



0202 Grievance Procedure

ORDER NO. 2/2

WEST MIDLANDS FIRE SERVICE GRIEVANCE PROCEDURE

1. [Grievance Procedure Contents](#)
2. **Grievance Procedure Strategy**
3. **Grievance Procedure**
 - 3.1 Preamble
 - 3.2 Confidentiality
 - 3.3 What is a grievance
 - 3.4 Should the 'status-quo' be maintained pending the outcome of a Grievance
 - 3.5 Joint grievances
 - 3.6 What is the procedure for a grievance
 - 3.7 Former employees
 - 3.8 Special considerations
 - 3.9 Who will hear the grievance
 - 3.10 How are employees informed of the grievance procedure
 - 3.11 Recording and monitoring
- 4.0 **Debriefing process**
- 5.0 **Cross References**
- 6.0 **Key Consultees**
- 7.0 **Equality Impact Assessment**
- 8.0 **Ownership**
- 9.0 **Responsibility and Review/Amendment Details**
 - 9.1 Responsible Strategic Enabler/department

9.2 Created/fully reviewed/amended

Appendix 1 - Grievance Procedure – Guidance for employees

Appendix 2 – Grievance Procedure – Guidance for managers

Appendix 3 – Process for grievance appeal hearings

Appendix 4 – Grievance Procedure – Recording and tracking form

Appendix 5 – Debriefing process guidance and recording form

2. STRATEGY

West Midlands Fire Service recognises that from time to time employees may wish to seek redress for grievances relating to their employment. This procedure is to encourage open communication between employees and their managers to ensure that questions and issues arising can be aired and resolved in a timely manner and to the satisfaction of all concerned.

This procedure is in line with conditions of employment, statutory requirements and the ACAS Code of Practice and guidance. The procedure allows employees to raise grievances relating to their employment and makes sure that they are dealt with fairly, consistently and speedily.

The procedure applies to all employees and employers should always seek to be resolved within the workplace.

For discipline issues involving Brigade Managers, the approach is defined within the [Authority Constitution](#). For further information and guidance please contact People Support Services (PSS) or the Clerk to the Authority.

The Appendices to this Standing Order detail the procedure to be followed when dealing with a grievance.

People Support Services make sure that efficient and effective procedures are maintained. They also monitor the use of these procedures to make sure that they are applied consistently and fairly.

Managers involved with the grievance procedure are appropriately trained to fully understand the procedure. Before commencing any formal grievance investigation the Manager is advised to consult with a HR Practitioner for professional advice and guidance to ensure consistency. This person within this document is known as the Business Partner.

3. Procedures

3.1 Preamble

The grievance procedure should only be used where normal discussions with line management have failed to resolve the issue or if the informal procedure has not delivered a satisfactory resolution. Where the informal stage has been exercised this can be classed as a resolution of the formal grievance procedure. The line managers are required to keep a record of any meetings held

or any conversations that have taken place. The procedure is not intended to undermine the normal management process.

The resolution of grievances should be treated as a priority by all parties and timescales should be adhered to, save in exceptional circumstances.

5 steps for managers to follow through this grievance procedure:

1. Employers and employees should act **consistently**
2. Employers should carry out any necessary **investigations**, to establish the facts of this grievance
3. Employers should inform employees of the basis of the problem and give the employee the opportunity to **put their case** in response before any decisions are made
4. Employers should allow employees to be **accompanied** at any formal grievance meeting
5. Employers should allow an employee to **appeal** against any formal decision made.

The purpose of the procedure is to achieve resolution between the parties and is not designed to establish innocence or guilt or to start disciplinary enquiries. Where, during the course of investigating a grievance, a manager considers that there is a potential case for disciplinary proceedings against one or more parties these should be treated as an entirely separate investigation under the disciplinary procedure and, if appropriate, conducted by another manager who has not been involved in the grievance process.

