



## Model Grievance Policy & Procedure for Schools

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Effective : September 2017



# MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

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**For resolving employee concerns, problems and complaints at work**

**NB: This Policy should be read in conjunction with the Behavioural Standards in the Workplace Guidance**

## 1. INTRODUCTION

The Grievance Policy, Procedure and Guidance have been developed to ensure that employees, managers and companions are clear about their individual roles and responsibilities for raising and resolving grievances in the workplace.

Anyone working for the School 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 School's interest to resolve problems before they can develop into major difficulties for all concerned.

Where the problems or concerns relate to perceived unacceptable behaviour, this policy should be read in conjunction with the School's Behavioural Standards in the Workplace Guidance. The guidance defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour.

This policy and procedure has been developed in line with ACAS Code of Practice 1 - Disciplinary & Grievance Procedures which came into force on 11<sup>th</sup> March 2015.

## 2. DEFINITION

A grievance is a concern, problem or complaint that an employee raises with the school.

Issues that may cause a grievance include:

- Terms and conditions of employment;
- Health and safety;
- Work relations;
- Bullying and harassment;
- New working practices;
- Working environment;
- Organisational change; and
- Discrimination.

## 3. SCOPE

This Policy & Procedure applies to staff working in the school, except those who are directly employed by the Local Authority and those working in the school via an employment agency. It does not cover collective disputes or disciplinary matters. Employees raising a concern under the Public Interest Disclosure Act should refer to the Whistleblowing Policy. School staff wishing to raise a grievance against an individual employed directly by the Local Authority should do so using the Local Authority's Grievance Policy & Procedure. Employees raising a concern about post

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grading should refer to 'Grievances Relating to Post Grade'. Teachers wishing to appeal against pay decisions should do so via the Pay Appeals Procedure contained within the Teachers Pay Policy.

### 4. GENERAL PRINCIPLES

Grievances should be raised at the earliest opportunity after the incident or issue arises and every effort made by the employee and his / her line manager to work at resolving the concerns promptly and informally where possible and appropriate. This approach has many advantages as it enables early and effective resolution and minimises disruption at work. The aim is to resolve concerns and improve working relationships at the earliest opportunity.

It is intended to promote fairness and transparency by ensuring that there are specific and clear rules and procedures for handling grievance situations and that employees who have a grievance about their employment are aware of their rights.

The aim of this policy is that grievances will be dealt with promptly and fairly. There should not be any undue delay of meetings, investigations, decisions or confirmation of those decisions. The timescales in this policy should be maintained where at all possible and should only be varied by agreement of all parties.

Employees raising a grievance should be able to do so without fear of victimisation as a result of the grievance or any subsequent investigation or management action. All grievances shall be dealt with in a non-discriminatory and consistent way.

All parties are expected to take concerns seriously, recognise their own contribution to the situation and work towards a positive and constructive resolution. Concerns will be considered impartially and fairly, and resolved by implementing appropriate remedial action promptly.

Where a grievance cannot be resolved at the informal stage an employee can progress his / her concerns to the formal stage of the Grievance Procedure at all formal 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 official<sup>1</sup>; or a work colleague.

If an employee is unable to put the grievance in writing (for example because of a disability or difficulty with expressing themselves in writing), support should be offered to enable him / her to formulate a written grievance or an alternative means of stating their grievance should be considered. For example, an employee may seek help from a trade union official or work colleague.

If the employee is unable to attend a formal grievance meeting s/he must advise of the reasons as soon as possible. If the reason is outside the employee's control and

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<sup>1</sup> The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

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unforeseeable at the time the meeting was arranged (e.g. illness), another meeting will be arranged. If the Trade Union representative or work colleague cannot attend, another date can be arranged, provided it is not more than 5 working days after the original date.

If it is decided to proceed with a formal grievance meeting without the employee being present, s/he should be given the opportunity to sending a representative to attend the meeting on his / her behalf, or to make written representations which can be considered at the meeting.

Where an employee has not been notified of the decision following either of the meetings as defined in point 6, the employee may appeal to the next stage of the procedure.

If, in the course of any disciplinary or capability process, an employee raises a grievance, the Headteacher / Chair of Governors must consider whether it is appropriate to temporarily suspend the disciplinary or capability process in order to deal with the grievance. Where the disciplinary or capability and grievance cases are related it may be appropriate to deal with both concurrently. A suspension should not be unnecessarily protracted and should allow for the grievance to be dealt with as quickly as possible. Advice should be sought from the HR team and reference made to the ACAS Guide.

