



Rhagoriaeth i bawb – Excellence for all

Arolygiaeth Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate
for Education and Training in Wales

Grievance policy and procedures

Information sheet

Information box

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Equality Impact Assessment

An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or Welsh language.

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Grievance policy

- 1 Estyn is committed to creating an environment of open and honest two-way communication and consultation, with constructive and informal discussion between managers and employees on all work related issues.
- 2 We recognise that, from time to time, employees may have a concern or complaint about their work, working environment or working relationships that they may wish to raise so that it can be considered and, if possible, addressed.
- 3 We aim to deal with, and wherever possible, resolve these issues informally through normal day to day discussion and management. In some cases help from an independent mediator can help resolve problems especially those involving working relationships.
- 4 Occasionally work-related problems may arise which may only be resolved through a more structured approach. This policy provides the mechanism for such matters to be dealt with speedily, consistently and fairly.
- 5 In accordance with Estyn's Welsh Language Scheme, staff can pursue any grievance in Welsh or English. Similarly, if a member of staff is subject to a grievance they may respond to the grievance in their language of choice.

Grievance procedure

Aims

- 6 This procedure aims to promote good employee relations and deliver fair and equal treatment of all employees. It details the process to be followed by employees who wish to raise a work-related grievance; this will include complaints of [bullying](#), [harassment and discrimination](#), and how Estyn will take prompt and effective action to resolve the grievance, as far as is reasonably practicable.
- 7 This procedure must be followed to ensure that the statutory code of practice laid down by the Advisory, Conciliation and Arbitration Service (ACAS) is adhered to.

Key principles

- 8 The following key principles will help to ensure that Estyn is objective, reasonable and consistent in its approach to dealing with grievances:
 - all employees at whatever level will have the opportunity to resolve a grievance in a fair and appropriate manner;
 - grievances will be dealt with as soon as is reasonably practicable and will be progressed without unnecessary delay;
 - an emphasis will be placed on informal approaches to addressing grievances and once these have been exhausted the formal procedure will be implemented;
 - no employee will be discriminated against for raising a grievance, being the subject of a grievance or being a witness in a case;
 - all discussions between individuals involved with the grievance will be in strict confidence. Any breach of this confidence may be regarded as a disciplinary offence;
 - raising a grievance that was known to the complainant to be without foundation, or is in any way vexatious, malicious or in bad faith may be regarded as a disciplinary offence;
 - grievances should be dealt with at the lowest level of management necessary to deal with the grievance appropriately and in line with this procedure;
 - managers and their employees have a joint responsibility to work together to resolve issues early and informally before they escalate and become more difficult to resolve;
 - mediation should be considered as a way of resolving the grievance during the informal stage, and before progressing to the formal stage, but participation in the mediation process is voluntary;
 - grievances dealt with through this procedure may not always produce the outcome desired by the complainant. However, effective application of the procedure should lead to all parties recognising that the outcome is fair, reasonable and appropriate in the circumstances;
 - once the grievance is dealt with, and internal rights of appeal have been concluded, there will be no further reference made to it unless the case proceeds to an Employment Tribunal, nor will the individual who raised it suffer

any detriment as a consequence, unless it has been found to be in any way vexatious, malicious or in bad faith;

- employees may raise grievances about external or customer relationships with their line manager, and these will be considered promptly and, wherever possible, appropriate action taken; and
- grievances related to whistleblowing should be dealt with under Estyn's Whistleblowing Policy and Procedures.

9 The roles and responsibilities of employees, line managers, grievance officers, appeal officers and HR under this procedure are set out in Annex A.

Application

10 This procedure applies to all permanent Estyn employees, including those on probation and fixed-term appointments.

11 Staff on secondment or loan to Estyn can use this policy and procedures in respect of issues relating to the secondment/loan agreement. Staff on secondment/loan or on a temporary contract may be asked to participate in grievance procedures (e.g. as a witness).

12 It applies to situations where employees have a concern or complaint about their work, working environment or working relationships that may affect them individually or collectively. Some examples of issues which might give rise to a grievance are:

- the Employment Guide;
- health and safety;
- relationships at work;
- new working practices;
- organisational changes;
- management changes;
- equal opportunities.

13 Grievances must be raised without unreasonable delay and within three months of the issue or incident that forms the basis of the complaint.

14 It may be necessary in exceptional circumstances to vary this procedure to take account of specific or unusual circumstances. Before any variation is implemented, advice must be obtained from the HR Team.

15 The procedure does not apply to issues raised on behalf of two or more employees by a representative of a recognised trade union. These grievances should be dealt with in accordance with arrangements for dealing with collective consultation and negotiation issues with recognised trade unions.

16 If a member of the SCS has a grievance which cannot be resolved informally, they should direct their written statement to Her Majesty's Chief Inspector (HMCI), who will determine the most appropriate person to deal with the grievance. The formal procedure outlined below will then be followed.

