannot be resolved informally.

All line managers/Head-teachers/governors are responsible for:

- Ensuring they are aware of the Fairness at Work (Grievance) Procedure.
- Ensuring their employees are aware of the Fairness at Work (Grievance) Procedure.
- Taking prompt action and a considered approach to employees' concerns, and aiming to deal with matters informally where possible.
- Handling all grievances sensitively and confidentially, and ensuring standards of fairness, objectivity and consistency in treatment are upheld in all cases.
- Promoting mediation as a means of resolution where appropriate
- Taking advice from People Services HR at each stage of the formal grievance.

- Ensuring that consideration is given to whether any reasonable adjustments are necessary for employees attending meetings who may have a disability, or who may require an advocate or interpreter.
- Recognising the impact of concerns being raised for all parties and advising on the support available to them e. g counselling

People Service HR is responsible for:

- Supporting and advising line managers/head-teachers/governors when dealing with matters under the Fairness at Work (Grievance) Procedure and attendance at relevant meetings as appropriate.
- Requiring line managers/head-teachers and Fairness at Work (Grievance) Committee members (for schools) to confirm they are unbiased and independent to the case they are considering.
- Ensuring the Fairness at Work (Grievance) Procedure is regularly reviewed, in line with best practice, and compliant with employment legislation.
- Updating all parties regarding the independent support available to them through access to occupational health provision and confidential counselling services or other arrangements.

MEDIATION

Mediation – this is a flexible approach to conflict resolution and an opportunity to discuss issues with an ‘impartial third party’. This is a voluntary, confidential and independent process, which can be used at any stage of the grievance process and can be arranged by People Services. Workplace mediators are trained individuals with proven competence in applying mediation skills and techniques. There may be a cost associated with accessing external mediation, which will be paid for by the service area/school. It is recommended that mediation is the way forward where there are workplace relationship concerns raised against a work colleague or a line manager. Workplace mediation involves ‘win-win’ outcomes.

SUPPORT

The Council/School Governing Body have a duty of care to their employees. Support for employees involved in a grievance process is key to fulfilling this duty.

For those employees who raise concerns under this policy, and for those employees who may have concerns raised about them, the Council/ School Governing Body will do all it can to help and provide support throughout the process. Support will include the offer of access to welfare counselling and medical advice and support. Employees either directly or indirectly affected will be advised to contact their Trade Union representative, or a work place colleague for support.

Unless there are legal reasons why this cannot be done, employees who raise a grievance and those employees who may have a grievance raised against them will be kept informed of

the progress and of the outcome of any investigation by the Investigator and/ or appropriate manager.

INFORMAL STAGE

Employees are encouraged to discuss any work-related concerns, issues or problems informally in the first instance. Many problems can be raised and settled during the course of everyday working relationships.

It is in everyone's interest to resolve grievances quickly and therefore all employees should seek to raise issues when they become a concern to resolve issues promptly and informally (either orally or in writing) with:

- their line manager wherever possible or
- the person who is upsetting them, making them feel aggrieved
- where the grievance is with the line manager, a third party including their trade union representative or the line manager's manager

Line managers must be pro-active within their team environments and look to resolve conflict, informally, as soon as possible. The first course of action should always be a concerted effort to resolve the issues through informal discussion without resorting to the formal stages of the Fairness at Work (Grievance) Procedure. Where it is appropriate, the line manager (or next senior manager) should encourage the employee to discuss the issue with the other party (which may be the line manager). The employee may find it easier to have someone with them for support, and to help facilitate discussions. For example, a manager, a work colleague or a Trade Union representative and a HR Business Partner. If the parties are unable to meet with each other, separate meetings can be facilitated with the manager/head-teacher and People Services HR to try to resolve the issues.

Workplace mediation is an effective process for facilitating discussions to resolve workplace relationship conflict/disputes at an early stage.

In case of a grievance being raised by an employee against a head-teacher, please note that the grievance should be directed to the Chair of the Governing Body. The Chair of Governors can seek advice from People Services HR.

Where the grievance has been resolved informally, it is important that the employee confirms this to be the case, preferably in writing. A Fairness at Work (Grievance) Workflow is available on the People Services Hub, which provides guidance on how to conduct an informal meeting and a template form for recording the agreed outcomes.

