

Grievance Policy

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1.0 Policy Statement

- 1.1 It is the responsibility of every member of staff to develop constructive and positive working relationships in order to ensure a productive work environment and to secure the provision of an efficient and valued service. However there may be occasions when staff encounter problems and wish to seek resolution of grievances relating to employment with PSOW.
- 1.2 This policy applies to current staff and aims to promote a working environment where staff feel able to raise any concerns, issues or problems about their work, working environment or working relationships. The Grievance Procedure aims to ensure that any issue raised is addressed in a prompt manner. This Policy and Procedure has been designed to comply with the ACAS Code of Practice.
- 1.3 The PSOW encourages staff 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 these through a formal procedure.
- 1.4 The overall approach is intended to provide flexible procedures to deal with issues fairly and consistently, whilst promoting good staff relations.
- 1.5 A grievance may be submitted where a member of staff considers that they have suffered personal injustice or detriment. Issues that may cause grievances include:
 - Terms and conditions of employment;
 - Health and safety;
 - Bullying and harassment;
 - Discrimination;
 - Work relations;
 - Working environment; and
 - Behaviour whilst at work which may result in other colleagues feeling excluded.
- 1.6 This policy refers to the right of member of staff to be accompanied by a companion throughout the formal proceedings. The companion may be a Trade Union representative or a colleague.
- 1.7 No Line Manager will implement any part of this policy unless they have received training on its application and use, and has a thorough understanding of the issues it raises..

2.0 Principles of the Grievance Policy and Procedure

- 2.1 This policy and procedure has been agreed following consultation with the Staff Representative Council, and applies to all staff regardless of status or length of service.
- 2.2 This policy does not form part of staff's contract of employment and it may be amended at any time. PSOW may also vary this procedure, including any time

limits, as appropriate in any case. Substantial changes to this policy will only be made following consultation with the Staff Representative Council.

2.3 The following principles will apply:

- Grievances may be raised by individual staff or a group of staff;
- All grievances will be dealt with carefully, fairly and consistently;
- All grievances will be dealt with promptly and within reasonable timescales;
- Timing and location of meetings will be reasonable;
- Staff have a joint responsibility with Management for seeking to resolve any issue;
- Staff have the right to be accompanied at formal meetings related to a grievance made either about them or by them. The choice of companion must be a reasonable one, to be agreed with the PSOW;
- Mediation or conciliation either by staff of PSOW or an external specialist will be considered as an early option in seeking to resolve the problems identified at the informal or formal stages of the procedure;
- Once the grievance has been dealt with no further reference will be made to it, nor will the member of staff be discriminated against or victimised for raising the grievance;
- However raising a grievance that is known to be without foundation, or otherwise in bad faith, may result in disciplinary action.

3.0 Roles and Responsibilities

3.1 Staff are responsible for:

- developing constructive and positive working relationships in order to ensure a productive work environment;
- participating constructively in any mediation that is arranged;
- ensuring they are aware of the Grievance Policy and Procedure;
- seeking to resolve grievances informally with their Line Manager (where appropriate) in the first instance;
- raising a grievance in writing under the formal procedure, if a grievance cannot be resolved informally;
- maintaining confidentiality and not discussing with others any matters arising from, and during, any grievance investigation;
- understanding that any breach of this confidentiality requirement may itself be regarded as a disciplinary offence.

3.2 Line Managers are responsible for:

- developing constructive and positive working relationships in order to ensure a productive work environment;
- participating constructively in any mediation that is arranged;
- ensuring they are aware of the Grievance Policy and Procedure;
- ensuring that staff are aware of the Grievance Policy and Procedure;
- taking prompt action and a considered approach to staff's concerns, and aiming to deal with matters promptly and informally where possible;

- taking advice from PSOW's HR Adviser at each stage of the formal grievance procedure;
- handling all grievances sensitively and confidentially, and ensuring that standards of fairness, objectivity and consistency in treatment are upheld in all cases.

3.3 PSOW HR Adviser is responsible for:

- supporting and advising Line Managers when dealing with matters under the Grievance Policy and Procedure;
- ensuring all Grievance Officers (GOs), and panel members are unbiased and independent to the case they are investigating/considering;
- ensuring the Grievance Policy and Procedure is up-to-date, in line with best practice, and compliant with employment legislation.