3.2 Confidentiality

All matters dealt with under the grievance procedure will be conducted in the strictest confidence. There is a need to protect both the aggrieved person and the individual against whom the grievance is raised from malicious allegations or rumours.

There must be equal treatment of all the parties, including access to information (except where issues of potential intimidation or individual safety arise). People Support Services will advise on documents which may be disclosed. Documents relating to national security or public interest, confidential legal advice, confidential medical records or advice, or whistle blowing communications will **not** be disclosed.

There will be times when confidentiality cannot be maintained, particularly where criminal, disciplinary or management issues come to light. In order to resolve a grievance there will be occasions when it is necessary to involve others.

In these circumstances, line managers will discuss the disclosure of information with the individual prior to the involvement of others.

3.3 What is a grievance?

Grievances are concerns, problems or complaints that an employee raises with an employer about their employment.

Issues that may cause grievances include:

- the application of policy or procedure related to employment;
- health and safety;
- work relations;
- working environment or practices;
- actions that contravene equality and diversity policies; for example, discrimination on the grounds of gender, disability, sexual orientation, marital status, nationality, ethnic origin, religious beliefs, staff association or trade union membership or age;
- sexual or racial harassment; that is, unwarranted conduct based on sex or race affecting the dignity of men or women at work, which is objectionable to either the recipient or the observer of that behaviour; or
- oppressive conduct (bullying), which is objectionable to either the recipient or the observer of that behaviour.

The grievance procedure will not normally be a vehicle for expressing individual disappointment when employees are not successful on application for the appointment or promotion to a post or posting to a particular post; nor is it intended for employees to register individual disagreement regarding appraisals. It may be used if it relates to a breach of policy regarding selection or appraisal procedures, or a breach of equality and diversity policies.

There are some issues which are excluded from the grievance procedure. These include:

- where the declared grievance is in connection with decisions under agreed procedures that already include rights of appeal, for example:
 - ill health or capability dismissal;
 - refusals of requests to work flexibly;
 - decisions regarding job evaluation or grading; and
 - disciplinary decisions.
- where the matter is already being dealt with under the whistle blowing procedure;
- where the grievance relates to issues that are the subject of collective bargaining between the Fire Service and a trade union either at local or national level; or
- where the grievance is a matter that is outside the authority of the Fire Service, for example income tax, national insurance, or pension regulations.

3.4 Should the 'status-quo' be maintained pending the outcome of a grievance?

Good practice requires that every effort should be made to delay implementing a change where a formal grievance remains unresolved, especially where it involves difficulty in reconciling work and caring responsibilities, for example, transferring an employee to a new duty system or a new location and immediate implementation would cause the employee difficulties with their current caring arrangements.

3.5 Collective grievances

Where a group of employees share a common grievance they may appoint, in writing, up to 3 of their number and/or a trade union representative to present the grievance on their behalf as a joint grievance. Then the grievance will be treated as if it were a single grievance, with the appointed representatives attending meetings with management on behalf of their colleagues. However, copies of minutes of meetings, decision letters from management and other correspondence shall be distributed to all the aggrieved parties, not just to the appointed representatives.

3.6 What is the procedure for resolving a grievance

There are three stages:

- **Informal stage**

In many instances grievances can be dealt with informally and promptly without recourse to the formal resolution stage. An employee with a grievance should first raise it with his or her immediate line manager on an informal basis. In exceptional circumstances, and if the employee feels unable to raise it directly with their manager, he or she may approach a work colleague or trade union representative to try and help mediate and resolve the grievance.

- **Formal stage**

If it is not possible to resolve a grievance informally then employees should raise the matter formally (Use Grievance tracker form) and without unreasonable delay with a manager who is not subject of the grievance. This should be done in writing (use grievance tracker form) and should set out the nature of the grievance and what they wish as an outcome of this formal grievance. , it should be raised formally, in writing, with the appropriate level of management, normally the line manager. Employees should use the Recording and Tracking form in Appendix 4 to raise their grievance.

