

Grievance User Guide – Teaching Staff

Introduction

This user guide is designed to support colleagues when they are raising a grievance or hearing a grievance, either informally or formally. It provides practical guidance for applying the policy and the accompanying processes.

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1. Support and Guidance

This document is here to support you through the grievance process and will provide you with the information that will be required should you need to raise or manage a grievance. Should you require further support you can [contact askHR](#).

Important to note – any complaints of bullying and harassment should be raised through the Grievance Policy.

General Principles

- ✓ Informal resolution is key to ensuring concerns do not unnecessarily escalate and are addressed quickly, fairly and appropriately through conversations between colleagues and their line managers. All colleagues and line managers will be encouraged to seek to resolve issues as soon as they arise.
- ✓ The manager hearing the grievance, either informally or formally, will keep colleagues updated on the timeframes for each stage of the grievance process and the reason(s) for any delays.
- ✓ In all cases, the grievance and all related information will remain confidential.
- ✓ Colleagues raising a grievance should be able to provide a description of the nature of their complaint, including any relevant facts, dates, and names of individuals involved. They should be clear on the outcome(s) they are looking for.
- ✓ Where appropriate, a full investigation will be carried out into the grievance.

2. Collective Grievances

In cases where more than one colleague wishes to raise an issue or complaint in relation to the same matter, the grievance should be heard as one grievance - this is known as a collective grievance.

Colleagues raising a collective grievance should appoint a maximum of 3 spokespeople to act as representatives for their group. Colleagues wishing to raise a collective grievance should seek advice from their Trade Union, if they are a member, or HR in the first instance.

Colleagues raising a collective grievance have the right to be accompanied to any grievance meeting by a colleague or a trade union representative.

Where a case cannot be resolved informally, they should submit a formal [Collective Grievance Form](#) which all members of the group must sign. The statement must clearly outline that the grievance should be heard 'collectively'.

Where collective grievances are in relation to bullying and harassment, one Nominated Officer will be appointed but meetings may take place separately.

All collective grievances should follow the same process outlined in this user guide for both informal and formal complaints.

Where concerns are raised separately but are similar complaints, the Nominated Officer should meet with the colleagues to agree that their complaint can be managed as a collective grievance. [Confirmation that the concern will be managed as a collective grievance should be issued.](#)

3. Informal Resolution

Many concerns can be resolved quickly and informally without the need for formal action. Any colleagues who have a complaint should, where possible, discuss it in the first instance with the individual(s) it concerns or their own line manager to try to address and resolve their issues quickly.

In some instances, mediation may be an appropriate way to approach the issue. This is a voluntary facilitated discussion or restorative conversation through either your line manager or through a trained mediator. If this is something you would like to pursue formally you can arrange this through your line manager who can request [mediation via PAM by completing the referral form](#) which is also available in downloads on the Orb.

If the complaint cannot be resolved through this route, then the colleagues can raise their grievance formally.

There may be some cases whereby the nature of the complaint is so serious that the grievance bypasses the informal stage and is heard either by the formal process below or is investigated using another Council policy, e.g., [the Disciplinary Policy](#).

Informal Meeting - Employee Responsibilities

- ✓ If you have a concern at work, you should try to resolve this informally through a discussion with your line manager or the individual it concerns.
- ✓ If your concern is about your immediate line manager, you should speak to the next appropriate manager.
- ✓ You should focus on a resolution, and be outcome focussed. Consider what you want to see as a result of raising your concerns.
- ✓ If your complaint is not suitable for informal resolution or informal resolution has been attempted and has not been successful, you can raise your complaint under the formal process.

Informal Meeting - Manager guidance and responsibilities

Responding to a complaint

- ✓ When a colleague raises a concern with you, you must make every effort to seek to resolve it as soon as possible. A grievance doesn't have to be in writing for you to take action.
- ✓ All managers should take complaints seriously and take appropriate action to try and resolve the issue.
- ✓ All discussions should be outcome focussed; make sure you ask the employee what they are looking for as a resolution.

- ✓ If their requested resolution is not possible, make sure you explain clearly to them the reasons for this and try to explore alternative solutions.

Preparing for the meeting

If you are unable to resolve the complaint immediately, or if the complaint needs further investigation, you should arrange for a confidential meeting with them within five working days of the matter being raised. There is a template letter available for managers to use, if required to [invite a colleague to an informal resolution meeting](#).

- ✓ In the case of a collective grievance, colleagues raising the grievance should appoint a maximum of 3 spokespeople to act as representatives. Colleagues can also be supported by their trade union if they are a member.
- ✓ Ensure you have understood the grievance and made a note of any questions you have. Carefully think about the suggested or intended outcomes, the practicability of implementing those outcomes and/or other possible solutions to the issue(s) that have been raised.
- ✓ Gather any further information you require to try to address the employee concerns.
- ✓ There is no right for the colleagues to be accompanied by a work colleague or trade union representative at the informal grievance stage. However, managers should consider such requests especially in circumstances, where it could be beneficial to informal resolution, and only turn down such requests when there is a compelling reason to do so.

