

Grievance Policy & Procedure

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1 Introduction and definitions

- 1.1 The Ombudsman recognises that there are times when staff may have problems or concerns with their working conditions or relationships at work. A grievance is a concern or problem raised by a member of staff, either informally or formally. This policy and procedure provides a framework for issues to be raised and resolved.
- 1.2 It is important that staff raise any concerns in a timely manner so that issues can be resolved as early as possible. With this in mind, staff raising a grievance, should do so within three months of the concern or problem arising.
- 1.3 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.
- 1.4 This policy and process can be conducted in Welsh, if Welsh is the first language of the Staff Member, or in English if English is the first language. The preferences of the Staff Member, held by Corporate Services will be adhered to.
- 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 applies to all staff who have a Contract of Employment regardless of length of service. It does not apply to agency workers or self-employed contractors. We would however, still encourage

all types of worker to raise any concerns informally so that they can be resolved as soon as possible.

2.2 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.
- 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 this grievance policy is to enable staff who encounter problems at work to achieve resolution. 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 and reflects the recommendations outlined in the ACAS Code of Practice.

3.2 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.

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 sensitively, fairly, consistently, promptly and within reasonable timescales.
- 4.4 Timing and location of meetings will be reasonable.
- 4.5 Staff have a joint responsibility with management for seeking to resolve the issue.
- 4.6 Staff have the right to be accompanied by their Trade Union Representative or work colleague at formal meetings related to a grievance made either about them or by them.
- 4.7 Mediation or conciliation, facilitated either by staff of PSOW or an external specialist, may be considered in some circumstances, as an early option for resolution.
- 4.8 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.
- 4.9 Raising a grievance that is known to be without foundation, is vexatious or otherwise in bad faith, may result in disciplinary action.

5 Responsibilities

Personnel	Role
Staff Member	Make every effort to resolve their grievance informally first. However, if instigating the formal procedure, be clear about the detail of their grievance and what outcome they are seeking.
Line Manager	Try to resolve the grievance informally. Assess whether mediation may help as part of the informal stage. Receive formal grievance. Either conduct initial brief investigation or appoint an Investigating Officer if a full investigation is needed. Hold a grievance meeting. Decide whether the grievance is upheld or not. Liaise with HRBP for support and advice at each stage of the procedure if necessary.
Investigating Officer	Specifically appointed by the Line Manager to investigate the grievance issues. Carries out a full investigation. Produces an investigation report and submits it to the Line Manager. May be required to attend the Grievance Meeting if any clarification on the Investigation Report is required.
HRBP or alternative HR Representative	Advise on the procedure at each stage and to all parties as required. Attends the Grievance Meeting, advises on process and takes notes of the meeting.
Staff member's Companion	Accompany and support at the meeting
Appeal Officer	Hear any appeal raised by the member of staff

5.1 All staff are responsible for ensuring that grievance material is held securely and that it remains confidential. The Line Managers 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 two stages in the Grievance Procedure:

- Informal Stage
- Formal Stage

6.2 Informal Stage

6.2.1 It is important that every effort is made to resolve a grievance informally and as early as possible. Ideally, this can be achieved through day-to-day management and without recourse to the formal stages of the procedure. Unless the grievance is about the direct line manager, the staff member with the grievance should raise it with the person concerned and give an opportunity for resolution between the two parties. Once this has occurred and if resolution has not been achieved, the staff member should discuss the matter with their manager (or, if the grievance is about their manager, then their manager's manager).

6.2.2 If after discussing the issue with the staff member, the Line Manager feels they can attempt to resolve the issue, they should do so. This may involve conducting a brief preliminary exploration of the issues. Alternatively, if the Line Manager considers mediation may be helpful in resolving the issue at the informal stage, the Line Manager will discuss this with the HRBP so that a suitable Mediator can be identified. This will depend on the nature of the matter. A Mediator may be an internally appointed individual or externally appointed and will seek to facilitate a resolution. If a Mediator is appointed, the clock stops at the informal stage whilst the mediation is undertaken and there is no time limit to how long this should take. Mediation will only be used where all parties involved in the grievance agree to it.

6.2.3 Upon completion of mediation, the Mediator will establish with the staff member whether they consider their grievance as closed or not. The Mediator will not share any details discussed as part of the mediation with the Line Manager, as that remains confidential, between the parties involved in the mediation, however, the Mediator will report to the Line

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Manager whether the staff member considers that their grievance is now resolved. If the matter is reported as resolved, the Line Manager will write to the staff member to confirm this.

- 6.2.4 If for any reason, resolution has not been reached through the informal stage of the procedure, the staff member can consider raising the matter under the formal stage of the procedure.

6.3 Formal Grievance Process

Step 1 – Staff Member puts the grievance in writing to the line manager
(If the grievance is about the line manager then it should be put in writing to the manager's manager. The outcome sought must be stated.)

Step 2 – Line Manager may seek to resolve the matter by conducting a further brief investigation of issues or will appoint an Investigating Officer if the issues are complex. The Investigating Officer will conduct a full investigation. Alternatively, even at this formal stage, the Line Manager may seek to resolve the issues without commissioning a full investigation. If a detailed investigation is not required, the Line Manager will hold a Grievance Meeting at which all issues can be discussed

Step 3 – The Grievance Meeting

The Line Manager will hold a grievance meeting and the staff member will present their grievance. The Line Manager can ask questions and discuss information obtained from any investigations undertaken. If a detailed investigation has been completed, it may be necessary for the Investigating Officer to attend the meeting if clarification is needed on any element of the investigation.

