



Grievance Procedure

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1.0 Purpose

1.1 The purpose of this Procedure is to ensure fair and consistent handling of colleague grievances. The Co-op Academies Trust ("our Trust") recognises the right of every colleague to express a grievance and be given a fair hearing.

1.2 This Procedure has been drawn up to comply with the [ACAS Code of Practice on Grievance Procedures](#) (March 2015) and enables colleague grievances to be resolved fairly, consistently and promptly, ~~in order~~ to minimise any conflict or disruption in the workplace.

1.3 This Procedure will be applied with due consideration to our Trust's Equality, Diversity & Inclusion Policy and our co-operative values.

2.0 Applicability

2.1 This Procedure applies to all employees of our Trust, whether permanent or on a temporary / fixed term contract. It does not apply to agency workers, contractors or volunteers as they are not employees. Guidance on dealing with grievances from former colleagues can be found in section 10.

2.2 The Grievance Procedure does not generally apply when:

- the colleague raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the Public Interest Disclosure Act 1998 (refer to the Whistleblowing Policy);
- the colleague wishes to complain about matters being dealt with under the Capability Procedure. These will normally be considered as part of the capability process.
- the colleague wishes to complain about matters related to selection for redundancy which would be dealt with by appeal under our Trust's Managing Change Procedure.

In these situations, the situation will be explained to the colleague (and their representative if applicable) and it may be agreed to refer the matter to be dealt with under a more relevant Policy or Procedure.

2.3 If a colleague raises a grievance during a disciplinary process, advice from a Regional HR Manager must be sought on how to proceed. The Regional HR Manager may also seek legal advice.

This shall be considered on a case by case basis and it may be appropriate to:-

- temporarily suspend the disciplinary process to deal with the grievance, or
- continue without temporarily suspending the disciplinary process and hear the grievance separately.

Due consideration will be paid to the ACAS guide on [Discipline and Grievances at Work](#)

2.4 This Procedure also applies to complaints made by a group of colleagues (collective grievances) about a matter related to their employment. Where there is a collective grievance the details must be set out in writing and signed by all who are party to the grievance. The case for the colleagues should be presented by one representative for the group. One representative from each trade union with members involved has the right to be in attendance at the hearing.

2.5 Our Trust operates a separate Dignity at Work Policy which outlines the provisions, along with guidance and support for dealing with complaints relating to alleged bullying, harassment, victimisation and/or discrimination at work. This follows the same approach to handling grievances but provides specific advice and support.

3.0 Roles and responsibilities

3.1 Headteachers / Principals and other management are responsible for:

- responding promptly and sensitively to complaints or concerns raised by colleagues;
- investigating grievance matters, if required;
- attending/chairing formal grievance and/or appeal hearings as required;
- ensuring that this Procedure is applied consistently, and that colleagues are made aware of it.

3.2 Colleagues are responsible for:

- making every reasonable effort to resolve their grievance at the earliest possible opportunity and the lowest level of the Procedure;
- presenting a clear and detailed complaint, with a suggested resolution;
- cooperating with the management of our Trust and its academies so that complaints or concerns may be resolved.

3.3 Human Resources are responsible for:

- providing advice and guidance to all parties on Grievance Procedures;
- advising on the management of individual cases;
- updating this Procedure as appropriate to ensure compliance with legislation in consultation with recognised trade unions;
- facilitating access to training for those investigating and hearing grievances.

4.0 Principles

4.1 Grievances are concerns, problems or complaints regarding their employment that colleagues wish to raise with their employer. This includes complaints against the employer, including employee relations issues and also matters arising between colleagues. This may include complaints of bullying, harassment, discrimination and victimisation. Further information, support and guidance regarding these types of issues can be found in our Trust's Dignity at Work Policy.