During the meeting

- ✓ During the meeting you should:
 - try to understand the complaint in detail;
 - try to understand what the colleague(s) is concerned about and why;
 - find out what impact these concerns are having on the colleague(s);
 - explore what outcome they are looking for;
 - consider any potential implications (for the colleague, their wider team and the service area) of adopting any proposed course of action; and
 - think about any other possible outcomes or ways to resolve the matter and discuss these with the colleague(s).
- ✓ Allow the colleague(s) the opportunity to respond to each of the points above. Hold the meeting with a view to resolving the matter satisfactorily from both the Council and the aggrieved colleagues' perspective.
- ✓ Bear in mind that colleagues who raise a grievance are already likely to be feeling upset and it is important to respond appropriately in order that the situation does not escalate.
- ✓ If, during the informal meeting, it's identified that mediation could be a useful tool, then you should discuss this with the colleague(s) and, if they are all in agreement, advise them that you will request this via PAM.
- ✓ There is a referral form available in downloads for mediation and as there is a cost attributed to mediation, this will be charged back to the service. The cost of mediation should not be seen as a deterrent, but a worthwhile investment in resolving matters in a timely, local and informal manner.
- ✓ If you identify that further information is required, then you should inform the colleague(s) immediately. You should agree timescales for collation of this information following the meeting, ensure they are kept up to date and that they receive an outcome in a reasonable time.
- ✓ If, during an informal meeting, it becomes apparent that the issue is not suitable for informal resolution (for example because it more serious than originally anticipated), the meeting should be adjourned, and the formal process followed instead.

After the meeting

- ✓ You should inform the colleague(s) of the outcome of the meeting verbally and then follow this up in writing within 5 working days. You should confirm any action that will be taken as soon as possible after the meeting, or once any further enquiries have taken place.
- ✓ You must confirm the informal meeting outcome in writing, and include:
 - the reason for the meeting;
 - the main points of discussion;
 - details of any informal actions agreed (i.e., mediation arranged via PAM Assist);
 - timescales for implementation; and
 - review arrangements.
- ✓ There's a template letter available for managers to use when confirming an [informal meeting outcome](#). The manager should keep a copy of the letter in the colleague's personal file(s). More information on this can be found on the [Council's Record Retention Schedule](#).
- ✓ You should continue to monitor the situation and check in with the colleague to ensure that any action taken is effective in resolving the concerns that have been raised.
- ✓ Notes of discussions and issues can be kept in line with the Council's Record Retention Schedule. These notes are likely to be of assistance when assessing whether any actions that have been put in place are effective and/or whether further actions and/or interventions are required.

Failure to achieve informal resolution.

It may not be possible to resolve a grievance using the informal process. Where reasonable attempts have been made but have not been successful then the colleague(s) can move forward to the formal process as outlined below.

In some cases, the nature of the grievance requires formal intervention from the outset (for example because of the serious nature of the grievance or if it raises potential serious allegations of discrimination). In such cases, the manager in receipt of the grievance will determine whether it is more appropriate to follow the formal process or another policy instead. Where you are unsure what action to take, you can [contact askHR](#) or your trade union for advice.

4. Formal Grievance – Stage 1

Managers and colleagues must give high priority to all aspects set out in the policy to ensure that they are completed as quickly as possible.

If you have a grievance that cannot be resolved informally, you should raise it as a formal complaint. Where no recommendations are made at the informal stage, you must escalate your concerns within 10 working days of the informal outcome. Where actions or recommendations have been made, you must allow reasonable time for these to be implemented before raising your concerns to the next stage. This should be in line with the timescales outlined in the informal outcome.

After submitting a formal grievance and any supporting documents, a colleague(s) may be asked to provide further information before the formal process can begin. Colleagues should refer to the Policy Aims of the Grievance Policy which sets out the types of workplace issues that can be raised as a grievance and those that will not fall under the Grievance Policy.

There may be some cases where the nature of the complaint is more suitably investigated using another Council policy e.g., [the Disciplinary Policy](#). This decision will be made by the manager who receives the grievance, with support from HR colleagues as appropriate.

Once a grievance has been submitted, and it has been confirmed that it is a matter that is capable of being dealt with under the Grievance Policy, a Nominated Officer will be appointed. In most cases, the appointed Nominated Officer should be a Head Teacher or Senior Manager however where appropriate, a manager out with Education may be appointed. Managers should contact the HR Case Management Team who will work with them to identify a suitable Nominated Officer.

In cases where a new grievance is raised whilst an investigation is ongoing, this should be managed along with the existing complaint.

The Nominated Officer (and, if applicable, the Investigating Officer) will be required to complete a Declaration of Independence form prior to the commencement of a formal process. The HR Case Management Team coordinate and have oversight of this form which will ensure that potential conflicts of interest, arising from for example, prior involvement in decision making or personal/work relationships with those involved in the investigation, are identified and that appropriate steps are taken to avoid that conflict. All interests should be declared by the Nominated Officer and the Investigating Officer, even if they don't think there is a conflict.