- 17 Where an employee who is leaving the organisation wishes to raise a grievance, they must make every effort to raise their complaint at the earliest opportunity to help ensure that the matter can be dealt with before they leave. Failure to do so may result in Estyn not being able to deal with their issue fully. The employee should also ensure that they have gathered all the material they need to support their grievance prior to leaving the organisation, ensuring that they comply with the Security and Data Protection policies. Estyn is not obliged to assist in assembling documentation to support an employee's complaint but will not prevent access to such documentation unless required to do so by existing policies or regulations.
- 18 If a former employee raises a grievance, they should do so in writing to the HR Team, who will consider the grievance and decide what, if any, action should be taken. The former employee lodging the grievance will receive an acknowledgement letter confirming that Estyn has noted the matter, and what, if any, further action will be taken. It should be noted that, the longer the time between an employee leaving the organisation and raising a grievance, the less likely it is that the grievance will be considered. Unless there are exceptional circumstances, we expect grievances to be raised within three months of the employee leaving Estyn.

Timescales

- 19 To comply with the ACAS Code of Practice on Disciplinary and Grievance procedures, this procedure requires that all actions be carried out promptly and without unreasonable delay. Guidance on timescales is set out in Annex B.

Witnesses and employees who are the subject of a grievance

- 20 Witnesses and employees who are the subject of a grievance, for example the person being complained about, may be called upon to give evidence to establish the facts at any stage in the informal or formal procedure by the Grievance Officer.
- 21 They may be required to attend an informal discussion, a formal grievance meeting, provide a written statement, be interviewed separately or any combination of these as the circumstances of the case demand. The employee raising the grievance and the subject of the grievance may suggest possible witnesses for consideration by the Grievance Officer. However, witnesses will only be interviewed at the discretion of the Grievance Officer. The subject of the grievance or the employee raising the grievance may ask the Grievance Officer to provide the reason for the decision not to interview a suggested witness.
- 22 Where necessary, in exceptional circumstances, the identity of any member of staff who is called as a witness will be kept confidential.
- 23 Any information given by witnesses or the employee who is the subject of a grievance must be recorded in writing and they must be asked to sign and date this record to confirm its factual accuracy. If the witness or the employee is unable to agree the record, effort should be made to include any reasonable amendments and to resolve any remaining points of difference. If areas of disagreement about the record remain, the note will be marked as not agreed and the proposed amendments will be attached to it, so that they can be taken into account before any decision is made.

- 24 The employee who is the subject of a grievance is entitled to see the original complaint in order to develop and put forward their position regarding the issue complained about. They are also entitled to see any records relating to the informal or formal process and its outcome that refer specifically to them or their actions.

Support for staff

- 25 On occasions, the parties involved in the grievance may find the situation stressful or difficult and may want to talk things through in confidence with a professionally trained counsellor. Such support and counselling is available to Estyn employees through the Employee Assistance Programme. This provides free, independent support and information and can be accessed at www.ppconline.info or by telephoning 0800 282193. The service is confidential, so the employee does not have to give their name to access the support and advice if they wish to remain anonymous.
- 26 Referrals to the Occupational Health Service can be made through the HR team to identify support for individuals who may be experiencing personal wellbeing or health issues.
- 27 Staff who are members of a Trade Union may also obtain advice and support from their trade union representative.
- 28 Additional support and templates to support this procedure are available through the [Grievance Advice](#) document and the following 'How to' guides:
- [Resolve complaints informally](#)
 - [Consider a formal grievance](#)
 - [Recognise and deal with vexatious or malicious complaints](#)
 - [Recognise and deal with bullying, harassment and discrimination](#)
 - [Investigate discipline and grievance cases](#)
 - [Hold a formal discipline or grievance meeting](#)
- 29 If the employee requires any reasonable adjustments to be put in place to enable them to attend meetings or deal with correspondence, they should inform the manager accordingly. Managers will need to put adjustments in place before taking action.
- 30 Managers involved in handling grievances may find the '[Managing Discipline and Grievance Cases](#)' e-learning available from Civil Service Learning useful to help them prepare for their involvement.

Mediation

- 31 Mediation is a process that complements formal arrangements for dealing with workplace concerns and complaints that have resulted in conflict or disputes. Mediation can often prevent issues escalating into problems and employees and managers are recommended to consider mediation at any stage of the grievance process. Details on the mediation process are contained in Annex C.

- 32 Where the parties to a grievance agree to mediation, the Grievance procedure will be suspended pending the outcome of the mediation.

Informal stage

- 33 The majority of grievances can generally be resolved informally by the employee raising the grievance with their line manager. An early discussion at the point where the issue begins to cause concern can often ensure that issues do not build up over time to a position where they become difficult to resolve.
- 34 An overview of the informal stage is contained in the flowchart in Annex D.