4.2 Colleagues should try to resolve grievances informally wherever possible at the lowest level of concern. Relationships can become more strained when going through the grievance process, which can lead to further tensions and additional stress, and it is for

these reasons we recommend that every effort is made to try and sort things out informally as soon as possible, and that colleagues seek advice and support from workplace representatives and/or from an HR Manager. More information on informal resolution is at Section 5 and Annex One. However, where a colleague states in writing that they wish to raise a formal grievance, this Procedure must be followed.

4.3 A grievance must be raised by the colleague personally. A grievance cannot be raised on behalf of someone else. If a colleague witnesses inappropriate behaviour of any kind in the workplace it must be reported to the appropriate Manager.

4.4 An aggrieved colleague should submit their grievance as soon as is practical and at least within 3 calendar months of the last occurrence.

4.5 A colleague raising a grievance has the right to be accompanied or represented by either a trade union representative or a work colleague at meetings held at any formal stage of this Procedure. The companion should be allowed to address the meeting in order to:

- put forward the colleague's case
- sum up the colleague's case
- respond on the colleague's behalf to any view expressed at the hearing
- confer with the colleague during the meeting.

The companion does not, however, have the right to answer questions on the colleague's behalf, address the hearing if the colleague does not wish it, or prevent the employer from explaining their case.

Colleagues being interviewed or attending a hearing as a witness have no right to be accompanied, however where a reasonable request to be accompanied (by either a trade union representative or a work colleague) for personal support is made in advance and can take place without creating a delay in the proceedings, as long as there is no conflict of interest our Trust will seek to accommodate this. The person attending for support is not expected to be a participant in the meeting, and is expected to maintain full confidentiality regarding the proceedings.

4.6 Written records will be kept during the process and treated as confidential. Formal minutes will be given to the colleague if taken (see section 11).

4.7 The timescales within this Procedure may be changed by mutual agreement.

4.8 In the event that our Trust determines, in the course of following this Grievance Procedure that there has been possible misconduct on the part of one or more colleagues it may be necessary to investigate these concerns separately under the Disciplinary Procedure.

4.9 Confidentiality should be maintained during all stages throughout the Grievance Procedure. This is to be done by ensuring that only those people who need to know through the course of their duties have access to the details of the grievance.

4.10 A postponement may be granted if the colleague or their representative is unable to attend meetings on the proposed dates. A postponement should not be for more than 5

working days after the original date proposed (subject to management availability), however, an extension to this time limit can be made by mutual agreement.

4.11 Colleagues may, at any time, withdraw their grievance by confirming this in writing. Management may, with HR advice, continue to investigate the matter and take appropriate action on the outcomes.

4.12 Raising a complaint at work can be a very difficult time both for the colleagues involved and their colleagues, whether it is tackled informally or formally. Our Trust is committed to supporting all members of staff and will ensure that additional support is provided if requested. Where colleagues choose to raise a grievance, it is recommended that they first contact their Trade Union or other representative for advice.

4.13 Please note extra care should be taken when distributing papers in advance of a hearing. In line with GDPR, sensitive personal data must be processed securely and all sensitive information should therefore be hand delivered or posted by recorded delivery with a return address in case of any postal issues. Please ensure all tracking evidence is retained to confirm direct receipt from intended recipients. Alternatively it may be distributed by electronic means, with appropriate security measures taken.

5.0 Informal resolution

5.1 It is expected that, wherever possible, colleagues will have attempted to address grievances informally before pursuing the formal Procedure. This is because referral to the formal Procedure can extend the process longer than necessary and increase feelings of conflict and anxiety for all parties.

5.2 It is expected that the colleague will raise concerns at an early stage as part of normal management processes. If the complaint is about their line manager, it is expected that the colleague will raise the matter with a more senior manager.

5.3 Informal resolution may involve a number of different avenues. Some examples are given at Annex One.

6.0 Registering a Grievance

6.1 Where a colleague's grievance has not been resolved informally or the matter is of a very serious nature they should put the grievance into writing and submit it to their Headteacher / Principal, or manager if a member of the central team. A suggested format for registering a grievance is available at Annex Two.