In cases where a conflict is identified, the Nominated Officer (or Investigating Officer) will decline to act, and another officer will be appointed.

Where the colleague who has raised the complaint has concerns that the appointed Nominated Officer may have a conflict of interest, this should be raised through askHR or their union (if they are a member).

A formal meeting should always be held by the Nominated Officer to hear the grievance. Section 6 of this user guide outlines these next steps. However, depending upon the information that the colleague provided in their grievance submission, an investigation may be required before a decision can be made therefore the formal meeting will need to be adjourned. Section 5 of this user guide outlines the steps for an investigation.

The Nominated Officer will be supported by the HR Case Management Team whose role will be to provide advice and guidance to ensure that the policy is being followed and, as such, are not part of any decision making on any outcomes.

Colleagues who raise a grievance can be supported by their union (if they are a member).

If the case concerns a colleague who is a trade union representative, a senior representative or full time official, the manager must seek the colleague's permission to discuss the case with the relevant official at the trade union branch in advance of any formal process commencing. This is to ensure appropriate arrangements or adjustments are in place during the grievance process as a duty of care to all those involved. Before taking any action, you must discuss this with your Senior HR Case Consultant, who will contact and liaise with the relevant trade union branch.

Nominated Officer Responsibilities

- ✓ Complete the [Declaration of Independence form](#) and submit to the HR Case Management Team for retention. Where any conflict arises, you should recuse yourself from managing the case and another Nominated Officer will be appointed.
- ✓ Read the grievance to ensure you fully understand the complaint being raised as well as the colleague's suggested outcome(s) and the practicability of implementing them. You should also consider other possible outcomes, so you are fully prepared for the meeting.
- ✓ Where a collective grievance has been submitted, please ensure you are clear on who the nominated spokespeople are and that communications are directed through these individuals.

- ✓ You should take notes of any questions you would like to ask at the meeting. These questions should focus on any parts of the complaint that require clarification.
- ✓ Obtain any information that is relevant to the complaint, including notes of any discussions or other actions which took place under the informal stage of the Grievance Policy.
- ✓ Within five working days of receiving the grievance, you should write to the colleague(s) arranging a formal grievance meeting. During this meeting you should refer to your notes and prepared questions and seek clarification as appropriate.
- ✓ If it becomes apparent during the grievance meeting that a more detailed investigation is required, you should inform the colleague(s) that the meeting will be adjourned, and an Investigating Officer will be appointed. There is more information on this part of the process in section 4 of this user guide.
- ✓ Where no further investigation is required, you should follow the steps outlined at section 6 of this user guide.
- ✓ You will appoint an Investigating Officer to gather the facts and interview any witnesses you have identified to be interviewed as part of the grievance. Ensure that the Investigating Officer has the appropriate expertise and has completed the Declaration of Independence form. Where an actual or potential conflict is identified an alternative Investigating Officer should be identified.
- ✓ Within 10 working days from the initial grievance meeting, develop a proposed timeline for resuming the grievance meeting which factors in any further investigations and the anticipated date for the outcome to be provided to the colleague(s).
- ✓ Ensure confidentiality is maintained throughout the process.
- ✓ Ensure that the colleague(s) has access to any information they need about the process (including copies of the Grievance Policy and this user guide), and any reasonable information that they require to support their case. Make sure they are supported throughout any investigation.
- ✓ Support colleagues who may have allegations raised against them as part of the grievance and consider and try to mitigate the impact on their wellbeing. This may include referrals to Occupational Health. A dedicated person, either their line manager or another person, may need to be appointed to undertake regular welfare checks with them.
- ✓ Bear in mind that colleagues who have raised a grievance are already likely to be feeling upset and it is important to respond appropriately in order that the situation does not escalate. Conduct yourself in line with [Our Behaviours](#), during the grievance process.
- ✓ Ensure that the timescales set are adhered to and provide regular updates to colleagues i.e., weekly or fortnightly basis. Where there are unavoidable delays, ensure that these are communicated to the colleague(s). In all cases you need to ensure that you and/or the Investigating Officer are keeping the colleague(s) updated on anticipated timescales.
- ✓ Where deadlines have been exceeded, colleagues should be afforded flexibility in their time to respond.
- ✓ Participate in the appeals process.

Investigating Officer Responsibilities

- ✓ Complete the [Declaration of Independence form](#) and submit to the HR Case Management Team for retention. Where any conflict arises, you should recuse yourself from managing the case and another Investigating Officer will be appointed.
- ✓ Ensure confidentiality is maintained throughout the process.
- ✓ Investigate the complaint and establish facts.
- ✓ Consider what resources are necessary to enable the investigation to be completed in a reasonable timeframe.