Resolving a grievance informally

- 35 The employee should advise their line manager at the earliest suitable opportunity that he/she wishes to raise an informal grievance. The line manager may be able to discuss the matter immediately, otherwise he/she should agree a date, time and appropriate venue for a meeting to discuss the grievance without delay.
- 36 If the employee's grievance relates to their line manager and the individual would prefer not to raise it directly with that manager, he/she should discuss the grievance with the next person in the line management chain.
- 37 Informal discussions of issues do not constitute formal grievance proceedings and therefore an employee is not legally entitled to be accompanied by a trade union representative or fellow employee at such meetings. However, Estyn allows employees to be accompanied at such meetings by a trade union representative or a colleague if with their line manager's agreement.
- 38 In discussing their concern with the line manager, the employee should relay the facts of the situation, how this is affecting their performance or personal wellbeing and what they expect to be done to resolve the matter. The line manager should be objective, non-judgemental and ensure that the employee is given a fair hearing. When stating a grievance, employees should stick to the facts and avoid making abusive or inflammatory remarks.
- 39 If appropriate, the manager may wish to discuss the matter with the employee's colleagues or other involved parties to get to the root of the concern or gather further information as to how best to resolve the grievance.
- 40 These individuals must be advised that the information they provide will form part of the informal process and, if the grievance progresses to the formal stage, will form part of the information that is given in confidence to any subsequent person who deals with the grievance. They should also be reminded that all information is confidential and that any breach of this confidentiality may be regarded as a disciplinary offence.
- 41 Any employee involved in discussions should be given a note of the discussion and asked to sign and date it as a fair and factually accurate record and return it to the line manager. If any employee is unable to agree the record, effort should be made

to include any reasonable amendments and to resolve any remaining points of difference. If areas of disagreement about the record remain, the note will be marked as not agreed and the proposed amendments will be attached to it, so that they can be taken into account before any decision is made.

- 42 The line manager and employee should then work together to come to a mutually acceptable resolution to the concern, recognising that there may not be a perfect solution to the problem, and that the full implementation of the agreed actions may not happen immediately.
- 43 Further meetings and investigations may take place as appropriate to resolve the grievance.
- 44 Where it becomes obvious during an informal discussion that the matter would be better dealt with under another procedure or that the issues raised are so serious that they should be dealt with under the formal grievance procedure, the meeting should be adjourned. In these circumstances, the line manager should inform the HR Team, who will advise on which procedure should be used to resolve the matter.
- 45 The line manager should keep a record of all discussions and meetings held under the informal stage. These should be held securely and in accordance with Information Assurance and Records Retention Policies. The Continuous Performance Management (CPM) form can be used to record the discussion and any outcomes.
- 46 If the line manager considers that the grievance should proceed straight to the formal procedure, s/he should prepare the case for this and present it to the Corporate Services Director, who will decide whether there are exceptional reasons why the case should proceed directly to the formal stage.

Where the grievance remains unresolved after informal discussion

- 47 If the employee has not yet taken advantage of the mediation process, this should be considered as an option to resolve the grievance, prior to progressing to the formal grievance procedure.
- 48 If mediation is not appropriate or does not resolve the concern and the employee is dissatisfied with the outcome of the informal grievance procedure, they should follow the formal procedure outlined below.

Formal stage

Beginning the process

- 49 Where a grievance has not been resolved informally, the formal procedure set out below will be followed. The employee's line management must inform the HR team before the formal procedure begins.
- 50 An overview of the formal stage including the appeal process is set out in Annex D.

- 51 The employee must set out the details of their grievance in a written statement that includes the grounds for the grievance and states the employee's proposed solution(s) and send it to the HR team as soon as possible after the outcome of the informal stage is known. The HR team will inform the relevant Strategic Director and Director of Corporate Services that a formal grievance has been received.

Appointing the Grievance Officer

- 52 The HR team will consider the nature of the grievance and decide who is the most appropriate person to deal with the grievance (the Grievance Officer). If the employee raising the grievance has any concerns for valid reasons about the individual nominated to be the Grievance Officer, they should make these known to the HR team. The HR team will consider these concerns and if they are for valid reasons will appoint another Grievance Officer, as appropriate.
- The Grievance Officer must not have had any prior involvement with the case. If the employee is concerned that the Grievance Officer has had prior knowledge or involvement with the case, they may challenge this appointment.
 - Where a grievance arises from the decision or actions of a colleague, where possible the Grievance Officer will be at least one management grade higher than the level of the employee who was responsible for those decisions or actions.
 - The Grievance Officer's role will be to hear the case as an independent, impartial and objective adjudicator.
 - All Grievance Officers must be HEO or above and would normally be at least one management level higher than the person who raises the grievance.
- 53 The HR team will write to the aggrieved member of staff to acknowledge receipt of the statement and advise how it will be dealt with.
- 54 The Grievance Officer will act promptly to consider the information in the written statement and contact the HR team to make any enquiries he/ she needs to before conducting the formal grievance meeting. The Grievance Officer will then contact the employee to set a date for the grievance meeting.