6.2 Where a grievance has been raised about a named colleague, the colleague will be informed that a grievance has been made about them and they will be provided with relevant details of the grievance (unless in exceptional circumstances where it could interfere with the procedure). In order to comply with GDPR, the content of a grievance should only be disclosed to the subject of the grievance to the extent that it is necessary in order to conduct a reasonable and comprehensive investigation into the grievance. This means that sometimes only the relevant part of the grievance letter may be shared,

or that parts of the grievance letter may be redacted (e.g. in situations where other parties are involved / allegations are against multiple people, or there is personal information contained which is not relevant).

6.3 If the grievance is against, or being raised by, the Headteacher / Principal and informal procedures have failed to resolve the situation, it should be passed directly to the Chair of Governors or Regional Director who will assume responsibility for ensuring the Procedure is adhered to. If received by the Chair of Governors, they will inform the relevant Regional Director (or our Trust CEO if the grievance is against the Regional Director) who may nominate an appropriate person to respond on behalf of our Trust. All other rights and procedures as stated in this document apply.

6.4 The written grievance should make clear the nature and extent of the grievance as well as the resolution sought by the colleague.

6.5 On receipt, the Headteacher / Principal or manager may, in with the agreement of with the colleague and/or trade union representative, refer it back to the informal stage to try and resolve it informally if this has not been explored. Alternatively, they may progress to hearing the formal grievance themselves, or they may nominate a manager to hear the grievance.

6.6 The Headteacher / Principal or manager should write to the colleague within 5 working days of receiving their Formal Grievance to confirm receipt. See Annex Three for standard letter.

7.0 The Grievance Hearing

7.1 The manager identified will arrange a grievance hearing to discuss the matter with the aggrieved colleague.

7.2 The hearing should take place no later than 20 working days after receipt of the written grievance, and the colleague will be given a minimum of 5 working days to prepare. The colleague will be informed of their right to be accompanied by either a trade union representative or a work colleague. HR may attend to provide procedural advice.

7.3 The colleague should be given the opportunity to state their grievance and explain the resolution sought. Where appropriate the manager may adjourn the hearing in order for further investigation of the matter to be carried out. See Annex 4 for order of proceedings. Investigations should be carried out expediently, and the meeting reconvened as soon as possible.

7.4 The manager may appoint an Investigating Officer to carry out the investigations on their behalf, or may carry out the investigation themselves. If an Investigating Officer is appointed, this should be by mutual consent, and the complainant should be advised in writing. The Investigating Officer may be another manager, a member of the HR team, or an external person if appropriate in the circumstances of the case. In all events, the person should be independent of the complaint, and will be bound by the requirements of confidentiality set out in this Procedure.

7.5 An investigation may involve meeting and interviewing colleagues or other witnesses, viewing of records and CCTV etc. Ordinarily the manager / Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed. The report will be used as a basis for the discussion with the individual at the reconvened hearing. To avoid confusion, the manager should ensure that all parties are clear when a meeting is an investigatory meeting and when it is a hearing. See Annex 5 - guidelines for Investigating Officers.

7.6 The manager will conclude the hearing with one of the following options:

- uphold the grievance
- partially uphold the grievance
- dismiss the grievance.

As well as giving their decision on the outcome, they may agree with the resolution proposed by the colleague or propose an alternative resolution.

7.7 Careful consideration should be given as to the most appropriate way to feed back the outcome and any recommendations from the grievance to the colleague(s) who were the 'subject' of the grievance. There is no right of appeal, but taking time to explain the outcome and rationale behind this will help to facilitate the situation moving forward.

7.8 Where there is evidence that the colleague's grievance amounts to a serious allegation of bullying / harassment / discrimination or some other conduct matter being committed by someone other than the complainant, the manager would normally refer the matter to be managed under the Disciplinary Procedure. Where this occurs another manager, who has had no dealing with the initial grievance, should take on the disciplinary investigation. A copy of all the evidence gathered during the grievance investigation should be passed over to the manager investigating the disciplinary.