Hold a meeting with the employee to discuss the grievance:

The manager hearing the grievance should arrange for a formal meeting to be held without unreasonable delay (within 7 days) after the grievance is received. The employee has a statutory right to be accompanied at the meeting by a fellow worker or a trade union representative.

Deciding on the appropriate action:

A written response will be sent within seven days of the meeting. Where, for any reason, the timescales set out above cannot be met, this will be communicated, in writing, to the aggrieved employee and his or her representative and an appropriate extended timescale arranged. Additional guidance is available in appendix 1 for employees and appendix 2 for managers. The employee should be informed that they can appeal if they are not content with the action taken.

- **Appeal stage**

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. The employee should let the manager know the grounds for their appeal in writing within seven days of receipt of the response at the formal stage. The appeal will usually be heard by a more senior manager, where this is not practical it will be heard by a manager who has authority to review and change the original decision. The employee has a statutory right to be accompanied at any such appeal hearing and the outcome of the appeal should be communicated to the employee in writing without any unreasonable delay.

This forms the final decision and concludes the formal procedure within the workplace.

3.7 Overlapping grievance and disciplinary cases

Where the employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3.8 Former employees

Where an employee leaves the Fire Service and has an outstanding grievance, or where a former employee raises a grievance after leaving the Fire Service, the relevant line manager, in consultation with People Support Services, will find an appropriate way of ending the grievance, depending on the nature of the grievance and the stage reached.

3.9 Special considerations

Managers must always consider the diversity context of their decision making before any final decision is reached, making sure that decisions are objectively taken and do not unfairly or unlawfully discriminate. Where any party might have difficulty in participating fully in proceedings through disability (for example, deafness) or difficulty in understanding spoken or written English, the manager must make sure that appropriate arrangements are put in place to help with this.

3.10 Who will hear the grievance?

The **informal stage** of the procedure is conducted by the line manager. If the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager.

If the grievance moves onto the **formal stage** of the procedure, normally the same manager will conduct the grievance meeting. However, if the decision that gave rise to the grievance was made at a higher level, consideration will be given to the grievance initially being heard at that level.

The **appeal stage** is usually conducted by a manager more senior to the one who dealt with the formal stage, where this is not practical it will be heard by a manager who has authority to review and change the original decision.

3.11 How are employees informed of the grievance procedure?

All new employees are provided with a copy of the grievance procedure in their starter pack, which is sent out with their Statement of Particulars of employment.

A copy of the procedure is in the Standing Orders library which can be found on the Intranet.

3.12 Recording and monitoring

Grievances that are resolved at the informal stage will not normally have any associated paperwork.

Grievances should be raised and recorded on the recording and tracking form (shown at Appendix 4 and also on QuickForms). Grievance paperwork from the formal and appeal stages will be filed on the Personal Record File.

Information giving details of the number and type of grievances (without personal details) will be produced by People Support Services.

4. Debriefing Process

The organisation is committed to establishing an effective and constructive approach to facilitate organisational learning and improvement by capturing key learning from our day to day activities within dispute resolution. The feedback that is received from this process will be used to inform and improve the systems and processes that we have in place. This process is suitable for any formal internal and external resolution processes including litigation. However, it is important to note that the internal process may continue prior to the conclusion of any external intervention (See Appendix 5 for information).

5. CROSS REFERENCES

[0201 Disciplinary Procedure](#) Disciplinary Procedure

[0217 Dignity at Work](#) Dignity at Work

[0220 Whistle Blowing Policy](#) Whistle Blowing Policy

[0227 Flexible Working](#) Flexible Working

ACAS Code of Practice

The following Web sites may be useful: www.acas.org.uk

www.gov.uk/government/policies

6. KEY CONSULTEES

Area Commander – People & Performance

Joint Consultative Committee

Employee Relations Team

People Support Services Team

FBU

Fire Officers' Association

Unison

7. EQUALITY IMPACT ASSESSMENT

The Preliminary Impact Assessment screening raised issues which were resolved by a initial Impact Assessment.