The formal grievance meeting

- 55 The employee who raised the grievance will be required to attend a meeting to discuss the grievance with the Grievance Officer, as soon as practicable after the Grievance Officer has had time to consider the written statement of the grievance and any preliminary investigations. The Grievance Officer will write to the employee giving reasonable advance notice of the time and date for the meeting.
- 56 A representative from Human Resources will be present at the meeting. Their role is to advise on procedures and take a note of the proceedings.
- 57 The purpose of the meeting is to allow the employee to explain their complaint and to say how they think it should be resolved. They should also be reminded that all information is confidential and that any breach of this confidentiality may be regarded as a disciplinary offence.

- 58 The employee is entitled under this policy to be accompanied by a work colleague or trade union representative. This should be confirmed in the letter advising the employee of the arrangements and the employee should inform the Grievance Officer in advance of the name of the accompanying person.
- 59 Acting as a companion is voluntary and members of staff are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without the loss of pay to act as a companion.
- 60 Where members of staff have difficulty expressing themselves at a meeting because of language or other difficulties e.g. a disability, they may wish to seek help from a work colleague or Trade Union official, both in preparing and submitting their grievance. Where appropriate, this person will attend any meetings related to the grievance in addition to the member of staff's chosen companion. The Grievance Officer should check whether any special arrangements will be needed at any time during the procedures, e.g. access to facilities, a reader or interpreter. Estyn will make reasonable adjustments to facilitate the attendance of a disabled employee at any meeting related to the grievance.
- 61 Any person who accompanies the member of staff to a grievance meeting may address the meeting to put forward and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, request that the Grievance Officer puts specific questions to witnesses and confer with the employee during the meeting. They do not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it, prevent the employee or management from explaining their position or disrupt the meeting or its progress.

Failure to attend the grievance meeting

- 62 The employee is responsible for ensuring that the person they choose to accompany them is available to attend the meeting. If they are not available on the proposed date, the employee can propose an alternative date and time so long as it is reasonable and no more than five working days after the original meeting date.
- 63 The employee will be advised that, unless there are exceptional circumstances, the meeting will go ahead in the event that their accompanying person is not able to attend.
- 64 The employee will also be advised that if they fail to attend the rescheduled meeting without good cause, they will be informed in writing by the Grievance Officer that a decision will be made on the basis of known information. The employee will be advised in writing by the Grievance Officer of the decision within a reasonable timescale of the rescheduled meeting date.

The meeting note and further investigations

- 65 The employee will be provided with a copy of the meeting note as soon as possible afterwards. They will be asked to check and sign this as a fair and factually accurate record of proceedings and return it to the Grievance Officer as soon as possible. If

the employee is unable to agree the record, effort should be made to include any reasonable amendments and to resolve any remaining points of difference. If areas of disagreement about the record remain, the note will be marked as not agreed and the proposed amendments will be attached to it, so that they can be taken into account before any decision is made.

- 66 After the grievance meeting, the Grievance Officer will decide what further information (if any) he/she needs to collect to assist with the decision. This may involve further investigations including interviewing other members of staff. These individuals must be advised that the information they provide will form part of the formal proceedings and will feature in the report. The provisions contained in paragraphs 19-23 will apply.

The decision-making powers

- 67 The Grievance Officer may decide that:
- there is no basis for the grievance; or
 - the grievance is legitimate and set out actions (if any) that need to be taken by the line manager and/or employees in order to resolve the grievance and avoid a recurrence; and/or
 - the conclusions reached indicate that there is a case to answer which amounts to misconduct or irregularities that should be dealt with under the discipline procedure. In which case, the Grievance Officer's report (see paragraph below) will form the basis of the Discipline Investigation report and a Decision Officer will be appointed in accordance with the discipline procedure.

The grievance report and decision

- 68 The Grievance Officer will prepare a grievance report containing their findings. This report will be prepared as soon as possible but the circumstances of each case will determine how quickly this can be done.
- 69 The employee will be informed in writing of the outcome of their grievance as soon as possible after the report has been completed by the Grievance Officer. This letter should include the reasons that led to the decision, details of the appeal process and a copy of the grievance report.
- 70 If the Grievance Officer indicates in his report that any manager(s) are required to undertake any action to resolve the grievance, he/she will also write to them, with a copy to their line manager(s) confirming the outcome and any such actions.
- 71 If the Grievance Officer decides that disciplinary procedures should be undertaken, the complainant will be informed that disciplinary proceedings are being undertaken but will not be entitled to be advised of the outcome of those disciplinary proceedings.
- 72 The Grievance Officer, in liaison with the HR team, will also write to the employee who is the subject of the grievance to advise them of the outcome.