7.9 The manager will respond to the colleague's grievance in writing, within 5 working days of the hearing, or the reconvened hearing where there has been an adjournment, to advise the colleague of the outcome. The colleague will be informed of their right to appeal and to whom that appeal should be addressed in the first instance.

7.10 Where it is proven that the allegations were vexatious / malicious (i.e. allegation without grounds and which has been raised with negative intent towards the alleged perpetrator), a disciplinary investigation will be considered. Note, this is different to a genuine complaint not being upheld.

8.0 Appeal

8.1 Where the colleague is dissatisfied with the outcome of the grievance hearing they may appeal.

8.2 The appeal must be made in writing, addressed to the person identified in the outcome letter and stating the grounds for the appeal, within 5 working days of being advised in writing of the outcome of their grievance. In submitting the written appeal, the

colleague should explain why they remain aggrieved and how they believe the grievance can be resolved.

8.3 The appeal will be heard by a panel of three people who have not previously been involved in the grievance (see section 9).

8.4 The appeal will be held as soon as possible and normally no later than 20 working days after receipt of the appeal letter. The chair of the appeal hearing will notify the colleague of the date and time of the hearing and their right to be accompanied by either a trade union representative or work colleague. If the Trade Union Representative is unable to attend on that date it may be rearranged within 5 days or to a mutually agreeable time.

8.5 At the appeal hearing the colleague will be able to explain further why they remain aggrieved and how they believe the grievance could be resolved. The manager from the grievance hearing will normally attend as a witness to explain their decision and any investigation that was undertaken. HR may attend to provide procedural advice. See Annex 6 for order of proceedings.

8.6 Where appropriate the appeal hearing may be adjourned for further investigation.

8.7 The colleague will be informed of the appeal decision in writing (either upholding the appeal or turning down the appeal and thus supporting the original grievance decision), normally within 5 working days of the appeal hearing or the reconvened appeal hearing where there has been an adjournment. The decision of the appeal hearing is final.

9.0 Authority to act under the Grievance Procedure

In all instances, those hearing the grievance and appeal should not have previously been involved in the case.

AGC = Academy Governing Council

Grievance raised by ...	Grievance Hearing	Appeal Hearing
All academy based colleagues except those listed below	Headteacher / Principal (or nominated manager) If complaint is against the Headteacher / Principal: Chair of Governors (or nominated Trust manager / other Governor from AGC)	Panel of three from the AGC, or two members of the AGC and a member or senior Trust staff e.g. Regional Director
Headteacher / Principal	Regional Director and/or Chair of Governors (who may nominate a Trust manager or Governor from AGC)	Panel of three drawn from AGC, Trust CEO and/or Trust Board

Central team colleagues except Executive Leadership Team (ELT) members and Trust CEO	Member of the ELT (or nominated manager) If complaint is against an ELT member: Trust CEO	Panel of three drawn from ELT members, Trust CEO and/or Trust Board members
Executive Leadership Team members	Trust CEO (who may nominate an independent person or member of our Trust Board)	Panel of three from our Trust Board
Trust CEO	Chair of Trust Board, or nominated member of the Board	Panel of three from our Trust Board

Note: whilst it would be usual to draw panel members from an individual academy's AGC, our Trust may appoint Governors from another Trust academy in order to ensure neutrality or expediency of proceeding. This should only take place in exceptional circumstances.

10.0 Grievances from ex-colleagues

10.1 Whilst there is no legal requirement to deal with grievances raised by ex-colleagues, hearing these grievances is likely to be useful in gaining a fuller understanding of the colleague's experience and in helping to prevent Employment Tribunal complaints.