- ✓ Any investigatory meetings to interview the colleague(s) or other witnesses should be held in private and notes should be taken of the meeting which will become the colleagues' investigation statement.
- ✓ Aim to complete any witness interviews as quickly as possible so that details are remembered. Only witnesses relevant to establishing the facts surrounding the grievance should be interviewed.
- ✓ In addition to interviewing witnesses, consider whether physical evidence, such as CCTV, computer or phone records may be relevant to the investigation and where the retention periods for this information is reduced, securing these promptly.
- ✓ Establish the weight of evidence in support of or contrary to the complaint made.
- ✓ Produce an Investigating Officer's Report setting out the scope of the investigation, the process followed to investigate and a summary of your findings. Remember that your role is to provide a factfinding report only, not to make judgements or provide recommendations.
- ✓ Present your report to any subsequent grievance meeting.
- ✓ Answer questions at any grievance or appeal hearing, as required.

Line Manager Responsibilities

- ✓ Ensure confidentiality is maintained throughout the process.
- ✓ Where concerns in relation to a prejudice based incident are being raised, this must be recorded on the SHE portal in line with the [Protecting Colleagues from Unacceptable Behaviours Policy](#).
- ✓ Where appropriate, undertake the role of the Nominated Officer or Investigating Officer.
- ✓ On receipt of a formal grievance, contact the HR Case Management team via askHR.
- ✓ Ensure that the colleague(s) has access to any information they need about the process (including copies of the Grievance Policy and this user guide), and any reasonable information that they require to support their case.
- ✓ Make sure that all colleagues are supported throughout any investigation including providing time off to attend interviews.
- ✓ Support all colleagues who are involved in the grievance process, undertake regular wellbeing conversations to ensure they have the appropriate support or risk assessments in place, and provide them time out with class to engage with their Trade Union and prepare for any interviews or meetings. If they are being supported by a school rep, the rep may also require additional time out to attend meetings. Signpost colleagues to the appropriate support services available.
- ✓ Bear in mind that employees who have raised a grievance are already likely to be feeling upset and it is important to respond appropriately in order that the situation does not escalate. Conduct yourself in line with Our Behaviours, during the grievance process.
- ✓ Never take any action that could be seen as adversely influencing the investigation or interfering with the grievance process.

HR Responsibilities

- ✓ Ensure confidentiality is maintained throughout the process.
- ✓ Liaise with relevant manager to appoint Nominated Officer.
- ✓ Support Nominated Officer at all stages in ensuring Grievance process is followed appropriately.

- ✓ On a regular basis, meet with Nominated Officer to ensure timescales are being met and that any delays are clearly communicated.
- ✓ Provide support, guidance and advice to all colleagues on the Grievance policy.

Employee Responsibilities

Colleagues who have raised a grievance

- ✓ If the grievance has not been resolved at the informal stage, you can raise a formal grievance within 10 working days of receiving the informal outcome by completing the [Formal Grievance form](#) or [Collective Grievance form](#) and sending it to your line manager or another appropriate manager.
- ✓ All formal grievances should be raised with your immediate line manager except where the grievance concerns your immediate line manager. In these circumstances, it should be raised with the next more senior manager or another senior manager depending on what you feel comfortable with in the circumstances.
- ✓ Your grievance should clearly outline the details of your grievance or complaint (including any relevant facts, dates and names of individuals involved). You should also provide any additional information relevant to the grievance including details of any informal action that has been taken. You should outline your intended outcome and requested resolutions. In cases where any aspects of your complaint need to be clarified, the Nominated Officer will meet with you to refine your complaint and ensure that it is fully understood before any investigation commences.
- ✓ Conduct yourself in a reasonable manner, and in line with [Our Behaviours](#), during the grievance process.
- ✓ You must co-operate fully and promptly with any investigation. This may include informing the Nominated Officer (and Investigating Officer if appropriate) of the names of any relevant witnesses, disclosing any relevant documents to them and attending interviews.
- ✓ Maintain confidentiality throughout the process.
- ✓ If you have difficulty at any stage of the grievance process because of a disability, because English is not your first language, or for another reason, you should discuss the situation with your line manager as soon as possible.

Colleagues who are called as witnesses

- ✓ You must co-operate fully and promptly with any investigation.
- ✓ Attend any meetings that you have been requested to attend and ensure that you understand your role and reasons as to why they have been called as a witness. This should be detailed in the meeting invite letter sent to you.
- ✓ Answer any questions openly and honestly.
- ✓ Conduct yourself in a reasonable manner, and in line with [Our Behaviours](#), during the grievance process.
- ✓ Maintain confidentiality throughout the process.

Right to be accompanied

- ✓ Colleagues may be accompanied at a grievance meeting by the companions detailed below only. The companion can be:
 - an accredited trade union representative/official; or
 - a work colleague.
- ✓ The companion cannot be involved in the grievance process.
- ✓ The colleague's chosen companion will be able to address the meeting or sum up a colleague's case as well as conferring with them during the meeting. They may not answer questions on the

colleague's behalf, address the meeting if the colleague(s) does not wish them to do so or prevent the Council from exploring the complaint.