Where the employee remains dissatisfied by the outcome of the informal stage, they can formally lodge a complaint under the formal stage of the Fairness at Work (Grievance) procedure.

FORMAL STAGE

The FORMAL PROCEDURE involves:

- Written Notification of the grievance
- The Fairness at Work (Grievance) Meeting
- An investigation (this might be required)
- Written confirmation of the outcome (decisions) of the Fairness at Work (Grievance) meeting
- APPEAL STAGE

The FORMAL STAGE may require an investigation to take place.

An investigation may be undertaken by the manager considering the grievance although there may be occasions where the manager will request an independent investigation to be undertaken.

An employee will have the right to appeal against the outcome of the Fairness at Work (Grievance) Meeting.

The formal procedure can be temporarily suspended where there is agreement for mediation to be undertaken.

Written Notification of the Grievance

It is in the employee's interest to put the formal grievance forward as soon as possible after the event (or last of a series of events) that led to the grievance and not to delay if they remain dissatisfied following the informal stage. To submit a formal grievance an employee should complete the Fairness at Work (Grievance) Record Form attached at appendix 2, outlining his/her grievance and detailing how they consider the grievance(s) may be resolved. In cases where an employee submits a letter of grievance, the grievance report form will be sent to the employee for completion.

The line manager will write to the aggrieved employee, acknowledging receipt of the Fairness at Work (Grievance) Record Form and will meet with the employee normally within 10 working days of the form being received and will advise on the handling of the grievance, providing an approximate timeframe.

If the line manager has had significant involvement in attempting to resolve the grievance informally, it may be appropriate for the written statement to be directed to the next senior manager. If the head-teacher has had significant involvement in the informal stage or if the grievance is against the head-teacher, the Fairness at Work (Grievance) Report Form should be submitted to the Chair of Governors. If the Chair of Governors has had significant involvement at the informal stage the matter will need to be referred to the school's grievance committee (refer to Explanatory Notes).

Fairness at Work (Grievance) Meeting

The employee will be invited to a Formal Fairness at Work (Grievance) meeting with the line manager (or next senior manager), in order to explain the grievance and to discuss how they believe the matter may be resolved. The employee will be informed in writing of the date, time and location of the meeting, together with confirmation that they have the right to be accompanied by a trade union representative or work based colleague. People Services HR will be available for advice throughout the formal stages and will be in attendance at all relevant meetings.

There may be insufficient information for the line manager (or next senior manager) to determine an outcome to resolve the grievance. If necessary, the line manager (or next senior manager) may adjourn the meeting and investigate further, interview witnesses if appropriate and examine relevant documentation. The manager (or next senior manager) may decide that an investigation needs to be carried out by an independent investigator not previously involved and commission the investigation.

Where there are allegations against a line manager or another employee it may be necessary to refer to other appropriate policies to deal with the concerns raised, such as the Disciplinary Policy or the Dignity at Work Policy. The employee named within the grievance will then need to be informed in writing of the policy/procedure that will apply to them and they will be requested to attend an investigation meeting in line with the relevant policy.

Following the conclusion of the investigation a follow up meeting will be arranged by the line manager (or next senior manager) with the aggrieved employee to outline the findings. A summary of the recommendations of the report will be sent to the employee with the invite for the follow up meeting.

At the meeting, the line manager (or next senior manager) will outline the investigation and his/her conclusions and what action can be taken to resolve the grievance, considering any further comments from the employee.

Confirmation of Outcome of Fairness at Work (Grievance) Meeting

The aggrieved employee will be informed in writing of the formal outcome of the Fairness at Work (Grievance) meeting as determined by the line manager (or next senior manager), within 10 working days if possible. If it is not possible to respond within 10 working days, the employee will be advised of the reason why and when a response can be expected. The employee will be notified of the right of appeal if they are dissatisfied with the decision.

APPEAL STAGE

If an employee does not agree that the grievance has been satisfactorily resolved, they may appeal against the decision.