Step 4 – The Grievance Outcome

Following the grievance meeting the Line Manager will consider all of the information shared at the Grievance Meeting and form their decision as to whether the grievance is upheld or not. The Line Manager will write to the employee within 5 days of the meeting informing them as to whether their grievance has been upheld or not. The letter will also outline the right of 8*-appeal. If the staff member wishes to appeal I they should write to the

Appeal Officer within the timescale outlined in their letter.

Step 5 - Appeal Meeting

If the staff member feels they have grounds for an appeal and have lodged their appeal in writing, the Appeal Officer will convene an appeal meeting. At that meeting, the staff member will explain the grounds for their appeal. The Appeal Officer will ask any questions and will review all of the documentation and information available. Following the meeting, the Appeal Officer will consider all of the information presented and make the decision as to whether the appeal is upheld or not. The Appeal Officer will write to the staff member notifying them of the outcome of their appeal. This decision is final and there is no further right of appeal.

6.3.1 Step 1 – Staff Member Submits their Grievance in writing

- 6.3.1.1 If the staff member wants to submit their grievance under the formal stage of the procedure, they should submit their grievance in writing. This written submission will form the basis of any investigation and the subsequent Grievance Meeting, consequently, it is important that the nature of the grievance and the outcome sought are set out clearly. If the grievance is unclear, or the outcome sought is not specified, the staff member will be asked for clarification before any meeting takes place.
- 6.3.1.2 The staff member's grievance should be headed "Formal Grievance" and submitted to their Line Manager. If the grievance relates to the way in which the member of staff believes their manager is treating them, the grievance should be sent to their manager's manager.
- 6.3.1.3 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 in accordance with the Formal Grievance Procedure.

6.3.2 Step 2 - Investigation into the grievance

- 6.3.2.1 The Line Manager may choose to carry out a preliminary investigation themselves and make further attempts to resolve the matter without the need for a detailed Investigation. However, if a detailed investigation is necessary, the Line Manager will appoint an Investigating Officer. The Investigating Officer will conduct a full investigation which will include speaking to all parties concerned and gathering all the relevant evidence and information. If an investigation is to be undertaken, the staff member will be informed.
- 6.3.2.2 Before proceeding to a full grievance meeting, it is important that the Line Manager is clear about the grievance issues and has carried out or commissioned the relevant investigation (whether preliminary themselves or full and detailed).
- 6.3.2.3 The confidentiality of the grievance process will be safeguarded, wherever possible. If any evidence is gathered in the process 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. It is important to remember, that the purpose of the process is to resolve issues and rebuild relationships. Sometimes the sharing of information, can result in further damage to working relationships and consequently, it may be necessary to take steps to protect the confidentiality of information shared as part of the investigation.

6.3.3 Step 3 - The Grievance Meeting

- 6.3.3.1 The Line Manager will arrange the Grievance Meeting. The staff member has the right to be accompanied by their Trade Union Representative or work colleague. The Grievance Meeting will be held as soon as is reasonably practicable. If a detailed investigation is not required, it may be possible to hold the meeting within fifteen working days of receipt of

the formal grievance. However, if a detailed investigation is necessary, the meeting will be arranged once the investigation has been completed. Every attempt will be made to complete the investigation in a timely manner. The meeting will be held by the Line Manager who will be accompanied by the HRBP or alternative HR Representative.

6.3.3.2 At the meeting, the staff member will be asked to explain their grievance and what outcome they are seeking to resolve the matter. If the Line Manager feels they need more information, the meeting may be adjourned to allow further investigations to take place.

6.3.3.3 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 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.

6.3.3.4 The staff member will be given every opportunity to explain their case fully and should confine their explanation to matters that are directly relevant to the grievance. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of the complaint. The Line Manager chairing the meeting or the HRBP 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.

6.3.4 **Step 4 - The Grievance Outcome**

6.3.4.1 The Line Manager will consider the staff member's comments and any evidence gathered during the investigation.

6.3.4.2 Following the meeting, the staff member will be informed in writing as to whether the grievance has been upheld or not. This will normally be within five working days of the meeting. If action is to be taken against

another member of staff as a result of the grievance being upheld, this information will not be shared with the staff member who is raising the grievance for reasons of confidentiality. However, the staff member who has raised the grievance can be informed that the matter will be taken up with the individual concerned and dealt with appropriately.

6.3.4.3 If the staff member is dissatisfied with the outcome, they may make a formal appeal to the Appeal Officer named in the written outcome letter (see the [Appeal](#) section).

6.3.5 Right to be Accompanied

6.3.5.1 The staff member has the right to be accompanied by a Trade Union Representative or work colleague at the formal grievance meeting or subsequent appeal meeting.

6.3.5.2 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 Meeting or Appeal Meeting.

6.3.5.3 At any Grievance Meeting or Appeal Meeting, the chosen companion will be allowed to address the meeting, respond, on behalf of the staff member, to any view expressed in the meeting and sum up the case on their behalf. However, both meetings are essentially between the organisation and the staff member raising the grievance, so any questions put directly to the staff member should be answered by the staff member and not their companion.

6.3.5.4 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;
 - 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 Meeting 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 in writing, of the outcome within five working days, wherever possible. The outcome is final and there is no further right of appeal.

8 Accessibility

- 8.1 If any aspect of the grievance procedure causes the staff member difficulty because of any disability, this should be raised as early as possible, in order that appropriate support can be provided. This support can include reasonable adjustments including adjustments around timescales.
- 8.2 If a Staff Member has a Contract of Employment which designates them as a remote worker, it may be necessary for any Hearings or formal meetings to be conducted online.

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.