5. Investigation

In the formal stages of the grievance process, an investigation into the complaint(s) may be required. The Investigation can either be carried out by the Nominated Officer or, if appropriate, the Nominated Officer will appoint a suitable Investigating Officer and set the terms of reference for the investigation. Templates are available on the Orb that the Nominated Officer should send to the Investigating Officer, appointing them to that role.

Where no investigation is required, please move to Section 6 of this guide for next steps.

Investigation Responsibilities

Appoint an Investigating Officer

- ✓ The Nominated Officer will appoint an Investigating Officer to gather facts about the complaint.
- ✓ They must ensure the Investigating Officer has completed the [Declaration of Independence form](#) and determine whether there are any potential conflicts of interest that should be avoided.
- ✓ The Nominated Officer needs to discuss the details of the complaint with the Investigating Officer. Points for discussion are likely to include:
 - details of any witnesses;
 - the requirement to interview other staff/service users/members of the public, as appropriate;
 - the requirement to gather other relevant evidence; and
 - timescales for completion of the investigation.

Communicate with the colleague(s)

- ✓ The Nominated Officer must write to the colleague(s) and advise them that there will be a [formal investigation](#) as part of the grievance process.
- ✓ The Nominated Officer must ensure the colleague(s) is aware:
 - that an investigation will be carried out and who will do this;
 - what will happen next; and
 - indicative timescales for completion.
- ✓ The Investigating Officer will then write to the colleague(s) instructing them to attend an investigatory meeting.
- ✓ Template letters are available on the Orb.

Timescales

- ✓ The investigation must be completed within the indicative timescales set by the Nominated Officer. If there are unavoidable delays, ensure that these are communicated to the colleague(s). In all cases, the Nominated Officer needs to ensure that the colleague(s) is kept updated on anticipated timescales.

- ✓ In some cases, the Investigating Officer may only be required to hold an investigatory meeting with the colleague(s) who raised the complaint.
- ✓ In other cases, witnesses may need to be interviewed and additional evidence gathered. The Investigating Officer must advise any witnesses that they may be required to appear at any subsequent formal meeting and that their statement will be presented.

Investigation Meetings

- ✓ The Investigating Officer should decide who to interview and in which order. They will interview witnesses, services users and members of the public as appropriate. Specific rules apply for interviewing children.
- ✓ In collective grievances, interviews should take place with the spokespeople and with individual signatories where and as appropriate.
- ✓ Where there are specific needs required for the meeting (such as requiring an interpreter and/or needing any other adjustments, these must be put in place prior to the meeting taking place.
- ✓ The Investigating Officer must ensure that notification of any meeting is sent in writing by issuing an [investigation interview invite](#), giving at least five working days' notice. Colleagues who are interviewed as part of the investigation should be notified of their right to be accompanied at the meetings by either an accredited trade union representative/official or a work colleague. Template letters are available on the Orb. It is encouraged that all interviews are held in person, however, where this is not possible, alternative virtual arrangements can be put in place.
- ✓ When taking statements, the Investigating Officer should consider the following:
 - the date, time and place that events took place;
 - relevant circumstantial evidence; and
 - corroboration with other witnesses.
- ✓ The Investigating Officer must ensure that all statements are signed or agreed via email, and that the person giving the statement has had enough time to review and make any proposed corrections before the statement is included in the Investigating Officer's Report (IOR).
- ✓ All those interviewed as part of the process should be informed that their statements may be used in any subsequent action e.g., a disciplinary process.
- ✓ An [investigation statement template](#) to use when taking statements is available on the Orb.
- ✓ If the colleague(s) raises any health issues in connection with the complaint raised medical advice may require to be gathered from Occupational Health.
- ✓ The meeting can be adjourned if required at any point, e.g., so that the Investigating Officer can seek advice from HR, or to allow the colleague to discuss matters with any companion present.
- ✓ At the conclusion of the meeting, the colleague(s) who raised the complaint should be advised what will happen next, and the anticipated timescale for the completion of the investigation. They should be advised that a further investigation meeting may be arranged if required.
- ✓ If the Investigating Officer needs to interview any witnesses, they must write to them advising them of the process. There's a template letter available on the Orb.
- ✓ Witnesses must be advised that their statements will form part of the IOR and will be provided to the colleague(s) who raised the complaint as part of the process and considered if the case progresses to a formal meeting, and that they could be called as witnesses to any meeting or appeal hearing. Relevant support should be offered to witnesses.

- ✓ If witnesses do not wish to be identified or unwilling to give evidence in person or submit a written statement, you should be supportive and encourage their participation in any way which is appropriate.
- ✓ In some circumstances, due to information being uncovered during the investigation, it may be necessary to begin a disciplinary investigation. HR will advise on how to proceed in such circumstances.