The APPEAL STAGE involves:

- Written notification of the appeal
- The Fairness at Work (Grievance) Appeal Hearing
- Written confirmation of the outcome (decisions) of the Fairness at Work (Grievance) Appeal hearing

Written notification of the Appeal

The appeal should be submitted in writing, using the Appeal Form attached at appendix 3. The appeal must detail the grounds for the appeal, as follows:

- Providing new information or evidence which could not previously be presented
- Identifying procedural irregularities
- Challenging the findings

The appeal from should be submitted to either:

- the People Services HR Manager (for those cases not in schools)
Or, for cases in schools:
- the Clerk to the Governing Body for school based employees (see Explanatory Notes)

The employee must appeal within 7 working days of the date of the letter, which confirms the written decision from the line manager (or next senior manager). An extension may be agreed in certain circumstances e.g. if the employee is on leave or ill.

The Appeal Hearing

Following receipt of the Appeal Form, the employee will be invited (in writing) to attend a Fairness at Work (Grievance) Appeal Hearing. People Services HR can assist to make arrangements for the appeal hearing with the relevant Head of Service or Chief Officer. For schools, the clerk to the governing body will make the arrangements for the governing body appeals committee to hear the Fairness at Work (Grievance) appeal.

The Appeal Hearing will follow the same format as an appeal hearing against a disciplinary outcome. The line manager (or next senior manager)/Head-teacher/Chair of governors/Chair of grievance committee who made the original decision will present their findings and decision(s) to the relevant Head of Service/ Chief Officer or for schools, the appeals committee and the employee will have the opportunity to state their grievance and why they were dissatisfied.

The employee will receive written notice of the meeting and will have the right to be accompanied (by a trade union representative or work colleague) at the appeals hearing.

The relevant Head of Service/Chief Officer or the Appeals Committee (for schools) will meet to hear and consider the appeal. Only the original grievance will be considered. Any new or unrelated complaints will not be considered. The Investigation report and the outcome letter from the Fairness at Work (Grievance) Meeting will be available to the Head of Service/Chief Officer or Appeals Committee (for schools).

Confirmation of Outcome of Fairness at Work (Grievance) Appeal Meeting

The employee will be notified of the outcome of the appeal, in writing, by the Head of Service/Chief Officer or by the Clerk to the Appeals Committee (for schools) as soon as possible and normally within 7 working days of the appeal hearing. This period may be extended if there are extenuating circumstances. The decision of the appeal is final. There is no further internal right of appeal.

EXPLANATORY NOTES

This policy does not apply to grievances against the Chief Executive or Chief Officers, elected members of the Council or members of School Governing Bodies, as separate procedures apply. A complaint against the Chief Executive or Chief Officers shall be dealt with under the Whole Authority Complaints and Compliments Procedure. A complaint against an elected member shall be dealt with under Members Code of Conduct. A complaint against a governor shall be dealt with under the relevant school's Complaints Policy. Details can be obtained from the school clerk and you may wish to share your concerns with the Head-teacher prior to raising a complaint.

For school based staff where the Head-teacher has been significantly involved in resolving the grievance informally but the employee has then invoked the formal procedure, the Fairness at Work (grievance) Report Form should be submitted to the Chair of Governors who will undertake the formal Fairness at Work meeting (with advice from People Services HR). This is likely to require an independent investigation being completed.

Where the grievance is against the Head-teacher and the Chair of governors has been involved in the informal stage, the Fairness at Work (Grievance) Committee will be convened to undertake the Fairness at Work (Grievance) Meeting. The governors' Fairness at Work (Grievance) Committee will consist of three governors who are not staff governors and who are not on the Governing Body Appeals Committee. It is likely that the committee will require an independent investigation to be carried out and the Fairness at Work (Grievance) Meeting would be reconvened following receipt of the independent investigation report.

Whether the Fairness at Work (Grievance) meeting was conducted by the Head-teacher, the Chair of Governors or the Fairness at Work (Grievance) sub-committee, in the event of an appeal, the appeal will be heard by the Governing Body Appeals' Committee.

FORMER EMPLOYEES

For grievances received prior to an employee leaving his/her employment, the process will be the same as for current employees, although it should be recognised that the timescales may have to be longer if the former employee has found subsequent employment. Where a former employee raises a complaint after their employment has ended, the matters will be considered under the Whole Authority Complaints and Compliments Procedure or the relevant School's Complaints Policy.