8. OWNERSHIP

This Standing Order did not require Corporate Board or Authority approval.

9. RESPONSIBILITY AND REVIEW/AMENDMENT DETAILS

9.1 Responsible Corporate Board Member/Department

Strategic Enabler for People/Employee Relations.

9.2 Created/fully reviewed/amended

Standing order was consulted July 2017

If you have followed any of the processes included in this Policy please complete the following debrief form by clicking [here](#)

APPENDIX 1

GRIEVANCE PROCEDURE

GUIDANCE FOR EMPLOYEES

1. How do I initiate the grievance procedure?

If you have an issue or problem that is causing you concern, or a complaint, you should discuss this with your line manager in the first instance. This is the informal stage of the grievance procedure.

You have a responsibility to behave reasonably and co-operate with the procedure, and to make sure that any grievance raised by you is genuine. Misuse of the procedure, including raising malicious complaints may be regarded as a disciplinary matter.

In normal circumstances, you should raise your grievance as soon as possible following the management decision or individual action that caused you to become aggrieved. If you delay unreasonably your grievance may be rejected on the basis that it is out of time.

If your grievance is a complaint about the line manager with whom the grievance would normally be raised, you may approach their manager to informally discuss the grievance.

The line manager who you have approached will meet with you to discuss your concerns and ask you to clarify how you would like the situation to be resolved. A verbal response will be given and you will be asked if this resolves the grievance. If you are satisfied, the grievance will come to an end.

2. What if I am not satisfied with the reply?

If you are not satisfied with the reply, you should set out your grievance in writing and forward it to your line manager. This is the formal stage of the grievance procedure.

You may want to seek help from either a work colleague or a representative of a recognised union or representative body.

3. What will happen then?

You will be invited to a meeting with the line manager to discuss your grievance, normally within 7 days. The manager will usually be accompanied by a Business Partner whose role is to provide advice and guidance to the manager.

4. Can I take someone with me?

Yes. You have a statutory right to be accompanied by a colleague or trade union representative.

Remember that colleagues or trade union representatives do not have to accept a request to accompany you, and they should not be pressured to do so.

When choosing a companion, bear in mind that it may not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest and you should inform the line manager, before the meeting takes place, the name of the person who will be accompanying you.

5. What if my companion can't make the meeting?

If your companion cannot attend on the agreed date, you can suggest an alternative date so long as it is not more than seven days after the original date proposed by the line manager.

6. What can my companion do?

Your companion will be given time to familiarise themselves with your grievance and to confer with you before and after the meeting.

Your companion will be allowed to:

- put your grievance;
- sum up your grievance;
- respond on your behalf to any views expressed during the meeting;
- confer with you during the meeting; and

- ask questions of any witnesses.

Your companion has no right to answer questions on your behalf or to address the meeting if you do not wish them to or to prevent the employer from explaining their case.

7. What will happen at the meeting?

You will be given an opportunity to explain your complaint and say how you think it should be settled. If, during the meeting, a point is reached where it is not clear how to deal with the grievance or further investigations are necessary, the meeting will be adjourned to get advice or to make further investigations. In addition to meeting with you and your representative, the manager will need to:

- meet with any other employee or person who is relevant to the investigation; and
- consider any relevant supporting paperwork provided by you or others in the course of the investigation.

The manager will give careful consideration to your grievance before responding and will write to you explaining the reason for their decision within 7 days of the meeting. If it is not possible to respond within 7 days, the manager will let you know the reason for the delay and tell you when a response can be expected.

You will also be informed of the appeal process to use if you are unhappy with the decision.

8. What if the manager is unavailable to conduct the meeting?

If the manager is unavailable within a 7 day period, the meeting will be postponed. Alternatively, another manager can be appointed to hear the grievance. The selection will be discussed with you.