Investigation Meeting Notes

- ✓ It's essential that accurate and detailed notes are kept of all investigation meetings which will form the colleagues' investigation statement. The notes should record:
 - who was present;
 - the start and finish times of the meeting;
 - any adjournments;
 - the complaint(s) made; and
 - a summary of the discussion held.
- ✓ A note of the meeting must be issued to the colleague(s) to sign as an accurate record of the investigation interview. The colleague(s) then has the opportunity to ask for factual amendments to be made.
- ✓ The Investigating Officer has the right to refuse to make any amendments that they consider don't accurately reflect what was said during the investigation meeting.
- ✓ Where the colleague's amendments are not accepted by the Investigating Officer as accurate, this must be stated, and the colleague's amendments will be included as an appendix to the IOR or submitted to the Nominated Officer as a different version.

Investigating Officer's Report

- ✓ All Investigating Officers must produce their report using the [IOR template](#).
- ✓ The IOR must include any evidence gathered including witness statements, email exchanges, systems data i.e., SHE portal reporting.
- ✓ The Investigating Officer must establish the facts of the case and draw conclusions on whether any points raised through the complaint have been substantiated.
- ✓ The Investigating Officer must not determine an outcome or make any recommendations on the points raised. The Investigating Officer should not include any personal opinions in the report.
- ✓ The IOR, along with any other relevant statements and documentary evidence must be provided to the Nominated Officer for consideration.

6. Arranging a Formal Grievance Meeting

Once the Nominated Officer is in a position to hear the grievance, they should arrange or resume the formal grievance meeting, if it had been adjourned pending a further investigation.

Grievance meeting notification and witnesses

The grievance meeting notification letter

- ✓ When in receipt of the grievance or the Investigating Officer's completed report (where this has been necessary), contact the colleague(s) to advise them you have received their grievance and arrange a formal grievance meeting. The grievance meeting must take place within 10 working days unless otherwise mutually agreed in writing.
- ✓ [The grievance meeting notification letter](#) should include:
 - details of the complaint(s) to be considered, together with the relevant supporting documents;
 - where an investigation has been undertaken, a copy of the Investigating Officer's Report and copies of all written statements and relevant evidence that will be presented at the meeting;
 - details of anyone who will be in attendance at the grievance meeting;
 - confirmation that the colleague(s) has an opportunity to provide any further supporting documentation to Nominated Officer at least 48 hours in advance of the meeting, details of the right to be accompanied at the meeting by an accredited trade union representative/official or work colleague (who must not be involved in the same proceedings); and
 - an outline of the possible outcomes.
- ✓ Grievance meetings should be held in person, however, where this is not possible, alternative virtual arrangements can be put in place.
- ✓ A template letter is available on the Orb.

Witnesses

- ✓ There is usually no need for witnesses to attend the meeting as the matter can be dealt with by witness statements alone.
- ✓ However, there may be exceptional circumstances where witness may be asked to attend a grievance meeting. This should be agreed in advance by the both the Nominated Officer and the colleague(s).
- ✓ Colleagues may submit additional written statements which have been signed by individuals who are not available to attend a grievance meeting. Any written submissions should be received at least 48 hours in advance of the meeting.
- ✓ If the witness evidence is more complex or conflicts with other evidence, the witness will normally be invited to attend in person so that their statement can be fully explored. If a witness is concerned about attending for any reason, their reasons would be considered by the Nominated Officer on a case-by-case basis.
- ✓ Witnesses may be accompanied by an accredited trade union representative/official or work colleague (who must not be involved in the same proceedings) to a grievance meeting for supportive purposes only.

Representatives

Colleagues are entitled to be represented at a formal grievance meeting by an accredited trade union representative, a work colleague (who must not be involved in the same proceedings), or an official employed by a trade union. No other representation will be permitted.

The colleague(s) should tell the Nominated Officer who their representative is as early as possible, but no later than 48 hours in advance of the hearing, unless exceptional circumstances apply.

7. Conducting a Formal Grievance Meeting

How to chair a grievance meeting – Nominated Officer guidance

Role and Responsibilities

- ✓ The Nominated Officer is responsible for chairing the meeting.
- ✓ The Nominated Officer can uphold, partially uphold, or not uphold the grievance,
- ✓ The Nominated Officer will normally be supported by a Senior HR Case Consultant.

Preparing for the meeting

- ✓ Prior to the meeting, ensure you have prepared your questions and arranged a notetaker to take a note of the meeting as you may need to refer to these notes at a later date.
- ✓ If the grievance is related to bullying and harassment, ensure you familiarise yourself with any other relevant policies or legislation such as the Equality Act 2010.
- ✓ Review the Investigating Officer's Report and statements prior to the meeting.
- ✓ A pre-meet with your Senior HR Case Consultant is recommended.
- ✓ Remember that the primary purpose of the meeting is to find a resolution to the employee's grievance. Try to ensure that the meeting remains focused on seeking a resolution and be aware that the colleague(s) may find discussing their grievance stressful and upsetting.
- ✓ Where necessary, arrange separate room(s) for witnesses. Bear in mind that you might need to keep witnesses apart.
- ✓ The meeting should take place in a private meeting room during the colleague's normal working hours and should be appropriately arranged in line with any agreed reasonable adjustments. Ensure there is drinking water and tissues available, as some people may become distressed during the meeting.