- 73 The HR team will also write to any witnesses to advise them that the matter has been concluded

Appeal process

- 74 If an employee feels that their grievance has not been satisfactorily resolved at the formal stage of the procedure, they may appeal against the outcome. Appeals must be for legitimate and objective reasons, for example if new evidence has come to light, procedural errors or the employee has reason to believe the Grievance Officer was biased.
- 75 The employee must prepare a written statement setting out the reasons for the appeal. This statement should be sent within a reasonable timescale, usually five working days, of being advised of the outcome to the HR team) who will consider if the appeal is for legitimate, objective reasons and, if so, will appoint an Appeal Officer to consider the appeal. This person will be at least an HEO, will be a manager who has not previously been involved with the case and is, where possible, someone senior to the person who last dealt with the grievance.
- 76 If the employee making the appeal has any concerns for valid reasons about the individual nominated to be the Appeal Officer, they should make these known to the HR Team who will consider them further. If the HR team concludes that there are valid reasons why the chosen officer should not hear the appeal, another Appeal Officer will be appointed.
- 77 The Grievance Officer will ensure that all papers relating to the grievance are made available to the Appeal Officer including any information and records of actions taken to resolve the grievance.
- 78 The Appeal Officer will arrange a meeting as soon as possible to hear the appeal and confirm those arrangements in writing to the employee. The letter will also confirm that this is the final stage in the procedure. The Appeal Manager's decision is final.
- 79 The employee is entitled to be accompanied by a work colleague or trade union representative as detailed in paragraphs 56-59. This should be confirmed in the letter advising the employee of the arrangements and the employee should inform the Appeal Officer in advance of the name of the accompanying person.
- 80 As the appeal is a review of the case, the Appeal Officer will only be able to consider the decision-making process and outcome of original grievance and will not be able to reconsider the grievance in detail or consider any new complaints.

The appeal meeting

- 81 The aim of the appeal meeting is to review the case on the basis of the employee's grounds for appeal and assess whether there is anything further that can be done to resolve the grievance. If new evidence is made available, the Appeal Officer will consider the impact this may have on the outcome.

- 82 A HR representative should attend the meeting to advise the Appeals Officer on procedural matters and to take a note of the meeting.
- 83 At the meeting, the employee should explain why they are dissatisfied with the outcome and why they feel this will not resolve their grievance.
- 84 Once the relevant issues have been thoroughly explored, the Appeal Officer will summarise the facts to check understanding and conclude the meeting. The Appeal Officer will then consider the issues and make further enquiries if necessary to arrive at a decision.
- 85 The employee will be provided with a copy of the meeting note as soon as possible after the meeting. They will be asked to check and sign this as a fair and accurate record of proceedings and return it to the Appeal Officer as soon as possible. If the employee is unable to agree the record, effort should be made to include any reasonable amendments and to resolve any remaining points of difference. If areas of disagreement about the record remain, the note will be marked as not agreed and the proposed amendments will be attached to it, so that they can be taken into account before any decision is made.

Decision-making and report

- 86 The Appeal Officer may decide:
- to uphold the appeal and therefore overturn or amend the decision, in which case he/she may recommend further actions to resolve the grievance, or
 - to uphold the original conclusions and confirm either that there were no substantive grounds for the grievance or that adequate measures have been put in place to resolve it.
- 87 The Appeal Officer will advise the employee (and their Grievance Officer where appropriate) of the decision in writing, giving reasons, as soon as is reasonably practicable.
- 88 The letter will inform the employee that this is the end of the process and that the Appeal Officer's decision is final.

Keeping records

- 89 Confidential records regarding the grievance will be kept by the HR team and, at all stages, documentation should be managed in accordance with the Data Protection Act 1998, Estyn's *Information Assurance Policy* and *Records Retention Policy*.
- 90 Records must be protectively marked 'Official: Staff' and will be destroyed six years after the last action on the file.
- 91 Once their involvement in the case is concluded, all officers must forward all originals and copies of records (hard copy and electronic) to the HR team for confidential retention or destruction of duplicate copies. All electronic records held by officers involved in a case must be deleted once they have been transferred to central HR

records. All parties involved in the grievance matter will have been given the opportunity at the appropriate point to check the accuracy of any written information, appropriate to their involvement in the grievance case. The records kept will detail:

- the nature of the grievance raised;
- the Grievance Officer's response;
- details of action taken (if any);
- a record of the reasons for the action that was taken;
- whether there was an appeal and, if so, the outcome; and
- any wider subsequent developments, for example to revise bullying and harassment procedures or a need for additional training for all line managers.

92 Copies of any meeting records will be given to the parties concerned. However, on occasions, data protection considerations may mean that Estyn is not able to release the full information.

Review

93 This policy and procedure will be reviewed every three years or sooner if a relevant change in legislation occurs.

Grievances overlapping with other procedures

94 Where an employee raises a grievance during another ongoing process, such as poor performance, attendance or discipline, the ongoing process will continue. Where the ongoing process and the grievance are related, it may be appropriate to deal with both issues at the same time. Wherever possible, the grievance should be dealt with at the appeal stage of the relevant ongoing process. This would include complaints of bullying, harassment and discrimination.

