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# 1. Policy Statement

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- 1.1 This Policy and Procedure has been developed to ensure that employees, managers and companions are clear about their individual roles and responsibilities for raising and resolving individual and collective grievances in the workplace.
- 1.2 Anyone working for the Council may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss. It is also clear that it is in the Council's interest to resolve problems before they can develop into major difficulties for all concerned.
- 1.3 This Policy and Procedure has been developed in line with ACAS Code of Practice 1 - Disciplinary and Grievance Procedures.
- 1.4 This Policy and Procedure may be reviewed and amended at any time and without consultation in response to legal requirements, changes to the ACAS Code of Practice 1 - Disciplinary and Grievance Procedures and where the changes do not affect the spirit or intent of the Policy.

# 2. Definition

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- 2.1 A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues or managers.

Issues that may cause a grievance include:

- terms and conditions of employment
- health and safety
- work relations
- new working practices
- working environment
- organisational change
- discrimination

Any matters raised relating to bullying and harassment will be dealt with in line with the [Dignity at Work Policy](#).

- 2.2 This procedure can be used to raise individual or collective grievances relating to any employment matter, with the following exceptions:

Matters subject to collating to any

Matters covered by other policies and procedures – this procedure cannot be used to challenge formal decisions and outcomes in other procedures which have an appeal process, namely:

- Capability
- Attendance Management
- Disciplinary
- Dismissal for any other reason (e.g. redundancy, or some other substantial reason)

Complaints against Members by Employees – separate protocol in place

Former employees (see section 8)

Grievances that

stages of the procedure the employee will have the right to be accompanied by a companion. A companion may be a trade union representative or a work colleague.

- 4.5 If it is a recommendation of the outcome of the grievance process that any of the Council's policies or procedures should be amended, the appropriate Officers/trade unions should be informed.
- 4.6 Raising a grievance that is deemed to be without foundation, or is otherwise in bad faith, may result in disciplinary action.
- 4.7 Whatever practice or agreement existed prior to the initiation of the grievance procedure, it will continue to operate pending resolution of the grievance or until the grievance procedure has been exhausted. In exceptional circumstances, management may take immediate action for legal, health and safety or urgent operational reasons. This will not apply in situations where changes are made to working arrangements and the change is in line with contracts of employment, for example a change of base.
- 4.8









- 7.4.5 Following receipt of the written appeal, the employee will be invited in writing to attend an appeal meeting. The appeal meeting will be heard by an appropriate manager with no prior involvement in the case or initial decision and will follow the same format as a Stage 2 grievance meeting. The employee will be asked to explain why they feel the matter has not been resolved satisfactorily. The employee will have the right to be accompanied at the meeting by a trade union representative or work colleague.
- 7.4.6 The appeal meeting will only be able to consider the original grievance and will not be able to consider any new or unrelated grievances.
- 7.4.7 The manager may adjourn the meeting to enable them to investigate further, interview witnesses if appropriate and gather relevant documentation.
- 7.4.8 Following the conclusion of the investigation, the employee will be invited, in writing, to a grievance appeal outcome meeting. At the meeting, the manager will outline the appeal investigation and their conclusions and discuss any recommendations that can be taken to resolve the grievance appeal, considering any comments from the employee.
- 7.4.9 The decision will be conveyed in writing without undue delay and usually within **5 working days** of the grievance appeal outcome meeting. If it is not possible to respond within **5 working days**, the employee will be told the reason why and when a response can be expected.
- 7.4.10 The decision of the appeal meeting is final and represents the end of the internal grievance procedure.

## **7.5 Duty of Care During Investigation**

The Council/School has a Duty of Care towards all employees, therefore depending on the nature of the allegations, and to ensure that the integrity of the investigation is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate to consider temporary redeployment (if available) or suspension, however, it would be advisable in situations like this to contact your OD Team to discuss alternative options in the first instance. In cases where suspension is being considered this must be done in line with the Council/School Disciplinary Procedure. All staff involved should be notified of the Council/School's Employee Assistance Programme and where additional support can be accessed.

## **8. Former Employees**

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- 8.1 Wherever possible a grievance should be raised and dealt with before an employee leaves employment. However, if an employee lodges a grievance after leaving the employment of the Council then the Council will not usually hear the grievance.





Consultative Committee, one of the objectives of which is to prevent differences arising. Nor does it replace the normal consultation between management and Trades Union representatives which forms part of the employment relations process in respect of, for example, the handling of redundancy situations, proposed TUPE transfers or review of working arrangements, etc. in respect of which there is an obligation to consult with a view to reaching agreement.

## **10. Withdrawing a Grievance**

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- 10.1 If an employee decides to withdraw a grievance at any stage during the procedure, the person raising the grievance should advise the manager of the reason for the decision.
- 10.2 Whilst in the majority of cases the manager will respect the rights of the employee to withdraw the grievance, there may be instances where the concern impacts on our

*To be completed by employee.*

To:

From:

Job title:

Service/Directorate:

Contact telephone number:

Manager:

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 Council's Grievance Procedure. Please provide full details of the grievance including dates/witnesses wherever possible (if necessary continue on additional sheets of paper) Copies of any relevant documents that relate to the grievance should also be attached

What outcome are you seeking to resolve your grievance? (Please specify):

Signature:

Date:

*In signing this form, I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. I also agree for the sharing of information with my named representative.*

*Please forward the completed form to the appropriate manager.*

# Appendix 2

Grievance received from:

Investigating Officer:

OD Representative:

Date grievance was registered:

1. **DETAILS OF THE GRIEVANCE**

Summary of main points:

2. **ABBREVIATIONS OR TERMS USED WITHIN THIS REPORT**

3. **BACKGROUND TO GRIEVANCE AND CHRONOLOGY OF MAIN EVENTS**

4. **OUTLINE OF THE INVESTIGATION**

The following investigatory interviews took place:

Other written material inspected:

Interim action taken (If applicable):

5. **INVESTIGATION FINDINGS AND CONCLUSIONS**

**Grievance**

**Findings**

**Conclusion**

6. **OVERALL SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

# Appendix 3

## Stage 3: Grievance Appeal Form

*To be completed by employee.*

To:

Name:

Job title:

Service/Directorate:

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):

The outcome I am seeking to achieve is:

Signature:  Date:

*Please enclose a copy of the original Stage 2 Grievance Report Form and forward this completed form to [HRpayroll@blaenau-gwent.gov.uk](mailto:HRpayroll@blaenau-gwent.gov.uk)*



0d6# completg G#ETQnB/F2 Tf10#2.64Tm gG[]TETED /SETETQ182ET63nB/F2 Tfstaf

We wish to register a formal Collective Grievance in line with the Council's Grievance Policy and Procedure. Please provide full details of the collective grievance including dates/witnesses wherever possible and including details of the desired outcome. (if necessary continue on additional sheets of paper)

Copies of any relevant documents that relate to the collective grievance should also be attached

(If required please use a continuation sheet)

*In signing this form, I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. I also agree for the sharing of information with my named representative.*

Signatures of all staff:

Date:

Date received by Manager:  Date sent to OD:

Collective grievance received from:

Investigating Officer:

OD Representative:

Date collective grievance registered:

1. **DETAILS OF THE COLLECTIVE GRIEVANCE**

Summary of main points:

2. **ABBREVIATIONS OR TERMS USED WITHIN THIS REPORT**

3. **BACKGROUND TO THE COLLECTIVE GRIEVANCE/CHRONOLOGY OF MAIN EVENTS**

4. **OUTLINE OF THE INVESTIGATION**

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## **Background Information**

The ACAS Code of Practice 1 on Disciplinary and Grievance Procedures recognises that mediation can be a suitable tool for resolving a range of workplace conflicts. Mediation focuses on the interests of the parties to a dispute, helping them to bring their positions closer together. Where appropriate, mediation can offer an alternative to other formal procedures or can form part of recommendations from the formal grievance process.

Mediation is a voluntary process and all relevant parties must agree to mediation. If any party does not agree to mediation, it cannot be used to resolve the issues.

## **What is Mediation?**

Mediation is defined as “negotiation to resolve differences, conducted by an impartial party and can be used for employees who feel unable to resolve their dispute without assistance. Mediation will involve a meeting(s) between relevant employees, at which an attempt to resolve conflict will be made. This meeting will normally involve 2 employees (parties) and the presence of a neutral mediator who will oversee the mediation process. The mediation session(s) will follow a clear, structured process. The m

## **Mediation Process**

*Please note this is a guidance only and the approach taken will depend on each mediator.*

The appointed mediator will explain the mediation process to be followed. Both parties may be accompanied by a work colleague or trade union representative at any initial individual meeting with the mediator. During any joint mediation session, only the employees and the mediator will be present.

It is anticipated that the majority of mediation cases will involve a meeting between the two parties which will be encouraged by the mediator as an open and frank discussion of the

# Appendix 8

## The role of the Companion in the Grievance Process

### Introduction

1. Employees who raise a grievance are entitled to be accompanied at appropriate stages of the procedure (see procedure for details).
2. Employees must be advised of this right and given the appropriate time to locate and brief a companion.
3. The companion will receive copies of all correspondence, reports etc., relating to the grievance process, providing consent is received from the employee.

### When does the right apply?

4. Employees have a statutory right to be accompanied by a companion at a formal grievance meeting which deals with a complaint about a duty owed by the employer to the employee, for example, if there is a breach of legislation or a contract term.
5. Informal discussions, counselling sessions or investigatory meetings do not attract the statutory right to be accompanied.

### Who can be a companion?

6. The companion may be:
  - a work colleague;
  - an official employed by a trade union;
  - a workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at grievance meetings. Certification may take the form of a card or letter.
7. Unless there are exceptional circumstances, only one companion will be allowed at a meeting.





15. The companion should be allowed to address the meeting in order to:
  - put the employee's case;
  - sum up the employee's case;
  - respond on the employee's behalf to any view expressed at the meeting.
16. The companion can also confer with the employee during the meeting. It is good practice to allow the companion to participate as fully as possible in the meeting, including asking witnesses questions. The Council is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the Council from explaining their case.
17. Employees should not be disadvantaged for using their right to be accompanied or for being companions.







- 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 as this saves time and ensures you don't forget to cover key points. 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 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 notetaking as this is not the role of Organisational Development. 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 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 possibi.32 841.92 re

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 there is 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. If in doubt, ask a member of Organisational Development for advice. You should also consider whether anonymity of evidence is appropriate in exceptional circumstances.

Your report will be provided in full to the individual who raised the grievance; you should therefore consider your style, tone and content, ensuring it is appropriate at all times.

If your investigation and findings indicate potential misconduct by any party, this should be referred to and considered by the appropriate manager under the Disciplinary Code.