KEEPING RECORDS

Confidential records will be kept by the line manager (next senior manager) during the formal process of the Fairness at Work (Grievance) Procedure. Records will include notes of any formal actions, including support made available to the employee or other affected parties. These records will be kept in accordance with data protection laws.

- The nature of the grievance.
- The line manager/Head-teacher's report and working papers/letters.
- Investigation interviews and signed witness statements.
- Details of any action taken and the reasons why.
- If there was an appeal, details of it and the outcome

Employees will have access to their records in accordance with data protection law.

DEFINITIONS

Alleged Bullying and Harassment

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment as defined in the Equality Act 2010 is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Behaviour that is considered bullying by one person may be considered firm management by another. In cases of alleged bullying and harassment, the Dignity at Work Policy should be used.

Where grievance and discipline matters overlap, discipline cases may be temporarily suspended in order to deal with the grievance, or if both cases are related or inextricably linked, it may be appropriate to deal with the issues together.

Frivolous, Vexatious, Malicious

Grievances will be assumed to have been made in good faith. In the event that a grievance is determined as being malicious or vexatious, appropriate disciplinary action will be considered. The use of this procedure for reasons other than to raise a genuine concern about inappropriate actions, treatment or behaviour in the workplace, e.g. to upset someone or to cause disruption will not be supported.

Information sharing

Information about a grievance will remain confidential. However, it will be necessary for the Investigator to discuss elements of the grievance with other people to clarify the facts.

If an employee's grievance is about a colleague, the Investigator may provide the colleague with a copy of the grievance specifically in reference to him or her, in order that the colleague can respond to the issues that the aggrieved has raised. A copy of the findings may also be shared with the subject/s of the grievance/s if appropriate.

The organisation will keep formal grievance records separate from personal files. They will detail the nature of any grievance and its outcome. The organisation will keep these records confidential and in accordance with the requirements of data protection laws.

Confidentiality is important for the grievance resolution process to be successful. Although all possible steps will be taken to respect confidentiality, this must be balanced with the need for the service area or school to act on certain types of information that may be revealed in order to make a full investigation. Breach of confidentiality by any party to the grievance resolution process could lead to disciplinary action. The Line Manager / employee should seek advice from People Services HR if in any doubt about confidentiality issues.

Victimisation

Employees may feel reluctant to raise a grievance for fear that it will lead to adverse treatment (i.e. being victimised). Employees should be assured that by raising a grievance this will not adversely affect them, provided that any such grievance has been raised in good faith.

Any allegation of victimisation of an individual, and/or colleagues involved with the procedure will be taken seriously and will be formally investigated. If there is any reasonable belief based upon an investigation that victimisation has, or may have taken place, this will be dealt with in accordance with the Disciplinary Policy, as appropriate.

‘COUNTER CLAIMS’

Occasionally employees feel it is appropriate to submit a grievance in response to formal managerial action, which is being taken against them. This ‘counter claim’ must be considered. The manager/Head-teacher who receives a ‘counter claim’ will consider and decide upon the following course of action/options:

- Agree that the ‘counter claim’ should be considered alongside the formal action already being taken. This is likely when the issues are related and means that both processes can run concurrently;
- Or determine that the nature of the ‘counter claim’ means that the formal action will be deferred pending an investigation into the employee’s lodged grievance.

After the investigation is completed, the manager/Head-teacher may recommence the formal action taking into account the findings from the investigation; or postpone the formal action, to allow the grievance to be considered first, returning to the formal action thereafter, and as appropriate.

The manager/Head-teacher is advised to take advice from People Services HR before deciding which course of action should be taken. If the manager/Head-teacher concerned is implicated in the ‘counter claim’, then the managers’ manager/Head-teacher or Chair of governors may decide to nominate a different manager or a governor to consider the grievance. (Note: a ‘counter claim’ does not mean that the formal action will be set aside or discontinued).