Where a grievance concerns more than one employee in the same school the Collective Disputes Procedure may apply. The Grievance Procedure relates specifically to individual and distinct grievances.

The Grievance Procedure directly applies to an individual and as such the existing terms and conditions of the aggrieved employee will be protected until the grievance procedure has been exhausted, (this is not meant to imply that a change is certain to take place) except where this would constitute a hazard, or where statutory obligations apply. The above clause will also not apply in situations where changes are made to working arrangements and the change is in line with contracts of employment or job profiles such as a change of base for example.

Employees, Headteachers and managers must be allowed a reasonable time in which to prepare for a grievance meeting, therefore, in some circumstances, the timescales referred to in the procedure can be extended by mutual agreement.

Occupational Health Support may be offered to employees involved in grievance investigations and meetings. Please contact the HR team for advice.

Headteachers, Line Managers, Investigating Officers and Grievance Hearing Panel members must consider disabled employees' needs during the process and make reasonable adjustments as necessary. For example, ensuring that locations have appropriate access, written information is provided in a suitable format etc.

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## 5. ROLES AND RESPONSIBILITIES

The following is provided as guidance only. There may be circumstances which require different roles and responsibilities. All Headteachers and managers who are likely to be involved at informal stages or grievance hearings should be provided with appropriate training and / or support. Please contact the HR team for advice.

### 5.1. Human Resources (HR)

To ensure consistency, the HR team will provide advice at every stage of the procedure and will monitor and report on the application of the Policy. HR will also be responsible for ensuring that written records are retained on personal files for the appropriate period and following the principles of the Data Protection Act.

### 5.2. Employees

Employees should raise their grievance promptly, usually with the Line Manager / Headteacher, clearly explaining the problem or concern and suggesting how it can be resolved at the informal stage, where appropriate. When explaining the grievance employees are reminded to stick to the facts and avoid subjective or inflammatory comments. Employees are encouraged to work with their Line Manager / Headteacher to try and resolve their grievance informally to maintain positive working relationships. Where the grievance relates to alleged unacceptable behaviour the employee must refer to the School's Behavioural Standards in the Workplace Guidance. If the grievance relates to the Line Manager then the employee should raise their concern with the Headteacher; and if the grievance relates to the Headteacher then the employee should raise their concern with the Chair of Governors (or the Vice Chair of Governors in exceptional circumstances).

### 5.3. Line Manager / Headteacher

The Line Manager / Headteacher is usually responsible for dealing with the grievance raised by the employee. The Line Manager / Headteacher is responsible for acting promptly, clarifying the grievance raised, establishing the facts and confirming decisions to the employee (with advice from HR). The Line Manager / Headteacher should take care to listen to the grievance in a calm, fair and objective manner and explore all reasonable options for informal resolution, where appropriate. Where the grievance relates to alleged unacceptable behaviour, the employee must refer to the School's Behavioural Standards in the Workplace Guidance. If it is considered inappropriate for the Line Manager / Headteacher to examine the grievance another manager may take the lead (Please speak to the HR team for advice). The Headteacher may also, by mutual agreement, consult with the Chair of Governors. However, where the Chair of Governors has been consulted s/he may not participate if / when the matter is considered by the Staff Grievance Sub-Committee at Stage 2. Any written records held by the Line Manager / Headteacher should follow the principles of the Data Protection Act.

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### 5.4. Companion

An employee may be accompanied at all formal stages of this procedure by a companion which may be a trade union official or representative<sup>2</sup>, or a work colleague. Please see Role of the Companion at Appendix A.

## 6. COLLECTIVE GRIEVANCE

Where a grievance is raised by more than one employee, the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance unless discussions between Human Resources and the Trade Union result in agreement that it should be regarded as a Collective Dispute (see Model Collective Dispute Policy for Schools).

A Trade Union Representative can raise a collective grievance on behalf of employees.

A spokesperson may be elected from within the group to speak collectively on their behalf.

In all instances, the group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form in Appendix B. One form should be submitted but must be signed by all employees who share the grievance.

The Collective Grievance procedure will be the same as for individual grievances.