The grievance meeting

- ✓ The meeting should start punctually.
 - ✓ Introduce all present and ensure everyone understands why they are present.
 - ✓ Confirm the complaint that has been raised and to be considered at the meeting.
 - ✓ Check that everyone has all relevant documentation.
 - ✓ Confirm that the meeting will be conducted in accordance with the Grievance Policy.
 - ✓ Emphasise that the primary purpose of the meeting is to work towards a resolution of the colleague's grievance.
 - ✓ Confirm the format of the meeting and identify, if applicable, when there will be any planned breaks.
 - ✓ Advise that either party may request an adjournment at any time.
 - ✓ Ask if there are any questions before proceeding to the meeting itself.
- Format of the meeting:**
- ✓ Ensure notes / minutes are taken during the hearing to act as a record of the discussion.

- ✓ The Investigating Officer should present the case, including calling any witnesses.
- ✓ The Nominated Officer can ask the Investigating Officer questions at the end of the presentation.
- ✓ The colleague(s) and/or their representative have the opportunity to ask the Investigating Officer questions.
- ✓ Questions, in the same order as above can then be asked of any witnesses.
- ✓ Witnesses will be advised when they should attend and can leave the meeting.
- ✓ The colleague(s) or their representative present their case and call any witnesses.
- ✓ New information that was not covered in the circulated documentation cannot be introduced at this point.
- ✓ The Nominated Officer and Senior HR Case Consultant have the opportunity to ask questions of the colleague(s).
- ✓ Investigating Officer sums up.
- ✓ Colleague(s)/Representative sums up.
- ✓ If new facts emerge, points are raised, or omissions in the investigatory process become apparent which may have an impact on the outcome, the meeting must be adjourned and re-convened after the Investigating Officer has completed any additional investigation required.
- ✓ Investigating Officer leaves at this point and is not required further.
- ✓ Adjourn to consider whether a decision can be made.
- ✓ The colleague(s) and/or their representative are advised how the decision will be communicated and that it will be made within five working days of the meeting.
- ✓ Before you conclude the hearing advise the colleague(s) you will review the information you have obtained and will be in contact with them to advise them of the next steps
- ✓ Inform the colleague(s) that they have the right to appeal and that the decision will be confirmed in writing within five working days.
- ✓ Any extension to timescales must be mutually agreed.
- ✓ A note of the meeting should be taken which should include:
 - the time and date the meeting took place;
 - the key matters that were discussed;
 - the key responses put forward by the colleague(s) or their representative;
 - any relevant mitigating factors put forward by the colleague(s);
 - whether or not any resolutions/recommendations have already been put place through informal resolution; and
 - any other special requirements.

The outcome letter

- ✓ The Nominated Officer must issue the grievance meeting outcome letter within five working days of the meeting, which details:
 - what the grievance complaint(s) was;
 - whether or not the complaint(s) have been upheld (in whole or in part);
 - details of any recommendations, when they will come into effect and who is responsible for implementing the recommendations;
 - improvement or future action required; and
 - the right of appeal and the date by which notice of appeal should be received.

- ✓ Any extension to timescales must be mutually agreed.
- ✓ Your Senior HR Case Consultant will be able to assist you in the preparation of the [outcome letter](#). There's a template letter on the Orb.
- ✓ The outcome letter should be posted by recorded delivery and where appropriate, it can also be sent by email.
- ✓ A copy of the outcome letter should be given to the colleague's representative and your Senior HR Case Consultant.

Role of the representative

What they can do

- ✓ Address the meeting.
- ✓ Respond on behalf of the colleague(s) to any views expressed at the meeting.
- ✓ Confer with the colleague(s) during the meeting.
- ✓ Sum up the colleague's complaint.

What they can't do

- ✓ Answer questions on behalf of the colleague(s).
- ✓ Address the meeting if the colleague(s) does not wish it.
- ✓ Prevent the colleague(s) from presenting their complaint.

8. Reaching a Decision

After the Nominated Officer has fully considered your grievance, the investigation and the discussion which took place during the grievance meeting, they will decide what the outcome will be. This will be communicated to you in writing.

The three possible outcomes are:

Grievance upheld

If your grievance is upheld, the Nominated Officer will explain any action that will be taken to resolve your concerns. This will be communicated in writing, however, in some instances, the manager may also arrange a meeting with you to discuss the outcome in advance or in more detail. The resolution may include:

- Clarification to working practices.
- Providing additional training and/or support for you and/or your colleagues.
- Providing an action plan to address the issues raised.

Grievance partially upheld

The same process as above will be followed in cases where a grievance has been partially upheld. Partially upheld grievances are cases where the Nominated Officer has decided that only some of the concerns raised require any action. They will explain which elements of your grievance will be upheld along with the action that will be taken.