A ‘counter claim’ may also be lodged by the alleged perpetrator of the problem. The manager/Head-teacher must respond to the ‘counter claim’ and should decide which of the above ‘options’ they wish to follow. The manager/Head-teacher should notify both parties that a ‘counter claim’ has been received and keep both parties updated.

COLLECTIVE GRIEVANCE

This procedure is available for use in circumstances where a number of employees have the same grievance at the same time. If there is a grievance, which applies to more than one person this should be resolved in accordance with a collective grievance procedure.

Where a collective grievance is raised a spokesperson should be chosen by the group of employees to attend the Fairness at Work (Grievance) meeting with, if they choose, a Trade Union representative or work colleague.

The process for handling the collective grievance will mirror the route for an individual grievance as outlined in this policy.

In the event where an agreement cannot be reached, the matter can be referred to ACAS, once internal methods have been exhausted.

APPENDIX ONE: PROCEDURES FOR SCHOOLS COMMITTEES

GRIEVANCE SUB-COMMITTEE PROCEDURE

1. The Chair to exclude the press and public and welcome those present.
2. The employee (or his/her representative) to put his/her case in the presence of the Head-teacher/relevant officer (or his/her representative) and to call such witnesses as he/she wishes.
3. The Head-teacher/relevant officer (or his/her representative) to have opportunity to ask questions of the employee and his/her witness.
4. The employee (or his/her representative) to have the opportunity of re-examination of a witness (es).
5. The Sub-Committee may ask questions of the employee and his/her witness (es).
6. The Head-teacher/relevant officer (or his/her representative) shall reply to the grievance(s) raised, in the presence of the employee and his/her representative and may call witnesses.
7. The employee (or his/her representative) to have the opportunity to ask questions of the Head-teacher/relevant officer (or his/her representative) on the evidence given by him/her and any witnesses whom he/she may call.
8. The Head-teacher/relevant officer (or his/her representative) to have the opportunity of re-examination of a witness.
9. The Sub-Committee may ask questions of the Head-teacher/relevant officer (or his/her representative) and witnesses.
10. The employee (or his/her representative) and the Head-teacher/relevant officer (or his/her representative) to have an opportunity to sum up their case if they so wish.
11. The employee and his/her representative, the Head-teacher/relevant officer (and his/her representative) and witnesses to withdraw.
12. The Sub-Committee, the Clerk and HR Advisor, to deliberate in private, only recalling the Head-teacher and the employee plus their representatives to clear points of uncertainty on evidence already given. If recall is necessary, all parties are to return.

13. The Chair of the Sub-Committee will then communicate their decision personally or in writing what action they intend to take to resolve the grievance, in writing, to the aggrieved within 7 school days of the Grievance Meeting.
14. The aggrieved employee must be informed, in writing, within 7 school days of the Grievance Sub-Committee Meeting if the decision is likely to take longer than the initial 7 school days. There is a right of appeal to the Grievance Appeals Sub-Committee.

GRIEVANCE APPEALS SUB-COMMITTEE PROCEDURE

1. The Chair to exclude the press and public and welcome those present.
2. The employee or their representative will put their case in the presence of the Head-teacher/relevant officer and may call witnesses and produce documents.
3. The Head-teacher/relevant officer or his/her representative will have the opportunity to ask questions of the employee and their witnesses.
4. The Grievance Appeals Sub-Committee will have the opportunity to ask questions of the employee or his/her representative and their witnesses.
5. The Head-teacher/relevant officer or their representative will put their case to the Grievance Appeals Sub-Committee in the presence of the employee and their representative and may call witnesses and produce documents.
6. The employee or their representative will be given the opportunity to ask questions of the Head-teacher/relevant officer or their representative and their witnesses.
7. The Grievance Appeals Sub-Committee will have the opportunity to ask questions of the Head-teacher/relevant officer or their representative.
8. The Head-teacher/relevant officer or their representative will be given the opportunity to sum up their case if they so wish.
9. The employee or their representative will be given the opportunity to sum up their case if they so wish.
10. The employee and their representative and the Head-teacher/relevant officer or their representative and all witnesses will then withdraw.
11. The Grievance Appeals Sub-Committee, in consultation with the Clerk and the HR Advisor will then deliberate in private, and may recall the parties if they wish to clarify certain

points. All parties must be recalled should the Grievance Appeals Sub-Committee wish to ask a question.

