
Grievance Policy & Procedure

Contents

1	Introduction and definitions	1
2	Scope	1
3	Policy.....	2
4	Principles.....	3
5	Responsibilities.....	4
6	The Grievance Procedure	5
7	Appeal	9
8	Accessibility	10
9	Retention periods.....	10

1 Introduction and definitions

- 1.1 This policy and procedure and procedure has been agreed following consultation with Trade Unions and applies to all staff.
- 1.2 This policy does not form part of contracts 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 be made only following consultation with Trade Unions/Staff Representative Council.
- 1.3 This policy & procedure applies to all staff regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.4 'Grievance'. Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems or concerns with their working conditions or relationships with colleagues that they wish to raise.
- 1.5 'Line Manager': Where reference is made to 'Line Manager' in this policy, staff are expected to substitute the following, in order, where their own 'line manager' is not available:
 - a) Acting line manager
 - b) Other line manager
 - c) Line manager of their line manager.

2 Scope

- 2.1 This policy and procedure can be used to raise a grievance relating to any employment matter with the exception of:
 - Matters subject to collective bargaining with the recognised Trade Union.
 - Appeals against grading and performance assessment ratings, which have separate arrangements.

Grievance Policy & Procedure

- Appeals against sickness absence/capability/disciplinary action which have their own appeal mechanism.
- Any other matter for which separate arrangements are in place to address the type of concern in questions, e.g. whistleblowing.

3 Policy

- 3.1 The purpose of our grievance policy is to enable staff who encounter problems at work to seek resolutions.
- 3.2 PSOW 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. This Grievance procedure aims to ensure that any issue raised is addressed in a prompt manner. It is designed to comply with the ACAS Code of Practice
- 3.3 PSOW encourages staff to discuss any work-related concerns, issues or problems informally in the first instance to try to resolve them. However, it recognises that at times it is necessary to address these through a formal procedure.
- 3.4 The overall approach is to deal with issues fairly and consistently, whilst promoting good staff relations.

4 Principles

- 4.1 Grievances may be raised by an individual or a group of staff members.
- 4.2 Grievances may be raised in Welsh or English and any member of staff involved will be able to use Welsh or English, in accordance with their preference, in any formal part of this process. Any formal grievance will be handled and responded to in the language used by the person who submitted the grievance.
- 4.3 All grievances will be dealt with carefully, fairly and consistently.
- 4.4 All grievances will be dealt with promptly and within reasonable timescales.
- 4.5 Timing and location of meetings will be reasonable.
- 4.6 Staff have a joint responsibility with management for seeking to resolve the issue.
- 4.7 Staff have the right to be accompanied at formal meetings related to a grievance made either about them or by them.
- 4.8 Mediation or conciliation, facilitated either by staff of PSOW or an external specialist, will be considered as an early option for resolution.
- 4.9 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.
- 4.10 Raising a grievance that is known to be without foundation, is vexatious or otherwise in bad faith, may result in disciplinary action.

Grievance Policy & Procedure

5 Responsibilities

Personnel	Role
Line Manager (LM)	Try to resolve grievances informally Receive formal grievance – appoint Grievance Officer (GO)
Grievance Officer (GO)	Investigate grievance Conduct formal grievance meeting Make decision Identify key records for retention (with advice from HR as required, but to include grievance raised and the manner of resolution). After Appeal or expiry of Appeal period, pass key records to Corporate Services Officer – HR (to retain on personnel records) and destroy all other non-key records.
HR Representative (HR)	Advise and take notes
Staff member	Explain grievance and what they are looking for as an outcome
Staff member's Companion (EC)	Accompany and support at the meeting
Appeal Officer (AO)	Hear any appeal raised by the member of staff
Corporate Services Officer - HR	Retain key records and, subsequently, destroy in line with PSOW's retention period

5.1 All staff are responsible for ensuring that grievance material is held securely and that it remains confidential. The Grievance Officer should ensure that electronic records are held in a secure and restricted location until transfer to Corporate Services HR records.

6 The Grievance Procedure

6.1 There are three stages in the Grievance Procedure:

- Informal Action
- Formal Grievance Process
- Appeal.

Informal Action

- 6.2 The aim of this stage is to resolve the grievance quickly through day-to-day management and without recourse to the formal stages of the procedure. Where possible the employee with the grievance should raise it with the person concerned and try and reach resolution between themselves. Where this is not achieved, the staff member should bring their grievance to their manager (or, if the grievance is about their manager, then their manager's manager) who will arrange a one to one meeting with them as quickly as possible to discuss the concerns and to attempt to resolve the issues with minimum conflict. Grievances resolved in this way are nonetheless important and managers should identify and share issues as appropriate (protecting staff identities as far as possible) so that any patterns or wider learning points can be identified.
- 6.3 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.
- 6.4 Should resolution not be reached at this point, the staff member should move into the formal stage of the procedure.