## 7. RAISING A GRIEVANCE - INFORMAL PROCEDURE

Complaints should be resolved informally, quickly and sensitively whenever this is possible.

Employees who believe they have been the subject to, have witnessed or are alleged to have behaved inappropriately should refer to the School's Behavioural Standards in the Workplace Guidance. This guidance explains the School's view regarding the standards of behaviour that employees have a right to expect and are expected to show to others. It also illustrates how to identify and deal with unacceptable behaviour.

Informal resolution is likely to involve direct discussions between an aggrieved employee and the person or persons perceived to be either the source of the grievance or who are best placed to assist in its resolution.

It is recognised that employees may be reluctant to engage in such a discussion without the support of a companion, a mediator or an intermediary.

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<sup>2</sup> The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

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Every effort should be made by the employee and the Line Manager / Headteacher to try and resolve the grievance informally. **The employee should therefore discuss the matter with the Line Manager / Headteacher in the first instance.** Where an employee has a grievance against their Line Manager then the employee should raise the matter informally with the Headteacher; and if the grievance relates to the Headteacher then the employee should raise the matter informally with the Chair of Governors (or the Vice Chair of Governors in exceptional circumstances).

In such informal meetings either party may withdraw at any point.

If an employee has difficulty explaining their grievance because of language or other difficulties then they are encouraged to seek help from a trade union representative or official, another employee or a HR Advisor.

### 8. RAISING A GRIEVANCE - FORMAL PROCEDURE

#### 8.1. Stage 1

Every effort and intention will be made to resolve complaints and concerns at the informal stage as inevitably this produces better and more sustainable outcomes for all concerned. There may however be occasions where the incident or issue cannot be resolved informally then depending upon the circumstances the employee may raise the grievance formally and in writing to the Headteacher by completing the Formal Grievance Procedure Form at Appendix B.

The written grievance must be signed and dated, and should include:

- a) The nature of the grievance;
- b) A description of the informal action that has already been taken or if no action has been taken, the reason why;
- c) An indication of what outcome is sought and how this might be achieved.

Where an employee has a grievance against the Headteacher and the grievance has not been resolved satisfactorily at the informal stage, the employee should raise the matter formally with the Chair of Governors.

Where the Headteacher has a grievance against the Governing Body he should first of all endeavour to resolve the matter by directly approaching the Chair of Governors.

The Headteacher / Chair of Governors must acknowledge receipt of the formal grievance within 10 working days.

The Headteacher / Chair of Governors (or nominated representative) should invite the employee to at least one meeting at a reasonable time and place so the grievance can be discussed. This should take place as soon as possible and the employee should take all reasonable steps to attend.

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Following this meeting, a decision may be taken to appoint an Investigating Officer to investigate the concerns further; or to invoke another procedure e.g. Disciplinary Procedure.

The outcome of the meeting should be notified in writing to the employee within 10 working days. If this is not practical, this time limit can be extended by mutual agreement.

### 8.2. Stage 2

If the employee is not satisfied with the outcome, s/he may raise the grievance formally and in writing with the Chair of Governors within 10 working days of receipt of the Headteacher's (or nominated representative's) formal decision. This should be done by completing the Grievance Procedure Form (Appendix B). The Chair of Governors must acknowledge receipt of the formal grievance within 10 working days.

The Chair of Governors will invite the employee to at least one stage 2 meeting at a reasonable time and place so the grievance can be discussed. The stage 2 grievance will be considered by the Staff Grievance Sub-Committee, consisting of 3 members of the Governing Body who have not been involved previously. The meeting should be held at a reasonable time and place. This should take place as soon as possible and the employee should take all reasonable steps to attend.

The decision at the Stage 2 meeting will be final and should be notified to the employee within 10 working days.

## 9. GRIEVANCE MEETINGS

During a grievance meeting, the employee should be allowed to explain their complaint and say how they think it should be settled. If necessary, the Chair of the grievance meeting may wish to adjourn to enable him / her to gather further information or obtain advice. A date for a re-convened meeting will be agreed at that time if possible. Guidance for managers on how to conduct a grievance meeting can be found at **Appendix C**.

Following the meeting, a written response should be sent to the employee within 10 working days.

## 10. INVESTIGATION

If an Investigating Officer has been appointed under 8.1 above, then an investigation should commence to establish the facts of the case.