12. The Grievance Appeals Sub-Committee will announce its decision to the parties either personally or in writing within 7 working days. If it is not possible to respond within these timescales, the parties should be given an explanation and told when a response can be expected, but not longer than a further 28 working days.

The decision of the Grievance Appeals Sub-Committee will be the final stage of the grievance procedure.

APPENDIX 2: FAIRNESS AT WORK (GRIEVANCE) REPORT FORM

To be completed by employee

To:

From (name of employee):

Designation:

Directorate/School:

Have you raised this grievance informally? Yes No

If 'Yes', please state with whom and when:

Name: Date:

Have you raised this with your representative? Yes No

If 'Yes', please state with whom:

I wish to make a formal Grievance in line with the Fairness at Work (Grievance) Procedure. Provided below are the details of my grievance, together with how I feel that the matter(s) could be resolved:

(Please continue on a separate sheet if necessary)

Signature: Date:

Please forward the completed form to the appropriate line manager (or senior manager –refer to procedure)

Date received Received by

APPENDIX 3: FAIRNESS AT WORK (GRIEVANCE) APPEAL FORM

To be completed by employee

To:

From (name of employee):

Designation:

Directorate/School:

I am not satisfied with the decision reached at Stage 2 of the Formal Grievance Procedure and wish to appeal against the decision. I am appealing on the following grounds:

(Please continue on a separate sheet if necessary)

Signature:

Date:

Please enclose a copy of the original Fairness at Work (Grievance) Form. A copy of the outcome letter will be provided to the Head of Service/Chief Officer (Council employees) Appeals' Committee (School based).

Please forward the completed form to the People Services HR Manager (for Council employees) or for school based employees (employed through a governing body) the Clerk to the Governing Body.

Date received
by:

Received
by:

APPENDIX 4: GUIDANCE FOR INVESTIGATING OFFICERS

Confidentiality

Due regard must be given at all stages to the need for confidentiality in respect of the investigation. The process may raise many anxieties for employees, and Investigating Officers are likely to become aware of matters of a sensitive and confidential nature.

Information should only be shared with those who have a genuine need to know. Investigating Officers should remind interviewees of this when sensitive information is being discussed.

Preparation

Be prepared to seek advice when necessary from People Services HR. Ensure that confidentiality issues are recognised and ensure that the person providing the advice has not been involved in the issue you are investigating.

Be aware of the timescale and importance of acting promptly. (Please see relevant policy for timescales).

Obtain, and if necessary secure, any relevant documents and insist on seeing the originals, not copies, and copy the main documents, which you feel, will be needed during the investigation.

Having a plan will help you organise your time and approach the investigation in a disciplined and structured way.

Interviewing employees

Check whether any support of any kind can be provided and check their preference regarding venue for meeting you.

The main aims of the interview are to: -

- Introduce yourself
- Explain the process and the timescale
- Take account of an employee's views and feelings
- From the employee who has raised the concerns, clarify exactly the nature of the grievance
- Set the boundaries of the investigation

- Gather any relevant evidence
- Ensure that you clarify the nature of the grievance; analyse the elements of the grievance; check back with the information received and recorded. Advise that further interviews or discussion may be necessary.

Preparation

- Understand the nature of the grievance and work out who you need to see, know the boundaries of what you are being asked to do.
- Once you have worked out who you need to see, do so as soon as is practical.
- Have your questions prepared in advance and typed up, this saves time. It is likely that you may have additional questions to ask once the Witness has responded to your initial questions. These will need to be recorded during the interview.
- Employees have the right to be accompanied at their investigation interviews by a Trade union representative or work colleague– therefore you need to advise them of this when you invite them to a meeting with you. If the employee is a Trade Union official, the case should be discussed with a senior trade union representative or full-time official. If a witness wishes to be accompanied they may do so but it must be clear that the witness statement they are providing is their own and not a joint statement.
- When arranging interviews consider whether you require a person to assist in recording information. It is imperative that this person understands the confidentiality of the role they will be undertaking. You will need to ensure that an employee being interviewed is aware of the intention to have a person present at the interview, explaining the person's role is as a note-taker and confirming with the employee that they are happy for the named person to be present. If an employee objects to a named person, an alternative note-taker should be sought.