Grievance Policy & Procedure

Formal Grievance Process

<p>Step 1 – Put the grievance in writing to the line manager (If the grievance is about the line manager then it should be put it in writing to the manager’s manager)</p>
<p>Step 2 – Grievance Officer appointed by manager and undertakes further investigation where required</p>
<p>Step 3 – The Grievance Meeting Grievance Officer will listen to the complaint, ask questions and discuss information obtained from any investigations undertaken.</p>
<p>Step 4 – The Grievance Outcome Grievance Officer will write to the employee within 5 days of the hearing with the outcome. This will also give the right of appeal and name the Appeal Officer to whom to submit the appeal letter.</p>
<p>Appeal Meeting Appeal Officer will review all the documentation from the Grievance Meeting and then listen to the reasons for the appeal and ask any questions.</p>

Step 1 - Put the grievance in writing

6.5 The first step is for the staff member to put the complaint in writing. This written statement will form the basis of any investigations and the subsequent hearing, so it is important that the nature of the grievance and the outcome sought are set out clearly. If the grievance is unclear, the staff member may be asked to clarify the complaint before any meeting takes place.

- 6.6 The staff member's complaint should be headed "Formal grievance" and sent to their manager. If the complaint relates to the way in which the member of staff believes their manager is treating them, the complaint may be sent to their manager's manager.
- 6.7 Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the staff member is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing.

Step 2 - Investigation into the grievance

- 6.8 A Grievance Officer will be appointed and the member of staff will be informed. Before proceeding to a full grievance meeting, it may be appropriate to clarify concerns with the member of staff. It may be necessary to carry out investigations of any allegations made by the staff member, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, the staff member will be given a copy, long enough in advance of the hearing for them to consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the staff member and an appropriate summary of the evidence gathered will be provided.

Step 3 - The Grievance Meeting

- 6.9 The next step will be to have the grievance meeting. The staff member has the right to be accompanied at the grievance meeting (see [Right to be Accompanied](#) section). The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within ten working days of the receipt of the written complaint. It will be conducted by the Grievance Officer and attended by an HR representative.

Grievance Policy & Procedure

- 6.10 At the meeting, the staff member will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.
- 6.11 The staff member should ensure that they attend the meeting at the specified time. If unable to attend because of circumstances beyond their control, the staff member should inform the Grievance Officer as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence.
- 6.12 While the staff member will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The Grievance Officer will intervene if he/she thinks that the discussion is straying too far from the key issue. They may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

Step 4 - The Grievance Outcome

- 6.13 The Grievance Officer will consider the staff member's comments and any evidence gathered during the investigation.
- 6.14 Following the meeting, the staff member will be informed in writing of the outcome within five working days and told of any action that the organisation proposes to take because of the complaint. They may discuss this outcome informally with either their manager or HR.
- 6.15 If the staff member is dissatisfied with the outcome, they may make a formal appeal to the Appeal Officer named in the written outcome (see the [Appeal](#) section).

Right to be Accompanied

- 6.16 The staff member has the right to be accompanied by a fellow worker or trade union official at the formal grievance meeting or subsequent appeal meeting. The trade union official need not be a staff member of the organisation, but if he/she is not a fellow worker or an employee of his/her union, the organisation may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.
- 6.17 The choice of companion is a matter for the staff member. Individual workers are not obliged to agree to be a companion. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.
- 6.18 At any hearing or appeal hearing, the chosen companion will be allowed to address the meeting, respond, on behalf of the staff member, to any view expressed in the hearing, and sum up the case on their behalf. However, both the hearing and appeal hearing are essentially meetings between the organisation and the staff member raising the grievance, so any questions put directly to the staff member should be dealt with by themselves and not the companion.
- 6.19 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that an alternative time can be arranged within five working days of the scheduled date. The meeting will be rescheduled only once.

7 Appeal

- 7.1 The appeal should be made in writing to the Appeal Officer. The staff member should clearly state the grounds of their appeal, i.e. the basis on which they say that the result of the grievance was wrong or that the action taken as a result was inappropriate. Valid grounds for appeal are:
- New evidence has come to light;
 - Procedural irregularities in the original investigation/hearing;

Grievance Policy & Procedure

- Challenge the finding;
- Claim breach of employment law.

7.2 This should be done within five working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within five working days of the submission of the formal appeal, wherever possible.

7.3 The staff member should ensure that they attend the meeting at the specified time. If unable to attend because of circumstances beyond their control, the staff member should inform the Appeal Officer of this as soon as possible. If the staff member fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

7.4 The appeal hearing will be conducted by the Appeal Officer, who will consider the grounds that the staff member has put forward and assess whether or not they have a valid reason to appeal and whether the conclusion reached in the original grievance hearing was appropriate.

7.5 Following the appeal meeting, the staff member will be informed of the outcome within five working days, wherever possible. The outcome is final.

8 Accessibility

8.1 If any aspect of the grievance procedure causes the staff member difficulty because of any disability that they may have, or if they need assistance because English is not their first language, they should raise this issue with **their line manager, their manager's manager or the HR adviser**, who will make appropriate arrangements.

9 Retention periods

9.1 The retention period for key grievance records and documents, whether or not the grievance is substantiated, is six years after the financial year-end in which employment ended.

Grievance Policy & Procedure

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