The Investigating Officer should be a senior member of staff or a Governor, who must be independent of the matter.

An Investigation Planning Template can be found in Appendix D.



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The Investigating Officer will write to the employee who has raised the grievance to invite them to a meeting to discuss the issue(s) and gather the facts. The discussion should be recorded on the Investigation Record template in Appendix E.

Where appropriate, the Investigating Officer will write to any employee(s) who are the subject of the grievance to inform them of the basis of the grievance and to invite them to a meeting where they will be given an opportunity to respond.

The Investigating Officer will determine whether to speak to any other parties as part of the investigation, including the interview of potential witnesses.

All statements should be taken in line with the template in Appendix E, and will be an accurate but not verbatim record of the meeting. Any individual who makes a statement as part of the investigation will be required to sign the statement as a true record and return it for retention by the Investigating Officer. The individual may return comments to the Investigating Officer, who may amend the record accordingly if in agreement, or alternatively will attach the comments where agreement is not reached.

Following the investigation, the Investigating Officer will conclude that:

- a) There is no evidence to support the grievance and no further action should be taken;
- b) The grievance is partially upheld;
- c) The grievance is upheld;
- d) That another procedure should be invoked e.g. Disciplinary Procedure, Behavioural Standards in the Workplace Guidance etc.

The Investigating Officer will confirm the decision in writing, setting out the reasons for the decision and any recommendations of agreed actions for the parties to take. The employee does not have the right to know what action will be taken in relation to another employee.

The letter will outline the procedure for raising a Stage 2 grievance where the employee is dissatisfied with the outcome at Stage 1.

### **11. GRIEVANCES FOR EMPLOYEES WHO HAVE LEFT OR LEAVE THE AUTHORITY DURING THE PROCEDURE**

Wherever possible a grievance should be raised and dealt with before an employee leaves employment. However, if an employee lodges a grievance after leaving his / her employment then the School is under no obligation to hear the grievance.

In these circumstances, the Line Manager / Headteacher is advised to seek advice from the HR team.

### **12. KEEPING RECORDS**

Written records must be kept throughout the grievance process, including:

- The nature of the grievance;

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- What was decided and actions taken;
- The reasons for the actions;
- Whether an appeal was lodged;
- The outcome of the appeal; and
- Any subsequent developments.

Records should be retained on the employee's personal file.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1998.

If an employee is represented by a Trade Union official or work colleague, copies of grievance meeting notices, meeting notes, response letter etc. will be sent to that person, unless the employee advises otherwise, in writing.

### **13. CONFLICT OF INTEREST**

Any perceived conflicts of interest must be raised with the HR Advisor at the earliest opportunity.

### **14. MONITORING THIS POLICY & PROCEDURE**

The application of this policy and procedure will be monitored by People Management. This will include monitoring in relation to the protected characteristics as set out in the Equality Act 2010. All Schools must ensure that they advise the HR team of all formal and informal grievances raised.

### **15. ENSURING EQUALITY OF TREATMENT**

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental or marital / civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy / procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

[PMPBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMPBusinessSupportUnit@carmarthenshire.gov.uk)

**This Guidance is also available in welsh**

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## Appendix A.

### The Role of a Companion during the Disciplinary and Grievance Process

#### Introduction

1. Employees who raise a grievance or who are the subject of the Authority's disciplinary procedure 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 disciplinary or grievance process unless the employee indicates otherwise.

#### When does the right apply?

4. Employees have the statutory right to be accompanied by a companion where the disciplinary meeting could result in:
  - a formal warning being issued to the employee (i.e. a warning that will be placed on the employee's record);
  - the taking of some other disciplinary action (such as demotion or dismissal) or other action; or
  - the confirmation of a warning or some other disciplinary action (such as an appeal hearing).
5. Employees have a statutory right to be accompanied by a companion at a 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.
6. Informal discussions, counselling sessions or investigatory meetings do not attract the statutory right to be accompanied. Meetings to investigate an issue are not disciplinary meetings. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have the statutory right to be accompanied.
7. The Authority will however extend the right to request to be accompanied to an employee who is the subject of an informal investigation provided this does not unduly delay the process.

#### Who can be a companion?

8. The companion may be:
  - A work colleague;
  - An official employed by a trade union; or
  - 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

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### Appendix A.

training in, acting as a worker's companion at disciplinary or grievance hearings. Certification may take the form of a card or letter.