4.0 Grievance Procedure

4.1 This procedure can be used to raise a grievance relating to any employment matter, ***with the following exceptions:***

- Matters that are subject to collective bargaining with the recognised Trade Unions;
- Appeals against grading and performance assessment ratings, which have separate arrangements;
- Appeals against sickness absence/capability/disciplinary action which have their own appeal mechanism; and
- Any other matter for which separate arrangements are in place to address the type of concern in question, e.g. whistleblowing.

5.0 Informal Action

5.1 It is in everyone's interest to resolve grievances quickly. PSOW encourages staff to seek to resolve issues promptly and informally with their Manager wherever possible.

5.2 If a member of staff's grievance relates to their Line Manager, they should discuss the grievance with another Line Manager, PSOW's HR Adviser, or a Trade Union representative.

5.3 Informal grievances should be dealt with as soon as possible.

5.4 Staff would not normally be accompanied by a companion at informal discussions. However, with agreement from both parties a companion may be permitted to attend.

5.5 PSOW may arrange mediation to help resolve an issue in circumstances where it is considered appropriate.

6.0 Formal Procedures

Putting the grievance in writing

- 6.1 It is in staff's interest to put the grievance forward as soon as possible after the event (or the last in a series of events) that led to the grievance.
- 6.2 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of members of staff involved. In some situations staff may be required to provide further information.
- 6.3 If the Line Manager is involved in the grievance, the written statement should be directed to an alternative Line Manager (see section 10, Who do I refer my grievance to?).

Before Investigation

- 6.4 The Line Manager will write to the aggrieved member of staff acknowledging receipt of the written grievance and advising on the handling of the grievance, within 5 working days of the grievance being received (assuming the Line Manager is not absent from work). The Line Manager must consult with PSOW's HR Adviser before responding to the grievance.
- 6.5 No formal procedure should commence without informing PSOW's HR Adviser.
- 6.6 A Grievance Officer (GO) will be appointed by the Line Manager in consultation with PSOW's HR Adviser. The GO must not have been involved with the grievance during the informal stages. It may be appropriate for the Line Manager to investigate if they have no involvement with the matters raised.

Investigation

- 6.7 Staff will be normally be invited to an initial meeting with the GO, who will be accompanied by a notetaker, to explain their complaint and to say how they believe the matter may be resolved. Staff will be informed in writing of the date, time and location of the meeting together with confirmation that the member of staff has the right to be accompanied. If accompanied the companion will have the right to present the member of staff's case, sum it up and respond to any view expressed in the meeting, although the member of staff will be expected to answer questions directly.
- 6.8 The grievance meeting should normally take place within 10 days of the written grievance being received by the Line Manager. If the member of staff has a valid reason for being unable to attend the meeting, an alternative meeting will be arranged within 5 working days of the original meeting date. Staff must accept that non attendance may delay the resolution of the grievance. Should the member of staff fail to attend the second meeting without a valid reason,

consideration will be given to making a decision in their absence, following consultation with PSOW's HR Adviser.

- 6.9 The meeting will not take place unless the member of staff has informed the GO of the basis for the grievance and the GO has had a reasonable opportunity to consider its response to that information.
- 6.10 The GO will further investigate if required and interview witnesses if appropriate. Guidelines for witnesses are in Appendix 1.
- 6.11 Further grievance meetings may be arranged with staff if appropriate.

Following Investigation

- 6.12 Following the issue of a draft findings report the GO will arrange a final grievance meeting with the member of staff and their representative to discuss the findings and any further action that can be taken to resolve the grievance.
- 6.13 The GO will then prepare a final report containing the findings as soon as possible, and where appropriate making recommendations to address issues that have been identified.
- 6.14 Where the GO finds that there may be misconduct or irregularities, this will be dealt with in accordance with PSOW's Disciplinary Policy.
- 6.15 The member of staff who submitted the grievance will be informed in writing of the outcome of the grievance as determined by the GO and will receive a copy of the investigation report, or a redacted version of the report if this is considered appropriate, within 5 working days of the final grievance meeting with the employee, if possible. If this is not possible, the member of staff will be told the reason why and when a response can be expected. The member of staff will be notified of the right to appeal.
- 6.16 Any member of staff who is the subject of a complaint or allegation within the grievance will be advised of the conclusions reached on the grievance or (where more than one member of staff was the subject of the allegation or complaint) on the relevant aspect(s) of the grievance, within a reasonable period of time.