Interviews should be conducted in an informal and a relaxed manner as possible.

- Open the interview with introductions and clarify your role. Start off by explaining your role as investigating officer e.g. you are there to establish facts, to listen & not to make any judgements on what is being said for the statement and outline the context of why you are seeing this person.
- Confirm the purpose of the interview being aware of confidentiality. Only share what is absolutely necessary.
- Refer to confidentiality and your recording of an account of the discussion.

- When taking a witness statement always inform them that there may be a possibility that **if** at the end of the investigation, it is concluded that there are issues which may need to be taken forward under another policy for example, the content of the witness statement might need to be disclosed in a further meeting or hearing and the witness may be called upon to discuss the content of this statement.
- Do not use interrogation techniques, try to find out what happened, and why
- Take areas of inquiry in turn – paraphrasing what you have learned and checking the accuracy of your understanding at the end of each section
- Agree what is not in dispute and what is
- Ask questions conducive to finding an answer
- Persist with questions if necessary; do not be afraid to ask the same question twice
- Use open, not leading questions
- Ask single not multiple questions
- Do not express opinions in words or attitude or make judgements
- Make notes of each answer given
- Try to separate hearsay evidence from fact by asking interviewees how they know about a particular issue
- Deal with conflicts of evidence by seeking corroborative details. If this is not available, consider other ways of clarifying the matter. It will sometimes be necessary to conclude and record that there are different versions or understandings of events
- Evaluate answers against records, policy, practice standards and legislation
- Confirm the evidence

- At the end of each interview, summarise the main points covered by the interviewee and ask if he/she has anything to add. Inform the interviewee that you may need to discuss issues further at a later date if it is necessary to clarify any other matters
- Arrange for statements to be finalised as soon as possible after the interview while the memory is fresh and arrange for them to be agreed and signed by the witness(es). You may wish to send the witness a copy of their typed statement requesting that they check and sign their statement and return it to you without delay.
- After seeing the initial group of witnesses, check to see if the investigation is on track and identify any further witnesses that should be seen.

Writing the Report

After interviewing all relevant persons and checking documentation, procedures etc, you will need to write a report to record and communicate your findings.

You will note that you are required to provide a chronology of main events that took place in relation to the allegation / complaint – This does not relate to a summary of your time spent on the investigation.

You should carefully consider what is included as appendices to your report. Include anything which is pertinent to your conclusions, but care should be taken not to include anything confidential. You should check with the officer responsible for that information whether it is suitable to be included. You should also consider whether anonymity of evidence is appropriate in exceptional circumstances.

WITNESS STATEMENT – TEMPLATE

Name of Witness:

Post:

Accompanied by:

Capacity:

(if applicable)

(i.e. TU Rep)

Location:

Date:

Time:

Investigating Officer/Interviewer:

Details of Investigation: (Brief synopsis)

My name is _____ (name of witness), I am employed at _____ (name of service /business area/directorate) as a _____ (job role of witness).

The Investigating Officer explained his/her role and the nature of the investigation that s/he was investigating.

It was explained to me that if at the end of the investigation, it is concluded that there might be issues which need to be taken forward under another policy, the content of this witness statement might be disclosed in a further meeting or hearing and I may be called upon to as a witness to discuss the content of this statement.

As part of the interview (Investigating Officers Name) asked me a series of questions. The questions and my response are as follows:

List & Number the questions

Detail the witness response underneath each question.

Is there anything else you would like to add?

Allow the witness opportunity to provide you with information that may be relevant or which they would like recorded as part of their witness statement

I confirm that this statement is a true and accurate record of the interview that took place on the above date.

Signature of Witness:

Signed.....

Date.....

LETTER TO WITNESS - TEMPLATE

Date:

Strictly Private & Confidential

Witness Name

Witness Address (Home or Work)

Dear *(Witness Name)*,

Re: Witness Statement

Please find enclosed your Witness statement that I have prepared following your interview on *(date interview conducted)*.