Unless there are exceptional circumstances, only one companion will be allowed at a hearing.

9. Employees may ask an official from any trade union to accompany them at a disciplinary or grievance hearing, regardless of whether the union is recognised or not. However, where a union is recognised in a workplace, it is good practice for employees to ask an official from that union to accompany them.
10. Work colleagues or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

#### Training and Time off for acting as a Companion

11. Trade unions should ensure that their officials are trained in the role of acting as an employee's companion. Even when a trade union official has experience of acting in the role, there may still be a need for periodic refresher training.
12. A worker who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the worker before and after the hearing. A lay trade union official is permitted to take a reasonable amount of paid time off to accompany a worker at a hearing, as long as the worker is employed by the same employer. In cases where a lay official agrees to accompany a worker employed by another organisation, time off is a matter for agreement by the parties concerned.

#### Applying the Right

13. The school should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.
14. Before the hearing takes place, the employee should tell the authority who they have chosen as a companion. In certain circumstances (for instance when the companion is an official of a non-recognised trade union) it can be helpful for the companion and a representative from the authority to make contact before the hearing.
15. The companion should be allowed to address the hearing in order to:
  - Put the employee's case;
  - Sum up the employee's case; and
  - Respond on the employee's behalf to any view expressed at the hearing.

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### Appendix A.

16. The companion can also confer with the employee during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The authority is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the authority from explaining their case.
17. In the same way that employers should cater for a worker's disability at a disciplinary or grievance hearing, they should also cater for a companion's disability, for example providing for wheelchair access if necessary.
18. Employees should not be disadvantaged for using their right to be accompanied or for being companions.

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Appendix B.

## FORMAL GRIEVANCE PROCEDURE

THIS FORM MUST BE COMPLETED AT EACH STAGE OF THE PROCEDURE. PLEASE INDICATE WHICH STAGE IS BEING INVOKED.

**GRIEVANCE TO BE CONSIDERED AT STAGE 1 / 2 \***

**\* Delete as appropriate**

Please complete all sections of Part A when registering a formal grievance. Where possible, please arrange for the form to be typed or use capital letters.

### **PART A TO BE COMPLETED BY THE EMPLOYEE**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Department: \_\_\_\_\_ Section: \_\_\_\_\_  
Employee No.: \_\_\_\_\_ Location: \_\_\_\_\_  
Contact Tel No: \_\_\_\_\_ Line Manager: \_\_\_\_\_

Please outline the nature of the grievance (using no more than 2/3 sentences)

Please provide full details of the grievance including dates wherever possible (if necessary continue on a separate sheet of paper). Copies of relevant documents that relate to the grievance should also be attached.

If the grievance relates to unacceptable behaviour please refer to the behavioural standards guidance in the first instance. I confirm that I have followed the above guidance prior to submitting this formal grievance. Please circle...

Yes

No

Not Applicable

In accordance with the Grievance Procedure you have the right to be accompanied at the Grievance Meeting by a trade union representative or suitable work colleague.

If being represented by a Trade Union, please provide the following details:

Name of Trade Union: \_\_\_\_\_ Name of TU Rep or Companion: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_ Contact Telephone Number: \_\_\_\_\_

What outcome are you seeking to resolve your grievance?

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### **PART B TO BE COMPLETED BY THE SCHOOL**

DATE RECEIVED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

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Appendix C.

## Preparing for a Formal Grievance Meeting Guidance for Managers

Contains Extracts from the ACAS Guide - Discipline and Grievances at Work

### 1. What is a grievance meeting?

In general terms a grievance meeting deals with any grievance raised by an employee.

### 2. Preparing for the meeting

Managers should:

- Arrange a meeting promptly, in private where there will not be interruptions e.g. telephones should be diverted and mobile phones switched off;
- Consider arranging for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said;
- Whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment;
- Consider arranging for an interpreter where the employee has difficulty speaking English;
- Consider whether any reasonable adjustments are necessary for a person who is disabled and / or their companion; and
- Consider whether to offer independent mediation.

### 3. Conduct of the meeting

Managers should:

- Remember that a grievance hearing is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution;
- Make introductions as necessary;
- Invite the employee to re-state their grievance and how they would like to see it resolved;
- Put care and thought into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time. Make allowances for any reasonable 'letting off steam' if the employee is under stress;
- Consider adjourning the meeting if it is necessary to investigate any new facts which arise;
- Sum up the main points; and

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Appendix C.