95 Exceptionally, it may be better to delay an ongoing process to hear the complaint first. Advice should be sought from the HR team.

Annex A: Roles and responsibilities

Employees are responsible for:

- ensuring that they are aware of the Grievance Policy and Procedure;
- aiming to settle grievances, wherever possible, between themselves and the other party(ies) involved or if this is not possible, informally with their line manager;
- seeking to resolve the issues through mediation where appropriate and agreed by both parties;
- where a grievance cannot be settled informally, raising it in writing and complying with the requirements of the formal procedure;
- co-operating with investigations and meetings as required; and
- behaving in a sensitive manner and maintaining confidentiality when involved in grievance matters.

Line managers are responsible for:

- ensuring that they and their staff are aware of the grievance policy and procedure;
- taking prompt action when an employee raises a concern and aiming to resolve matters informally;
- handling all grievances sensitively and confidentially;
- familiarising themselves with any guidance and attending any relevant training help them deal effectively with grievance cases in accordance with this procedure (see paragraph 29); and
- complying with the requirements of this policy and procedure when dealing with cases.

Grievance Officers are responsible for:

- handling all grievances with impartiality, sensitivity and in the strictest confidence; and
- attending any relevant training on the Grievance procedure and how to handle grievances effectively (see paragraph 29).

Appeal Officers are responsible for:

- exploring the reasons why the employee has appealed;
- considering carefully any new information; and
- deciding whether or not to uphold the finding of the Grievance Officer and, if appropriate, recommend any further actions that may be taken to resolve the grievance.

HR are responsible for:

- supporting and advising managers who are dealing with matters under this policy;

Grievance policy and procedures

- providing guidance to employees who raise a grievance on the application of the policy and procedure;
- providing impartial support to employees so that, wherever possible, the grievance may be resolved informally and speedily;
- organising mediation services where parties agree to engage in mediation to resolve a grievance or repair relationships after the procedure has concluded;
- informing any witnesses at an appropriate point in the procedure that the matter has been concluded; and
- responding to queries from employees on this policy and procedure.

Annex B: Guidance on timescales

- 1 The ACAS Code of Practice does not prescribe precise timescales for dealing with a grievance. However it states that, “*Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.*”
- 2 The grievance procedure therefore requires that all actions be carried out as speedily as possible. Depending on the nature of the grievance and practical considerations, the timescales for the various actions within the procedure may vary from case to case. But in all cases, those concerned should use their best endeavours to act promptly, not to delay matters without good reason and to ensure the process is completed within a reasonable timescale.
- 3 A guide to what might represent reasonable timescales is set out in the flowcharts (Annexes D & E) which give an overview of the informal and formal stages of the procedure and the appeal process. This suggested timetable is intended to assist employees in gauging what the organisation believes is a reasonable timetable for actions to occur within the normal course of events.
- 4 Obviously where it is possible to implement the actions within a shorter timescale without compromising the procedure, then this should be achieved. Similarly, if circumstances require a longer time to carry out actions effectively, then this is acceptable. What is most important is that all parties are clear about the expected timescales for particular actions and adhere to them as closely as possible. Wherever possible managers should expedite matters and aim to ensure that no party to a complaint benefits or is disadvantaged from undue delays.
- 5 If at any time during the procedure the employee or an employee who is the subject of the grievance is on leave then this will be taken into account in determining what is reasonable.
- 6 If at any time, the employee or an employee who is the subject of the grievance is on long term sickness absence, then the line manager will consult Occupational Health on whether the employee is fit to participate in the process. The HR team should then be contacted for procedural advice.
- 7 If the employee or an employee who is the subject of a grievance is absent on a longer term basis for any other reason, the person handling the grievance should consult the HR team for guidance.

Annex C: Mediation

The process

Mediation is a process that complements formal arrangements for dealing with workplace issues such as concerns and complaints from employees about their work, the working environment or relationships. It can also help to resolve complaints of harassment, discrimination, victimisation and bullying in the workplace.

Mediation offers early intervention before problems escalate into major issues for all concerned. It enables all parties to consider options to resolve situations and reach a mutually agreeable outcome, through the facilitation of an accredited and independent mediator.

Application to grievance procedure

Given the positive outcomes that can be achieved, employees and managers are recommended to consider mediation at any time during the informal or formal stage of the procedure. If they have not done so already, employees are strongly encouraged to consider mediation prior to progressing to the informal appeal stage or the formal stage of the procedure. Advice on mediation can be obtained from the HR team.

Participation in the mediation process is entirely voluntary, as all parties need to enter into it in an open-minded and constructive way for it to be effective in resolving disputes and conflict. Where the parties to a grievance agree to participate in mediation, they will not be disadvantaged whatever the outcome.