7.0 Appeal Process

- 7.1 If the member of staff considers that the grievance has not been satisfactorily investigated or that the findings and conclusions do not reflect the evidence gathered, they may appeal against the findings, detailing their grounds of appeal.
- 7.2 Staff must appeal to the relevant person as set out in paragraph 10 within 5 working days of receiving the GO's written findings, although an extension may be agreed in certain circumstances e.g. if the member of staff has been on leave or ill.
- 7.3 The reasons for appeal should be in writing and make it clear if the appeal is:

- Providing new information or evidence which could not previously have been presented to the GO;
 - Identifying procedural irregularities;
 - Challenging the finding; or
 - Claiming that the decision breaches natural justice or employment legislation.
- 7.4 The purpose of the appeal panel is to consider the issues raised in the appeal letter. The appeal panel will not conduct a 'second investigation' nor will it consider any new or unrelated complaints.
- 7.5 On receipt of the appeal letter the member of staff will be invited in writing to attend a meeting to consider the appeal. The member of staff will have the right to be accompanied at the meeting by a companion. At least 10 working days notice of the meeting will be given.
- 7.6 The appeal panel will be appointed by the Chief Operating Officer/Director of Investigations (COO/DOI) in consultation with PSOW's HR Adviser and in accordance with section 10 of this policy. All parties must make all papers relating to the grievance available to the appeal panel, at least 5 working days ahead of the appeal meeting.
- 7.7 The member of staff will be notified of the outcome of the appeal in writing as soon as possible after the appeal and normally within 2 working days. This period may be extended if there are extenuating circumstances.
- 7.8 The decision of the appeal panel is final.
- 7.9 Any malicious or vexatious use of the grievance procedure may be treated as a disciplinary offence.

8.0 Right to be Accompanied

- 8.1 Staff may bring a companion to any meeting or appeal meeting under the formal parts of this procedure. The companion may be either a Trade Union representative or a colleague. The member of staff must tell the Manager conducting the meeting who the chosen companion is, in good time before the meeting or appeal.
- 8.2 A companion who is a PSOW member of staff is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 8.3 PSOW may allow staff to bring a companion who is not a colleague or union representative where this will help overcome a particular difficulty caused by a disability.

9.0 Keeping Records

- 9.1 Confidential records will be kept by the Grievance Officer and Line Manager during the formal process of the Grievance Procedure. Records will include

notes of any informal actions, including support made available to staff or other affected parties.

9.2 A confidential master file must be held by the Corporate Services Manager (CSM) once any formal proceedings and investigation has commenced. The CSM will keep records of:

- the nature of the grievance;
- the GO's report and working papers;
- investigation interviews and signed witness statements;
- details of any action taken and the reasons why; and
- if there was an appeal, details of it and the outcome.

9.3 Appropriate records will be held on personnel records. Staff will have access to their personnel records in accordance with the Data Protection Act 1998.

10.0 Who do I refer my Grievance to?

Grievance against	Address Grievance to	Appeal
A colleague	Manager	COO/DOI accompanied by PSOW's HR Adviser
Manager	COO/DOI	Ombudsman accompanied by PSOW's HR Adviser
COO/DOI	Ombudsman	Ombudsman from other Jurisdiction accompanied by PSOW's HR Adviser
Ombudsman	Chair of the Audit & Risk Committee	

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- This guidance is designed to assist staff who are required to be witnesses in a grievance investigation, including harassment or bullying complaints.
- 'Witnesses' in this context refer to staff or others who were present at certain alleged events or incidents, are relevant to an investigation being undertaken, and where their 'evidence' is relevant to assisting the investigation. Witnesses may be nominated by any party to the grievance.
- Staff are expected to co-operate with management and colleagues to assist with the prompt resolution of complaints, and this includes assisting as a witness where required.
- Witnesses are expected to be open and honest in answering questions and must be informed that giving false or misleading evidence in an investigatory process could in itself constitute a disciplinary offence and could make the witness vulnerable to civil action for defamation by another member of staff.
- All matters arising from and during the investigation must be treated in absolute confidence and witnesses will not discuss the case outside the investigative interview or other formal process. Breach of this confidentiality requirement may itself be regarded as a disciplinary offence.
- Witnesses may be accompanied by a companion at formal investigatory interviews. However, witnesses should normally answer questions in person rather than through their companion. Companions accompanying witnesses are also bound by the confidentiality duty as above.
- Witnesses will be informed of the complaint being investigated and the terms of reference of the enquiry.
- The GO will arrange for notes to be taken during an investigatory interview (usually taken by another person accompanying the GO). Witnesses will be provided with a copy of the notes. Witnesses will be asked to confirm they agree with the content by signing a copy of the notes.
- Witnesses may be required to attend any grievance meeting which may be held. The purpose of such attendance will be to answer questions on the information given by them during the investigatory process.
- The GO will seek to carry out the investigative interviews in such a way that, should the complaint proceed externally (e.g. to an Employment Tribunal), additional statements will not be necessary. However, this cannot be guaranteed and will depend on the particular circumstances. If the complaint does proceed to a Tribunal, witnesses may be called upon to present their evidence at Tribunal, which would be held in public.