10.2 Headteachers / Principals or managers should alert their Regional HR Manager to any 'exit grievances' that are received, and these will be managed on a case by case basis.

11.0 Records

11.1 Records of meetings and discussions relating to the grievance should be written during, or as soon after the event as possible, to ensure the accuracy of the record. Written records should be circulated to relevant parties to allow amendments or clarifications as required.

11.2 Records should include:

- the nature of the grievance
- witness statements and other evidence gathered during the investigation
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments.

11.3 All records relating to grievances should be stored confidentially and securely on the individual's personal file, and in accordance with the Data Protection Act (2018) which includes the rules set out in the General Data Protection Regulation. No duplicate records should be kept.

11.4 Records should be retained for six years after employment ceases, after which time they must be destroyed as confidential waste.

11.5 The colleague may also wish to keep records of events to support their case.

12.0 Review

12.1 This Procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years. The Procedure should be Equality Impact Assessed; and the anonymised results shared with Trade Unions.

Annex One - Informal Action / Resolution

a. Seeking advice or support

It's acknowledged that raising a grievance can be difficult, and a first step colleagues may wish to consider is to seek additional advice and support. A 24 hour independent confidential counselling service is available for colleagues. BUPA can be contacted on 0800 269 616, bupa.co.uk/eaponline. Colleagues may also wish to consult their professional association / trade union and/or Education Support on 0800 562561, education.support.org.uk.

b. Raising the matter directly

If the colleague decides to raise the matter directly with the person against whom they have a grievance, they should choose an appropriate time and use a non-confrontational manner. It may be helpful to outline the particular action which is causing concern and try to make clear exactly what it is they find unacceptable. It is important to allow the other party to have the opportunity to respond from their point of view. The colleague may find that shared information with the other person will throw a new light onto the situation and allow both parties to reflect on things differently, and that through discussion colleagues may find an agreed method of moving forward. If planning to raise a matter directly, a colleague may wish to seek advice in advance from HR.

c. Involve a colleague

As an alternative to raising the matter directly, the colleague could ask a colleague, manager or academy representative to speak to the other person involved on their behalf. After the matter has initially been raised and outlined, the colleague should then become more involved in discussing and agreeing a method of moving forward.

d. Put it in writing

If the colleague feels unable to raise the matter verbally (directly or via a colleague) they may find it helpful to write down their concerns and share this with their manager or the Headteacher / Principal explaining how the particular action is affecting them. It is recommended that they seek advice from a Union Representative about the wording of the letter/email, and that it makes clear that they are seeking to resolve matters informally if possible. Once the colleague has taken this step it may be appropriate to arrange for the matter to be taken forward using one of the other informal methods. The other party will also be given an opportunity to respond in an appropriate manner, which could include a written response. The aim is to agree a method of moving forward.

e. Facilitated meeting

It may be appropriate to ask the Regional HR Manager to facilitate a meeting (or series of meetings) between the colleague raising the concern and the individual against whom the complaint is raised. This should take place by mutual agreement, and at a time & place suitable to both parties. The meeting will enable both parties to explain 'their side of the story' and to agree on a way of moving forward together. It is important that this sort of process is carefully organised and facilitated, so the Regional HR Manager should be involved.

f. Mediation

This is a meeting where a trained independent mediator can help both parties raise issues of concern, assist with understanding the issues and help both parties plan a way of

working together effectively in the future. This can only happen if both parties agree and is most likely to be used if other informal methods haven't been successful. Mediation may also be used after a formal grievance has been heard. Mediation should be organised via your Regional HR Manager.

These are examples of informal resolution, and another informal course of action might be appropriate in the circumstances. If either party is unhappy with the particular method, at any stage, they may suggest an alternative method. If informal methods fail to resolve the situation the aggrieved colleague may wish to pursue a formal complaint; however, it is recommended that sufficient time is allowed for all parties to reflect on the matter and to try to reach an agreeable way forward.