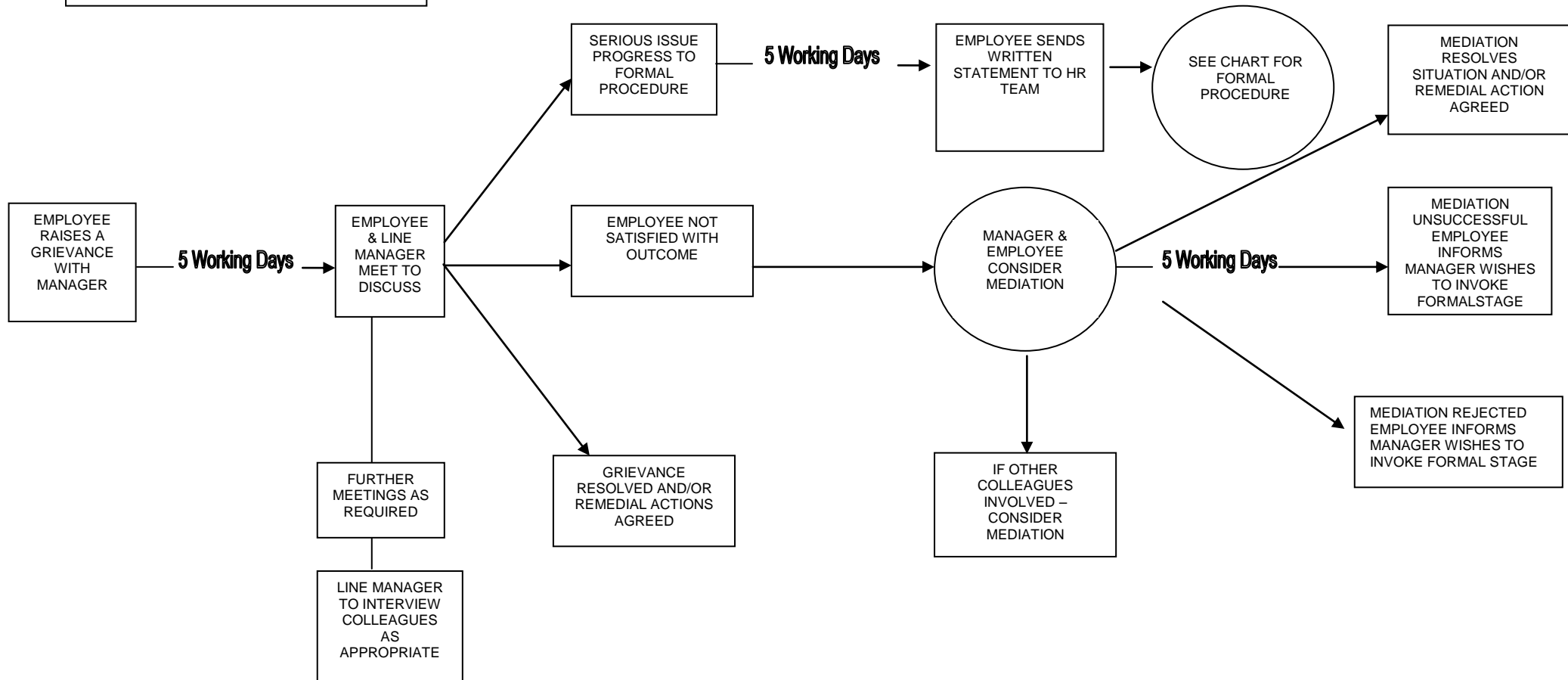
Where mediation is agreed part way through the grievance procedure, the procedure will be suspended pending the outcome of mediation.

Mediation can also be used at the end of the grievance process to repair and rebuild relationships after a dispute or conflict. Managers should also bear in mind that the actions taken to resolve a grievance may have an impact on other individuals who may now feel aggrieved. Mediation may also be an option to help these individuals deal with the issue.

Full details on the mediation process can be provided by the HR team.

