


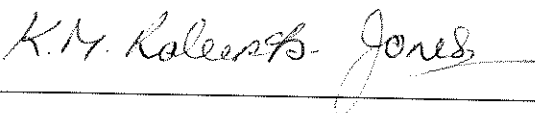
# Brynlllywarch Hall School



## GRIEVANCE PROCEDURE GUIDANCE POLICY

### Policy Review

This policy will be reviewed as detailed in the school's policy review cycle. It may also be necessary to review and amend it sooner to reflect both local and national changes.

<b>Signed</b>		<b>Headteacher</b>
<b>Signed</b>		<b>Chair of Governors</b>
<b>Dated:</b>	19 <sup>th</sup> April 2016.	
<b>Date of Review:</b>	July 2019	

**CYNGOR SIR *POWYS* COUNTY COUNCIL**  
**Grievance Procedure Guidance**

Status	Version 2
Date of Issue	1 November 2014

Date of Previous Issue	2009
Agreed by	Management Team
Bi-annual review	1 April 2015
Formal Review Date	31 July 2015

## Cyngor Sir Powys County Council Grievance Procedure

This Grievance Procedure Guidance forms part of the Council's Grievance Framework and should be read in conjunction with the Grievance Policy and Grievance template letters and forms.

### Contents:

### Page

1. Policy Statement	4
2. General Conditions	5
3. Matters not covered by the Policy	5
4. Mediation	6
5. Accessibility	6
6. The Informal Stage	7
7. The Formal Investigation Stage	7
8. The Appeal Hearing	9

## **1. Policy Statement**

- 1.1 The Grievance Policy applies to all Powys County Council employees, except for those who are employed by schools, and will be used to resolve both individual and collective grievances, where appropriate.
- 1.2 The Council's policy is to encourage open communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and fairly through normal day-to-day supervision. Managers must exercise judgement in resolving incidental matters as part of their daily responsibilities.
- 1.3 The Council recognises that it is beneficial for all concerned to raise something whilst it is fresh and would employees are specifically encouraged to be open about problems rather than bottling something up for a long period. Grievances must be raised at the first opportunity so that they may be resolved promptly and those involved can get on with their work with minimal disruption. You are encouraged to raise anything of concern within a reasonable period of time and at the latest, within three months of the event. Any grievance relating to something which occurred more than three months ago is unlikely to be considered, depending on the circumstances of each matter.
- 1.4 If you have a concern, problem or complaint at work, you should take this up with your manager or if the problem is because of the action(s)/inaction(s) of the manager, their senior manager. This is called raising a grievance.
- 1.5 Matters to be dealt with through the Grievance Policy include:
- Relationships at work;
  - Terms and conditions of employment (e.g. how they have been applied or interpreted).
- 1.6 When dealing with a grievance, it is important that all parties involved:
- Co-operate and engage in resolving the matter;

- Take responsibility for and be committed to seeking an informal resolution to the problem in the first instance;
- Deal with matters in a timely manner, as agreed at the outset.

1.7 It should be noted that a grievance outcome may not always be what you expect, but it will be based on a viable and reasonable solution to the matter. However, there will be a requirement for all parties concerned to co-operate in seeking resolution by suggesting solutions and in implementing any recommendations which arise.

1.8 It is the manager's responsibility to act consistently and ensure that decisions are implemented and actions take place accordingly and it is the employee's responsibility to co-operate fully with this.

## **2. General Conditions**

2.1 You will have the right, at any formal stage of this procedure, to be accompanied by a recognised Trade Union representative or work colleague.

2.2 Any agreed timescales for addressing a grievance may be varied if you and the manager agree that, in a particular instance, the timescales should be extended.

2.3 Records should be kept detailing the nature of the grievance raised, management's response, any action taken and the reason for it. These records must be kept confidential and retained by the HR Department in accordance with the Data Protection Act 1998.

2.4 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality, in line with the council's Disciplinary Procedure.

2.5 If you raise a grievance during disciplinary proceedings, the grievance may be heard as a part of those disciplinary proceedings.

## **3. Matters not covered by the Policy**

3.1 The following subjects will be dealt with under separate council Policies and Procedures and not through the Council's Grievance Policy:

- Matters connected with an employee's unsatisfactory performance or conduct where the employee has already been notified of a formal hearing concerning that matter, which will be dealt with under the Performance Capability Procedure and Disciplinary Procedure, respectively;

- Other employment issues which have their own appeals process, for example: Flexible Working, Fairness and Dignity at Work, Redundancy and Pay, etc;
- Allegations of discrimination or harassment, including those on the basis of race, sex, disability, age, religion or belief, which will be dealt with under the Fairness and Dignity at Work Procedure;
- Matters relating to malpractice, illegal acts or omissions at work which are covered by the Whistleblowing Policy;
- Grievances which are subject of, or appropriate to, a collective dispute between the employer and the trade union(s) which would be raised through the JCNC.

3.2 Furthermore, the Grievance Policy will not apply where:

- The complaint is repetitive of a previous grievance and/or where the substance of the complaint has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process;
- There is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be deemed as misconduct and may lead to disciplinary action being taken under the Council's Disciplinary Procedure.