9. What if I am not satisfied with the decision from the formal stage?

You must inform the manager, in writing, within 7 days of receipt of the written decision that you are unhappy with this; your grievance will then be considered at the appeal stage of the procedure.

The manager will arrange for an appeal hearing to be held, normally within 7 days.

The appeal will usually be heard by a manager at a more senior level than the manager who conducted the formal stage, where this is not practical it will be heard by a manager who has the authority to review and change the original decision if necessary. The procedure that will be adopted at the Appeal Hearing is set out in Appendix 1.

The manager will write to you explaining the reason for their decision within 7 days of the meeting. If it is not possible to respond within 7 days, the manager will let you know the reason for the delay and tell you when a response can be expected.

10. What if I am still not satisfied with the decision of the appeal?

This represents the end of the grievance procedure internally.

11. What happens to my grievance once it is concluded?

A copy of any meeting records, minutes, or other correspondence will be held on your Personal Record File.

Summary details of the grievance in an anonymous form are recorded in order to monitor and analyse the levels of grievances, the reasons for grievances arising, how effectively and fairly they are being dealt with and to make recommendations for any steps that need to be taken by the organisation to address the issues identified.

APPENDIX 2 GRIEVANCE PROCEDURES GUIDANCE FOR MANAGERS

1. What do I do if I receive a grievance?

Before you do anything, make sure that you understand the procedure. If you are in any doubt seek advice from People Support Services . Be aware that if you do not follow the procedure, you may breach the statutory obligations placed on the Service. In particular, you should make sure that you meet the timescales set out in the procedure. If, for any reason, you consider that you will not be able to meet the timescales, you need to inform the employee, in writing, immediately and seek to agree a revised timescale with him or her. If you cannot agree a revised timescale then you must inform your own manager at once who may arrange for the grievance to be dealt with by another manager.

It is your responsibility to behave reasonably and co-operate with the procedure and to make sure that any grievance is given serious consideration. You should treat the matter as a priority and deal with it in a timely manner.

You should arrange to meet the individual on a one to one basis, normally within 7 days of the matter being raised with you; this is the **informal stage** of the procedure.

It is important to establish exactly what the grievance is about; sometimes the issue is not a grievance at all and may be better dealt with in another way. Get the employee to be specific about why they are aggrieved and ask them to say what outcome they are seeking. Also, be honest and frank with them about whether the desired resolution is realistic or achievable.

Often, grievance matters escalate because they are not dealt with properly at the early stages. At this stage, the key is to try and resolve the grievance quickly and informally.

The individual has no right to be accompanied at this stage of the procedure. However, depending upon the circumstances, it may be helpful for them to have someone to support them when they are raising the issue with you, particularly if it involves something which is causing them distress, such as bullying or harassment.

The individual should raise their grievance as soon as possible after the individual action or management decision that caused them to be aggrieved. If raising the grievance is unreasonably delayed it may be rejected on the basis that it is out of time. However, you should give careful consideration to the circumstances of the case and the reasons why an individual did not raise the matter sooner. If you are in any doubt, seek advice from the Human Resources department.

2. Can an individual raise a grievance with a line manager other than their own?

The expectation is that direct line manager's deal with grievances in the first instance; it is not acceptable for an employee to 'shop around' for a manager that they feel will be more sympathetic to their complaint. However, there are occasions when it would not be appropriate for the direct line manager to deal with the grievance at either the informal or formal stage, that is, where the grievance involves a complaint against them personally. In these circumstances it is acceptable for the employee to approach the line manager's manager.

3. What if the grievance is regarding a serious issue such as harassment and bullying?

If you feel there are very serious allegations involved, which may result in disciplinary action or will require actions which you cannot authorise, you should seek advice from either your manager or People Support Services.