- The following guidelines are to assist the Grievance Officer (GO) in undertaking their investigation and to ensure that their conclusions and recommendations are independent and unbiased.
- The objective of the investigation is to establish the facts and to conclude whether the evidence indicates that the member of staff has a grievance under the terms of this policy.
- The investigation is concerned only with the facts surrounding the specific grievance that has been raised; it must not consider unrelated complaints.
- The GO must prepare a factual, unbiased report summarising their investigation. The report should state clearly what the grievance is, how it has been investigated, the evidence obtained, the conclusions drawn and the reasons for those conclusions, a recommendation on whether the grievance should be upheld and if so, any remedial action that is to be taken.
- The GO should be independent of any allegations relating to the grievance under investigation and of all the parties involved. Should the GO believe their independence is compromised in any way at any stage of the investigation they must notify the COO/DOI.
- The GO should interview all relevant parties/witnesses, usually accompanied by another member of staff. Notes of the interview should be made and kept on file. All statements must be viewed and signed by the appropriate member of staff in writing.
- If any party refuses to co-operate or causes unreasonable delays, decisions must be made on the information available and on the balance of probability, after all reasonable efforts have been made to secure information that is believed to be essential to the case.
- The GO must respect the confidentiality of staff involved and disclose information outside the report process only with the consent of the person who discloses it.
- The GO must ensure their enquires are not open to procedural flaws. For example it would be inappropriate to talk to staff informally about an alleged incident and then send them away to think about it before taking a formal statement.
- The GO should whenever appropriate seek advice from PSOW's HR Adviser on the investigation procedures.
- The GO must consider all available evidence and after carrying out the investigation produce a report of the findings and recommend whether the grievance should be upheld.
- Parties to the grievance should be informed of the outcome of the investigation and report within 5 working days of the GO finalising the report.

1. The appeal hearing will take the form of a review hearing, focussing on the written grounds of appeal submitted and any new evidence included in the grounds of appeal.
2. The appeal hearing will only be able to consider the original grievance and will not be able to consider any new or unrelated complaints.
3. The employee who submitted the appeal has the right to be accompanied by a trade union representative or work colleague.
4. The appeal will be heard by the Director, Ombudsman or Ombudsman from another jurisdiction (the "Appeals Officer") as set out in section 9 of the Grievance Policy.
5. At the appeal hearing, the Appeals Officer is the decision maker and may be supported by a Human Resources Adviser. A note taker may also be present. The Grievance Officer will also attend.
6. The hearing will begin by the employee or their representative setting out the grounds of appeal.
7. When the grounds of appeal have been set out, the Grievance Officer will have the opportunity to ask questions of the employee about the grounds of appeal and about any information presented in support of the appeal.
8. The Appeals Officer or Human Resources Adviser may ask questions of the employee or their representative.
9. The Grievance Officer will then respond to the grounds of appeal and to any argument or information presented in support of the appeal.
10. The employee or their representative will have the opportunity to ask questions of the Grievance Officer.
11. The Appeals Officer or Human Resources Adviser may also ask questions of the Grievance Officer.
12. Both sides will have the opportunity to sum up their case with the Grievance Officer presenting first.
13. The Appeals Officer will consider his / her decision in private with the HR Adviser, and all other parties will withdraw at this point.
14. If necessary, before making their decision, the Appeals Officer may recall any of the previous participants to the hearing, to clear points of any uncertainty, provided that the recall takes place in the presence of all parties who were present before the adjournment.

15. The Appeals Officer may give their decision orally on the day of the hearing or may adjourn the hearing if it is considered appropriate to do so, for example, for further enquires to be made, or for other new matters that have come to light to be investigated.
16. The decision will be conveyed to the employee in writing with a copy to his/her Trade Union or other representative, as soon as is reasonably practicable, normally within 2 working days of the appeal hearing date. This period may be extended if there are extenuating circumstances. The decision of the Appeals Officer is final and constitutes the end of the PSOW internal process
17. The decision of the Appeals Officer could include one of the following:
 - dismiss the appeal and confirm the original decision
 - uphold the appeal and overturn the original decision
 - uphold the appeal and substitute a different outcome.