If the statement is an accurate reflection of our conversation, will you please sign and date it and return it to me. If you have any questions, regarding the statement or its content could you please contact me as soon as possible on the telephone number listed below.

As I explained during the interview, if at the end of the investigation, it is concluded that there are issues which might need to be taken forward under another policy, the content of this witness statement might need to be disclosed to all individuals concerned in a further meeting/Hearing and you may be called upon as a witness to discuss the content of this statement.

Once again, I would like to thank you for your time, cooperation and patience. I look forward to hearing from you in due course.

Yours sincerely,

Investigating Officer

(Telephone number: ____)

INVESTIGATION OFFICER’S REPORT – TEMPLATE

INVESTIGATION REPORT INTO GRIEVANCE RAISED BY (NAME OF EMPLOYEE) IN ACCORDANCE WITH THE (PROCEDURE E.G. FAIRNESS AT WORK (GRIEVANCE) POLICY.

INVESTIGATION OFFICER’S NAME:

NATURE OF GRIEVANCE:

DATE APPOINTED AS INVESTIGATING OFFICER.....

DATE INVESTIGATION COMMENCED:

A DETAILS OF THE GRIEVANCE(S)

The grievance(s) is as follows:-

List the actual grievance(s). The grievance(s) should be stated in a factual and precise manner.

B OUTLINE OF THE INVESTIGATION

The steps of the investigation:-

- E.g. Interviewed People
- Audit Trails Undertaken
- Inspected Records / Evidence Gathered
- Reviewed Policies etc.

The following interviews were carried out:-

(Who was interviewed and dates)

<u>Who</u>	<u>Date Taken</u>	<u>Statement Attached (Ref)</u>
(Insert name)	(Date)	Appendix

Telephone discussion took place with:-

(Who / Dates)

Staff or Other Persons who it was not possible to see:

(Who / Why – an e.g. may be where an employee has left the local authority etc)

Records Inspected:

(e.g. Case File / People Services HR)

Other material Inspected (written or other):

(e.g. ACAS Code of Practice on discipline and grievance)

C BACKGROUND AND CHRONOLOGY OF MAIN EVENTS

- refer to the context and setting of the grievance(s)
- Chronology of events, including references to dates of assessments, reviews etc (where relevant), meetings, changes in allocated worker, change in placements, key decisions and the implementation of them, changes in procedures and practice. These should be relevant to the grievance(s) – it is not a summary of all of the work carried out on the case.

D INVESTIGATION FINDINGS

List each grievance as at A – under each, detail your findings on what happened and why, providing evidence to support or disprove it, based on what you have been told or what you have seen recorded and/or as a comparison against practice guidance and standards. This should include what happened as well as what didn't happen.

E CONCLUSION OF INVESTIGATING OFFICER

The conclusion is your assessment or view of the situation and your reason for reaching this view. It should be clear to anyone reading the report as to why you have reached a certain conclusion. You will also need to conclude whether or not in your view there is sufficient information to uphold or otherwise the grievance(s) that have been raised. If you are unable to reach a view on a particular issue, you should say so. (e.g. when there is conflicting information, neither being able to be

substantiated). Please note that it is not the role of the Investigating Officer to put forward or recommend sanctions. It is also important for the Investigating Officer to provide a view on the proposal for resolution the employee (raising the grievance) has provided.

F ANY FURTHER COMMENTS (OPTIONAL)

(E.g. that some staff commented but were reluctant to be formal witnesses or provide evidence).

G APPENDICES

Please ensure that all appendices are cross-referenced within the body of the report. Appendices should include:

- relevant policies used or referred to during the investigation
- witness statements
- Any other material etc.
- ACAS Code of Practice on discipline and grievance

INVESTIGATING OFFICERS NAME (PRINT):

INVESTIGATING OFFICERS SIGNATURE:

DATED:

Version Control

Title	Fairness at Work (Grievance) Policy (including school based employees)
Owner	People Services HR
Approved by	JAG (19/6/17 and 16/10/17), Cabinet
Date	September 2017
Version Number	Policy produced: 2003 Revision 2: November 2011 Revision 3: September 2017
Review Date	2020
Status	Draft
Consultation	SLT, People Board, Trade Unions, Head Teachers, JAG