Do be aware that people often become defensive and relationships can become more strained when going through the grievance process, which can lead to further tensions and additional stress. For these reasons it is recommended that every effort be made to try and sort things out informally as soon as possible after the event has occurred, and for advice and support from workplace representatives and HR to be sought.

The complainant may exercise their right to move to formal procedures where matters at this stage are not being addressed in a timely manner.

Where informal action has been taken to resolve the complaint, any records maintained should merely record the action taken and should not contain any implied decisions.

Annex Two - Suggested format for registering a formal grievance

Date:	.....
Name:	.....
Post Title:	.....
Place of Work:	.....
Contact Details:	.....
Trade Union	.....
Representative:	.....
Trade Union Contact	.....
Details:	.....

Signed:	.....

Nature of the Grievance:

This should set out clearly the nature and extent of the problem and include any relevant details to explain the issue that you want to resolve. Attached further information if required.

What Informal steps have you taken to resolve the issue so far?

Explain what you have done so far to try and resolve the matter, and who has been involved

What is your expected outcome and how do you believe the grievance could be resolved?

What needs to happen to resolve this issue? What outcome are you hoping to achieve?

Annex Three - Acknowledge receipt of formal grievance

Dear <Name>

Formal Grievance

I write to confirm receipt of your formal Grievance dated <Date> and I can confirm that it will be dealt with in accordance with our Trust's Grievance Procedure, a copy of which is enclosed for your reference.

A meeting has been arranged to take place on <Date> at <Time> at <Location>. The purpose of the meeting will be to openly discuss the issues you have raised and it will be chaired by <Name>, <Job Title>. <Name>. <Job Title> will also attend to take notes.

You have the right to be accompanied at this meeting by a colleague or Trade Union Representative and you should be aware that it is your responsibility to arrange for someone to accompany you.

Please confirm your attendance with me, along with the name and job title of any representative that you wish to accompany you, no later than <Date> at <Time>. If you are unable to attend we will try to arrange an alternative date.

If you have any specific requirements or feel that any reasonable adjustments could be made regarding the arrangements for the meeting, please let me know as soon as possible in order that any such request can be considered and actioned as appropriate.

I appreciate that this may be a time of considerable anxiety for you and you are welcome to contact our Trust's confidential Employee Assistance Programme which can provide support to you and your family when you need it. The service is available 24 hours a day on 0800 269 616 or by visiting www.bupa.co.uk/eaponline

Thank you for raising this matter and I hope that we will be able to reach a satisfactory outcome.

Yours sincerely

<Name>

<Job Title>

Encl: Grievance Procedure

Annex Four - Order of Grievance Hearing

The following procedure will apply to grievance hearings.

A notetaker who is not involved in the case should be appointed to take notes on the proceedings and Human Resources may be present throughout the hearing.

1. The colleague should be provided with an explanation concerning the purpose of the meeting i.e. to consider as fully as possible the nature and the validity of the grievance and should be provided with an explanation of how the meeting will be conducted
2. The aggrieved colleague or their representative shall state their case and how they would like it to be resolved.
3. The aggrieved colleague will have the opportunity to call any witnesses if appropriate.
4. The person/panel hearing the grievance will have the opportunity to question the aggrieved colleague or their representative in order to progress the case.
5. If appropriate, the hearing should be adjourned whilst an investigation is carried out.
6. When the investigation is complete the meeting should reconvene and the investigating officer (who may be the Chair) should present their findings.
7. The colleague will be given the opportunity to question the investigating officer.
8. The colleague will be able to make a final statement following the presentation of the investigation report;
9. The person/panel may adjourn the grievance meeting to give proper consideration to all the evidence before making a decision.
10. The person/panel hearing the grievance should ensure that the hearing has been conducted fairly and record any objections made.
11. All those present apart from the person/panel hearing the meeting and Human Resources will withdraw whilst the panel reaches its decision.