There are a number of issues where separate procedures exist and which should be used by individuals, such as, requests to work flexibly, whistle blowing, job evaluation appeals and appeals against disciplinary decisions.

Be mindful that individuals should not be allowed to 'procedure-hop'; this may occur if an individual is unable to obtain the solution they are looking for. If an employee has sought a remedy under one procedure, they should not be permitted to access the grievance procedure to seek the same remedy. Equally, it makes sure that all issues are dealt with once and once only and that the grievance procedure is used only where the issue has not been dealt with under an alternative, more suitable procedure. It should not be used as an 'either/or' option.

4. Should the 'status-quo' be maintained pending the outcome of a grievance?

Good practice requires that every effort should be made to delay implementing a change where a formal grievance remains unresolved, especially where it involves difficulty in reconciling work and caring responsibilities, for example, transferring an employee to a new duty system or a new location and immediate implementation would cause the employee difficulties with their current caring arrangements.

These considerations are, however, 'subject to the exigencies of the service' and therefore management decisions can be implemented without delay where an overwhelming Service need can be demonstrated.

Managers will have to make reasonable decisions based on the specific circumstances of the case. It may be that the exigencies of the service mean that the decision cannot be delayed until

the grievance has been concluded, but some lesser delay can be agreed, to enable the employee to make alternative arrangements.

5. What if the individual is not satisfied with the outcome of the informal stage?

If the individual is not satisfied that the informal meeting has resolved their grievance, they must put the grievance in writing; this is the **formal stage** of the procedure. A standard form is provided to assist in this.

You should encourage the individual to seek help, when setting out their grievance, from a work colleague or union representative. Particular attention should be given to those individuals covered by the Disability Equality Legislation, where you are required to provide reasonable adjustments, including assistance with the preparation and presentation of a grievance if required.

6. What arrangements should I make concerning the meeting?

You should arrange a meeting normally within 7 days. You should agree a time and place with the individual and make sure that the meeting is held in private and not interrupted. It is important that the individual feels that the grievance is being treated seriously and in confidence.

You must also inform them that they have a right to be accompanied at the meeting by a fellow worker or a trade union representative.

You should also arrange for someone to accompany you at the meeting to act as your advisor. Normally this is a Business Partner.

7. What happens if the meeting cannot be arranged within 7 days?

It can sometimes be difficult to arrange the grievance meeting within 7 days, particularly where one or more of the parties are working a shift system. The time limits can be varied by agreement, and therefore where other commitments, including leave and off-duty days by **either** party, make it impossible to hold the meeting within 7 days, you should notify the employee, in writing, stating the reason for the delay and make arrangements to hold the meeting outside the normal 7 day limit. The procedure is based on the premise of reasonableness by all parties.

Another manager may be appointed to hear the grievance where, for example, the manager who would normally hear the grievance is on long-term sick leave or long-term secondment. This would not apply in situations of standard leave or roster arrangements, for example, where the manager is on leave for a period longer than 7 days. In these cases the manager who would normally deal with the grievance should agree a suitable date with the employee. However, if the employee is unwilling to wait longer than 7 days, an alternative manager should be sought.

There is also a right for the employee to delay if the companion is unable to attend. This should be no longer than 7 days after the proposed date of the original meeting.

There is no statutory right for an individual to delay any further, although good practice would suggest that reasonable efforts should be made to accommodate such requests. However, where delay is regarded as being unreasonable, it would be acceptable to inform the employee that they should select another companion or proceed without representation.

8. What happens during the meeting?

Prior to the meeting taking place, ensure that the employee has completed the attached form (appendix 4).

You must give the individual full opportunity to explain their grievance and say how they would like it to be resolved.

You should also be aware of the role of the companion; they are allowed to:

- put the grievance on the individual's behalf;
- sum up the grievance;
- respond on the individual's behalf to any views expressed during the meeting; and
- confer with the individual during the meeting.

It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. However, the companion has no right to answer questions on the individual's behalf or to address the meeting if the individual does not wish them to, or to prevent you, or anyone else, from explaining the employer's case.