Annex D: Overview – Informal stage of grievance procedure

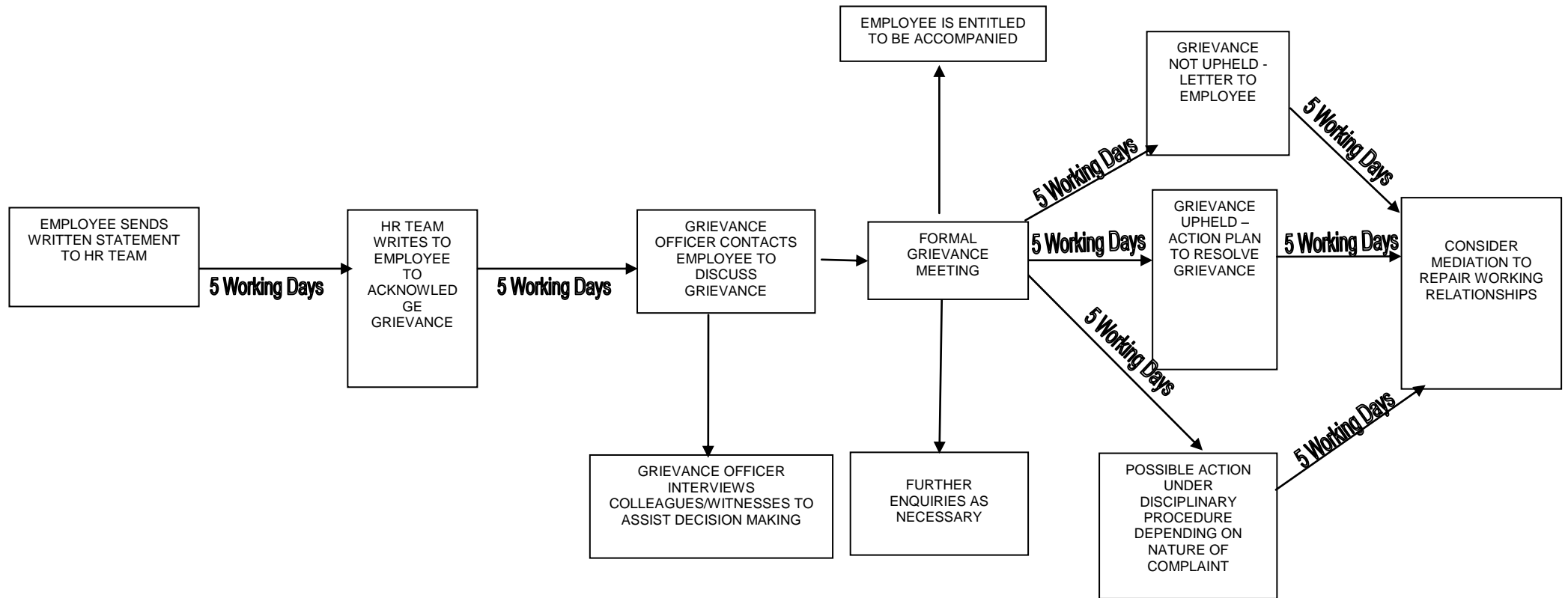
This Chart details the MAIN Procedural Steps and should be read alongside the full procedure.



**TIMESCALES ARE SUGGESTED NOT PRESCRIPTIVE – DELAYS MUST BE COMMUNICATED TO THE EMPLOYEE
 MEDIATION CAN BE CONSIDERED AT ANY STAGE IN THE PROCEDURE
 EMPLOYEES MAY BE ACCOMPANIED TO MEETINGS BY A TRADE UNION REPRESENTATIVE OR COLLEAGUE**

Annex E: Overview – Formal stage of grievance procedure

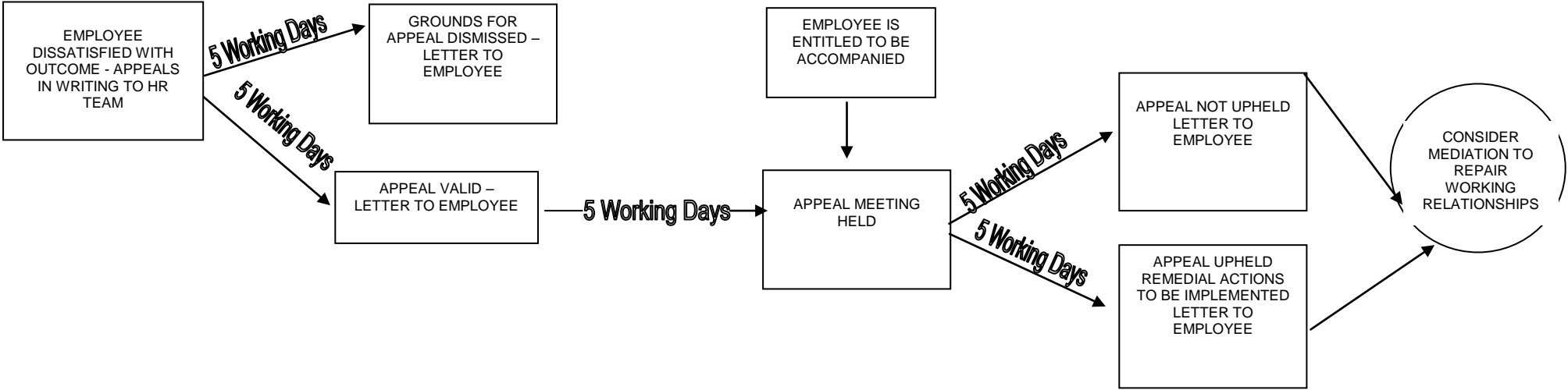
This Chart details the MAIN Procedural Steps and should be read alongside the full procedure.



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**Formal stage of grievance procedure
Appeal process**

This Chart details the MAIN Procedural Steps and should be read alongside the full procedure.



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