Annex Five - Guidelines for Investigating Officers

A grievance investigation normally takes place after the colleague has explained their grievance at a grievance hearing. The hearing is normally adjourned so that the investigation can take place. Once the investigation has taken place the hearing will reconvene so that the findings can be considered.

The investigation may be carried out by the person chairing the hearing, or they may nominate an investigating officer to carry out this role on their behalf.

Role of the investigating officer

As investigating officer you are responsible for:

- Gathering all the relevant facts promptly, establishing the exact nature of the grievance and finding evidence to substantiate or refute the case
- Summarising findings in an investigation report
- Presenting evidence when the grievance hearing is reconvened after the investigation and answering questions as required.
- Attending an appeal hearings as a witness when required

Conducting an investigation

When carrying out an investigation, the investigating officer should:

- Ensure the investigation is carried out as quickly as possible
- Be thorough and fair
- Remain impartial and objective
- Consider whether there are any mitigating circumstances
- Maintain confidentiality as appropriate
- Seek supporting evidence, including both that which supports the grievance, and any that refutes the grievance
- Talk to relevant witnesses as appropriate to establish the full facts
- Keep notes of investigation meetings
- Compare statements and notes and attempt to resolve any discrepancies
- Where the findings of the investigation support the grievance, consider possible resolution, including that suggested by the colleague

Preparation

- Familiarise yourself with the colleague's grievance. Fully consider the points that they have raised and any evidence that they have put forward. Determine the Terms of Reference of the investigation.
- Plan your investigation before you begin – consider what information you need to gather and how best to gather this. This will depend upon the nature of the grievance. E.g. where the grievance is about work location or equipment you may decide to visit the site or where the grievance involves the colleague's manager you may want to speak to the manager.
- Before meeting the colleague and other witnesses, plan the questions you wish to ask. Think about the grievance that has been raised and the facts you need to gather.
- Questions may include:
 - Why was the decision made?
 - What other options were available?
 - Are there any records that substantiate or refute the grievance?

- Plan where the investigation meetings are going to be held – this needs to be in a private place that is free from interruptions.
- Take notes of the key points raised at the meetings. A copy of the notes should be given to the relevant colleague/witness following the meeting and they should be asked whether there is anything they wish to add to them. Where the colleague/witness provides alternative notes following the meeting both versions should be included in the evidence supporting the investigation report.
- Throughout the investigation a member of the HR team will be available to provide advice and support. E.g. on the preparation of questions.

Meet the colleague raising the grievance *(only for investigating officers who are not hearing the grievance)*

- Carefully read the colleague's written grievance before meeting them
- Give the colleague notice of the meeting so they can prepare. Remind the colleague of their right to be accompanied by a trade union representative or work colleague.
- Ask the colleague to explain their grievance and how they would like it to be resolved.
- Use open questions to gain information. Clarify issues that arise and check your understanding of what has been said.
- Where appropriate ask the colleague to provide evidence to support their grievance and ask if there is anything they would like to include

Meet the witnesses

You may decide that it is not necessary to interview every witness, in this instance a written statement from the witness that is signed and dated will suffice. Where you decide to meet with the witness, the following will apply:

- You may wish to ask the witnesses to write a written statement prior to meeting them. Where appropriate you would ask them to respond in their written statement to certain questions.
- Where a witness provides a written statement you need to ensure you are happy that you have obtained all the information that you require from them, and that there are no un-answered questions. If you are not satisfied then you can re-interview the witness.
- Discuss with HR if a witness is unwilling to get involved.
- Use open questions to gain information, clarify issues and check your understanding of what has been said.
- Do not lead the witness but do encourage them to concentrate on the main facts.
- Advise witnesses that their statements may be made available to the colleague and management side. Witnesses also need to be made aware that they may be called to give evidence at a hearing.