If, during the meeting, a point is reached where it is not clear how to deal with the grievance or further investigations are necessary, the meeting should be adjourned to get advice or to make further investigations. In any event, you should not be rushed into making a decision. Often decisions made in one forum can have consequences elsewhere; following the presentation of the employee's grievance it will often be the case that you will not be able to give an immediate decision, but will need to seek further advice or information before reaching a final decision. In particular, in addition to meeting with the employee and his or her representative you will need to:

- meet with any other employee or person who is relevant to the investigation; and
- consider any relevant supporting paperwork provided by the employee or others in the course of the investigation.

9. What happens following the meeting?

You are required to write to the individual explaining the reason for your decision within 7 days of the meeting. If it is not possible to respond within 7 days you must let the individual know the reason for the delay and tell them when a response can be expected.

You must also inform them of the appeal process to use if they are not satisfied with the decision.

10. What are my responsibilities if an individual wishes to appeal?

The individual must inform you in writing within 7 days that they are unhappy with the decision following the grievance meeting; this is the appeal stage of the procedure.

You are required to arrange an appeal hearing normally within 7 days. This will usually be to a manager at a more senior level, where this is not practical it will be heard by a manager who has

the authority to review and change the original decision.

If you are unsure who to pass the appeal to, you should seek advice from the Business Partner .

11. What if I am a manager hearing an appeal?

You will conduct the appeal in accordance with the procedure set out in Appendix 1.

12. What records should be kept?

Grievances that are resolved at the informal stage will not normally have any associated paperwork, however, it is good practice to record your reasoning and rationale for your decision making.

Details of the nature of the grievance and the resolution should be submitted to People Support Services for statistical purposes.

At the conclusion of a formal grievance, all the original documents are forwarded to People Support Services who file them with the employee's Personal Record File.

The documents should include the following:

- the nature of the grievance raised;
- a copy of the written grievance;
- the manager's response;
- action taken;
- reasons for action taken;
- whether there was an appeal and, if so, the outcome;
- subsequent developments; and
- copies of any formal minutes that may have been taken.

Records will be also be maintained in a summarised and anonymous form, so the Service can monitor and address issues raised through the grievance procedure.

13. What if I receive a grievance from a former employee?

Consult with your Business Partner immediately to decide the best way of dealing with the grievance. Where possible, the grievance should be concluded through the use of the standard procedure. Where this is not reasonably practicable (for example, because one or more of the parties has left the country for an extended period) or where both parties agree in writing, a modified procedure may be used as follows:

- The former employee provides the manager with a written statement of the grievance.
- The manager considers the grievance and replies to the former employee in writing within 14 days of receipt of the written grievance. Where, exceptionally, this timescale cannot be

complied with, the employee will be notified in writing, stating reasons. The decision will then be given in writing as soon as possible thereafter.

- The manager's decision is final.

15. Who should conduct the debriefing exercise?

The Manager who dealt with the last process (hearing or appeal) should co-ordinate the debriefing exercise (please see appendix 5 for further information).

APPENDIX 3

PROCESS FOR GRIEVANCE APPEAL HEARINGS

1. Who will attend?

Presiding officer – to consider and decide on the grievance.

Business Partner to the Presiding officer.

Employee - who has submitted the grievance.

Employee's representative - the employee can be represented by a trade union, or a fellow employee, or they can choose to not be represented and present their own case at the grievance hearing.

Management representative – who will present the management case, including the outcome of any earlier stage(s) of the grievance.

Any witnesses called by either side.

2. Introduction

- Presiding officer asks individuals to introduce themselves and their role within the hearing.

3. Employee's case is presented

- Employee (or employee's representative) presents their case.
- Employee (or employee's representative) calls witnesses and questions them (if applicable).
- Management representative has the opportunity to question the employee and/or the witnesses.
- Presiding officer has the opportunity to question the employee and/or the witnesses.