#### **4. Mediation**

- 4.1 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution.
- 4.2 Mediation will be used only where all parties involved in the grievance agree.
- 4.3 A list of Mediators is held by the HR Department. These Mediators will work to an agreed Code of Practice.
- 4.4 Further information is contained within the Mediation Service leaflet, a copy of which can be found in the template letters and forms section on the intranet.

#### **5. Accessibility**

- 5.1 If any aspect of the Council's Grievance Policy causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with the HR Department so that appropriate arrangements can be made.

## **6. The Informal Stage**

- 6.1 If you wish to raise a grievance you should, in the first instance, seek an early informal discussion without resorting to the formal procedure. This can be with your line manager or another member of staff. For example, if the matter is regarding your line manager/colleague the first step should be for you to speak to that line manager/colleague about your concerns.
- 6.2 The manager should work with both parties to reach an agreed solution which is documented and monitored.
- 6.3 It is expected that both employees and managers take responsibility to ensure that this stage of the procedure is concluded as swiftly and as timely as possible, and that any agreed timescales are kept to.

## **7. The Formal Stage**

- 7.1 The Council recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with dignity and respect. The Council will not tolerate abusive or insulting behaviour from anyone taking part in, or conducting, grievance procedures and will treat any such behaviour as misconduct under its Disciplinary Procedure.
- 7.2 If informal intervention has not resolved the grievance to your satisfaction, you may raise the matter formally in writing with your immediate line manager (or, where the grievance is against your line manager, with the next senior manager).
- 7.3 The letter should be headed "Formal grievance" and in it, you must clearly set out the following:
- Your full name and job title;
  - A summary of the facts surrounding the grievance;
  - Dates and times of any incidents, in chronological order;
  - Details of any witnesses or supporting evidence;
  - Details of the efforts made to resolve the issue informally; □ Details of your representative; and
  - Your preferred outcome.
- 7.4 If the grievance letter is unclear, you may be asked to clarify the complaint before any meetings or interviews take place.
- 7.5 Further attempts may be made to resolve the matter informally, depending on the nature of the grievance. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to the formal stage.
- 7.6 Before proceeding to a formal grievance investigation, it may be necessary to carry out preliminary investigations of any allegations made by you,

although the confidentiality of the grievance process will always be respected. If any evidence is gathered in the course of these investigations, you will be given a copy at least 10 working days before your interview, for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

- 7.7 Where further investigation is necessary, the manager will arrange a meeting with you to discuss the matter formally and to commence such investigation into the matter as quickly as possible. At this stage, a timeframe for investigating and reporting back will be identified and agreed. If this timeframe cannot be kept for any reason, then the manager must inform you and inform you of any updates in the handling of the matter.

## **8. The Grievance Investigation**

- 8.1 The formal investigation will be held as soon as is reasonably practicable, subject to any need to carry out any preliminary investigations, upon receipt of your written complaint. It will be conducted by your line manager (or another manager of the same level) and attended by an HR representative. At your interview, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter.
- 8.2 You should ensure that you attend the interview at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager/investigating officer as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the investigation may proceed without any further representations or submissions from you.
- 8.3 While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matter(s) in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the investigation will intervene if he/she thinks that the discussion is straying too far from the key issue(s). The manager may also intervene to ensure that the investigation can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.
- 8.4 Following the investigation process, you will be informed in writing of the outcome within 5 working days and told of any action that the Council proposes to take as a result of your complaint. You may discuss this outcome informally with either the manager or HR representative who was present at your formal interview.
- 8.5 If you are dissatisfied with the outcome, you may make a formal appeal.



## 9. The Appeal Hearing

- 9.1 If you do not accept the outcome/decision of the grievance investigation, you have the right to appeal and you will be required to write to the investigating officer:
- Summarising what has happened;
  - Stating why you are not able to accept the outcome of the formal investigation stage;
  - Stating what you feel the solution should be and why.
- 9.2 You are required to submit your written appeal no later than 10 working days from the date of you receiving your grievance outcome.
- 9.3 At this point, the HR Department will make arrangements for an appeal hearing. Every attempt will be made to hear the appeal as quickly as possible and wherever possible, within 25 days of receipt of your letter.
- 9.4 HR will be responsible for co-ordinating the collation of the documentation required. This will include:
- a copied set of all the previous letters and notes of meetings; and  your written case of appeal.
- 9.5 You may not submit new evidence at this stage, unless mutually-agreed and in the interests of resolving the matter in a fair and equitable manner and will be the exception rather than the rule in the majority of cases.
- 9.6 HR will ensure that all documentation is provided to the appeal panel at least 5 working days before the appeal hearing takes place.
- 9.7 The appeal panel will consist of Elected Members from the Council's Employment Committee, supported by an HR representative.
- 9.8 The appeal panel may wish to call parties interviewed as part of any formal grievance investigations.
- 9.9 You will be notified in writing of the decision by the Chair of the panel within 5 working days of the panel meeting.
- 9.10 The appeal hearing is the final stage in the Council's grievance procedure and the appeal panel's decision is final.