Witness statements

Witness statements may include the following:

- The name and job title of the person giving the statement
- Summary of the grievance being investigated
- The reason for the witness being able to comment on the issues
- Facts that can be provided by the person
- Sketch or plan if appropriate
- Date, time and place the statement was taken

- The signature of the witness

Gather other evidence

- Ask/seek supporting evidence to substantiate information provided by the colleague/witnesses. Keep copies to use as supporting documentation.
- You may need to look at documents such as work rotas, attendance records, appraisal documents, e-mails, letters, training records, development plans etc. You will need to take copies of the documents for supporting documentation.
- You may wish to compare records for different colleagues', for example where the colleague's grievance is that they believed she has been treated less favourably.
- You may wish to carry out site visits.

Preparing the investigation report

Once the investigation has been completed, you will need to write a report, HR can provide advice. The report will provide the main source of reporting the findings to the aggrieved colleague at the reconvened grievance hearing.

The report should be clear, concise and presented in a logical format.

Suggested format of Grievance Investigation Report:

1 - Introduction

2 - Background information relating to the colleague:

- Name and job title of the colleague
- Hours of work

3 - Background information about the workplace, such as:

- Environment
- Staffing levels
- Workload and shift pattern

4 - The Grievance. Specify the grievance and how the colleague would like to see it resolved. Refer to the colleague's written grievance (attach a copy of the colleague's grievance as an Annex)

5 - Investigation

- Who conducted the investigation (your name, and job title)
- How the grievance was brought to your attention
- How you carried out the investigation
- Refer to the sources of information that you accessed
- Refer to any witness statement, and clarify why these are relevant

6 - Statement of Case. From the information that you have gathered, state the grievance and state whether your investigation substantiates or refutes this, cross referencing to documents, statements etc. within the appendices as appropriate:

- Highlight the salient points of the statements
- Explain the correct procedures
- Refer to any additional supporting evidence

7 - Possible Solutions. Where your investigation has substantiated the colleague's grievance, state the colleague's preferred resolution.

- If you are both investigating and hearing the grievance, specify any other realistic solutions, listing pros and cons for each.
- If you are acting purely as an independent investigating officer, you should not include other possible solutions – as this is for the person hearing the grievance to determine.

Annex 6 - Order of proceedings for Grievance Appeal Hearing

This document is intended as a guide and should be read in conjunction with Section 8 of the Procedure. In certain circumstances all parties may agree to a slightly different order at the start of the Hearing.

1. Introduction

- Introduce those present, and explain why they are there. Someone who is not involved in the case should be appointed to take notes on the proceedings and Human Resources may be present throughout the hearing
- Explain the purpose of the meeting i.e. in line with our Trust's Grievance Procedure, to understand as fully as possible the facts of the appeal, and to consider whether the original grievance outcome should be upheld or not
- Explain how the meeting will be conducted

2. Statement of the appeal

- State precisely what the grounds for appeal are, why they remain aggrieved and how they believe the grievance could be resolved, presenting evidence in support of this as applicable
- Opportunity for panel to ask questions

3. Decision maker's reply

- The person, or a representative from the panel, making the original grievance outcome decision will be given the opportunity to explain their decision and any investigation that was undertaken, and to respond to the appellant's statement
- Opportunity for the appellant to ask questions
- Opportunity for panel to ask questions

4. General questioning

- The panel hearing the appeal should ask any further questions to clarify the issues and check that what has been said is understood
- If new facts emerge, it may be necessary to adjourn the hearing to investigate

5. Summing up

- Chair asks the original decision maker to sum up
- Chair asks the colleague to sum up

6. Adjournment before decision

- Adjourn so the panel can reflect and consider their decision
- The appeal panel may confirm or overturn the original grievance outcome decision, or may reach an alternative outcome e.g. to partially uphold.

7. Giving the decision

- Unless a mutual agreement has been reached otherwise, the meeting will be reconvened and the colleague be informed of the outcome of the appeal hearing
- The decision will be communicated in writing within 5 working days; the decision of the appeal hearing is final.