- Tell the employee when they might reasonably expect a response if one cannot be made at the time, bearing in mind the time limits set out in the organisation's procedure.

#### 4. Be calm, fair and follow the procedure

Grievances can sometimes be taken as personal criticism - managers should be careful to hear any grievance in a calm and objective manner, being as fair to the employee as possible in the resolution of the problem.

Following the grievance procedure can make this easier.

#### 5. Grievances about fellow employees

These can be made easier by following the grievance procedure and the Behavioural standards in the workplace guidance ([insert link](#)).

An employee may be the cause of grievances among his or her co-employees - perhaps on grounds of personal hygiene, attitude, or capability for the job.

Employers must deal with these cases carefully and should generally start by talking privately to the individual about the concerns of fellow employees. This may resolve the grievance.

#### 6. Dealing with special cases

Whistleblowing cases will be dealt with under the Authority's Whistleblowing policy and Procedures.

The same grievance raised by one or more employee from the same department will be dealt with under the Authority's Collective Disputes Policy.

Clearly confidentiality is of prime importance when handling any such grievance, although the outcome may need to be made known if, for instance, someone is found to have bullied or harassed an individual and the result is disciplinary action.



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Appendix D.

## Investigation Planning Template

### The Process for the Investigation

- 1) Plan and prepare for the investigation and inform employees involved. The purpose of the investigation is to establish whether or not there is a case to answer.
- 2) Establish the facts by determining the sequence of events that led up to the incident or complaint.
- 3) Interview witnesses and collect evidence.
- 4) Write your report outlining your conclusions.

### Your Approach

The Investigating Officer needs to:

- a) Be observant
- b) Build rapport with witnesses or others involved
- c) Be impartial
- d) Use a range of questioning techniques to ascertain the facts
- e) Remain calm when dealing with aggressive or upset people
- f) Be able to challenge where contradictions arise
- g) Be able to summarise thoughts and ideas clearly
- h) Make sound decisions without prejudice

What is the incident or complaint you are investigating? You need to be clear about the terms of reference and the parameters within which you investigate.

Who do you need to speak to? Witnesses, the person accused of the offence, other involved.	What specific information do you want from each person?

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What was the sequence of events leading up to the incident or complaint?	Who was involved?

From whom do you need witness statements?

What other documents or evidence do you need to see? You need to collect information that you believe would or would not support the case. Other forms of evidence could include performance standards, training and development records, type and quantity of supervision.

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After you have carried out your investigation ask yourself the following:

In your opinion what are the known facts? Do they seem fair and reasonable?

Is there any information that is unknown or speculative?

Is there a case to answer?

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## Appendix E.

## Template Investigation Meeting Record

Investigation Meeting Minutes	
Meeting Date & Time:	
Meeting Location:	
Attendees:	
Purpose of Investigation:	
<p>To be explained at the outset of the meeting:</p> <ul style="list-style-type: none"> <li>• <b>If the employee is the subject of investigation they can be accompanied by a work colleague or Trade Union Representative</b> (prior notification must be provided to the Investigating Officer to ensure appropriate meeting arrangements can be organised) provided this does not cause any unnecessary delays at this informal stage.</li> <li>• <b>Right of either party (Employee / Employer) to adjourn the meeting at any point</b></li> </ul> <p><b>Note of Importance:</b> <i>Witnesses are informed that a record of the discussion at the informal investigatory meeting will be made and retained by the Investigating Officer. This will be an accurate but not verbatim record of the investigatory interview. If the information provided by the witness during the meeting is relevant to the investigation and likely to be presented at a hearing the witness should be advised that they may be called as a witness, for which they would be given appropriate support.</i></p>	
<p>Conversation Documented:</p>	

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Appendix E.

Signature of employee to confirm the accuracy of the information contained in this document fairly reflects the conversation held between the parties to the meeting

Employee Name (Printed): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Signature of the Investigating Officer conducting the investigation meeting to confirm the accuracy of the information contained in this document fairly reflects the conversation held between the parties to the meeting

Investigating Officer Name (Printed): \_\_\_\_\_

Investigating Officer Signature: \_\_\_\_\_