Note on witnesses

Where a witness is called, the employee, or their representative, will question them, then the management representative and then the presiding officer. The witness will then leave and the employee, or their representative, will continue presenting their case.

4. Management case is presented

- Management representative presents their case.
- Management representative calls witnesses and questions them (if applicable).
- Employee (or employee's representative) has the opportunity to question the management representative and/or witnesses.
- Presiding officer has opportunity to question the management representative and/or witnesses (see Note on witnesses above).

5. Summing up

- Management representative sums up their case.

Note – no new information should be introduced at this stage.

- Employee (or employee's representative) sums up their case.

Note – no new information should be introduced at this stage.

6. Adjournment for decision

- All parties will withdraw, with the exception of the presiding officer and the Business Partner, who will advise the presiding officer.
- Should the presiding officer need to recall anyone to answer further questions, all parties will be recalled so that they have the opportunity to hear the question(s) and to comment and reflect on the responses.
- Once the presiding officer has reached a decision, all parties will be recalled and the presiding officer will advise them of the decision. This decision will then be confirmed in writing, usually within 7 working days of the decision being delivered orally.
- Where it proves impossible to reach that decision within a relatively short period of time, the presiding officer will recall all parties and advise them of this. The decision will then be given in writing to all parties, usually within 7 working days of the completion of the hearing.

APPENDIX 4

Grievance Procedure

Recording and tracking form

(for use by employees to raise a grievance and managers to track progress)

To be completed by employee:

Name:	Employee number:
Work location:	
Contact details:	
Sent to:	Date:
Working relationship:	

To be completed by manager:

Date grievance received:
Date of meeting to discuss the grievance:
Grievance heard by:
Date response sent:
Date appeal submitted:
Date of appeal hearing:
Appeal heard by:
Date response sent:
Date papers sent to HR:

Nature of the grievance

Explain the nature of your grievance – for example, terms of employment, application of a policy or procedure, harassment – include dates and details of witnesses.

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<p>Proposed resolution</p> <p>Explain what you would like to happen for the grievance to be resolved</p>	
<p>Any additional information</p>	

Background facts which explain why you feel aggrieved. Please try to keep these short and to the point.	

Employee's signature:

Date:

APPENDIX 5

DEBRIEFING PROCESS - Guidance

1. Composition of the Debrief Team

It is important that this review involves representatives from Trade Unions, Management and People Support Services.

1.1 The composition of the Debrief Team will include:

- The Manager who dealt with the last process (hearing or appeal) will chair the meeting
- The relevant Trade Union Representatives
- The Investigation Officer/s, Hearing and Appeal Hearing Manager
- Relevant representatives from People Support including Senior Business Partner and/or Manager.

2. Arrangement and timing of meetings

- Debrief Meeting will be coordinated by the last People Support Service (PSS) Representative who supported the Manager with the final internal process. If this PSS representative is unavailable then it will be the PSS representative who supported the previous internal process.
- A debriefing should aim to be completed within 4 weeks of the final stage of the internal and/or external process.

3. Agenda for discussion

- Overview of the case
- Overview of the timescales and process
- Rational for deviating from the standard process (if that has happened)
- Areas of good practice
- Areas of concern
- Any other information

(See case debrief record form attached)

4. Key Learning and Actions required

Application of policy, timescales, decision making, behaviors of those involved, including areas of good practice and areas of improvement should be recorded. Feedback given will be constructive with a view to improving our approaches. Learning will be captured and shared as part of our consultative arrangements with Joint Working Party and Joint Consultative Panel.

Strictly Confidential

CASE DEBRIEF RECORD FORM

Case details/No. :

Names of Attendees:

Date of Meeting:

Overview of the case

Overview of the timescales and process

Rational for deviating from the standard process (if that has happened)

Areas of good practice

Areas of concern

Any other information

Key learning and actions required