Grievance not upheld

It may be decided by the Nominated Officer that your grievance has not been upheld because there is insufficient evidence to support the complaints that you have made. In these cases, the Nominated Officer will explain why your grievance has not been upheld.

If the Nominated Officer decides that your grievance is vexatious (i.e., it has been raised maliciously or deliberately without any merit), you should be aware that they will be required to decide if there is a case for disciplinary action being taken against you as a result.

It is the responsibility of the Nominated Officer to satisfy themselves that the recommendations or next steps as part of the outcome have been taken forward by management. Where no action has been taken, clarification should be sought as to the reasons for this decision or delay, and how managers are managing the associated risks such as further grievances, reputational concerns, etc.

9. Retention of Records

Any documentation obtained during the grievance process should be kept secure and confidential. It is important to retain meeting notes and witness statements as any evidence collected may be used if the case is taken further.

Any evidence collected during the grievance process will also need to be submitted to the appeal hearing manager if a colleague(s) should raise an appeal.

10. Appeal

Stage 2 Appeals

Any colleague(s) who wishes to appeal the outcome of their stage 1 grievance meeting must do so by submitting a [Grievance Appeal Form \(Stage 2\)](#) clearly stating the grounds and within 10 working days of receiving the outcome of the grievance. They should include details of the following points in their appeals form:

- details of why they are making an appeal;
- whether they believe a fair process was carried out;
- whether they believe that any relevant evidence was not considered;
- whether they believe that the evidence presented was misrepresented;
- whether they believe the outcome reached was incorrect based on this evidence that was gathered; and
- the outcome that they are seeking.

At the meeting you will be given an opportunity to present evidence in support of your appeal. You can call witnesses that gave evidence at Stage 1, submit additional written information and/or use verbal presentation.

The Nominated Officer who heard the grievance at stage 1 (with advice from HR where appropriate) will be given an opportunity to justify the decision which is subject to appeal. Where possible, the HR colleague advising the Appeal Hearing Manager should be different to the colleague who was advising the Nominated Officer at Stage 1.

Stage 2 Appeals process – Service Director

Timescale to appeal

- ✓ Colleagues who remain dissatisfied following the outcome of the formal meeting can appeal to the Service Director – Education. If you are unsure of who this is, please contact your line manager or Business Manager who will advise.
- ✓ The Service Director – Education may appoint another appropriate Senior Manager to hear the appeal.
- ✓ The appeal must be submitted in writing, detailing the grounds for appeal, and be submitted by completing the [Grievance Appeal Form \(Stage 2\)](#), within 10 working days of the colleague receiving written notification of the formal meeting outcome.

Appeal hearing

- ✓ The appeal hearing must be arranged without unreasonable delay, normally within 10 working days of the appeal submission or as soon as reasonably possible if that timescale cannot be met.
- ✓ The colleague will be given at least five working days' notice, in writing, of the date of the appeal hearing and will be informed of their right to be accompanied.
- ✓ There is a template letter for [appeal stage 2 hearings](#) available on the Orb.
- ✓ The Service Director hearing the appeal may be supported by a Senior HR Case Consultant.

New evidence

- ✓ If there is new evidence or the appellant has identified a witness who has not previously been involved in the process, and this is material to the case, then the case may be sent back to the previous stage to be reheard.
- ✓ If the decision is made to send the case back to the previous stage to be reheard, then this should be done as quickly as possible.

Reaching a decision

- ✓ The Service Director hearing the appeal can issue outcomes as follows:
 - The decision at stage 1 was reasonable and the appeal is not upheld;
 - The decision at Stage 1 was not reasonable and the appeal is upheld;
 - The decision at Stage 1 is partially upheld.
- ✓ In the cases of an appeal being successful the Appeal Hearing Manager will consider the resolution requested by the appellant and will make appropriate recommendations to the service area. This can include arranging for the grievance to be reheard or to carry out further investigation into the issues. The decision will be confirmed in writing within five working days and include a note of the appeal hearing.
- ✓ If the colleague remains unsatisfied following the stage 2 appeal, they have a right to lodge a Stage 3 appeal to the Personnel Appeals Committee and details of how to do so should be detailed in the outcome letter.
- ✓ There is a template letter to use when advising colleagues of the [outcome of the appeal](#) available on the Orb.

Stage 3 Appeals

If you remain dissatisfied with the response from the Appeal Hearing Manager at Stage 2, there is a further right of appeal to the Personnel Appeals Committee. To submit an appeal, you must use a [Grievance Appeal Form \(Stage 3\)](#). This should be sent along with any documents relevant to the appeal within 14 calendar days

of receiving the outcome of your Stage 2 grievance appeal. They should include details of the following points in their appeals form:

- details of why they are making an appeal;
- whether they believe a fair process was carried out;
- whether they believe that any relevant evidence was not considered;
- whether they believe that the evidence presented was misrepresented;
- whether they believe the outcome reached was incorrect based on this evidence that was gathered; and
- the outcome that they are seeking.

Within your appeal, we are looking for you to demonstrate one of the following:

- The grievance did not follow a fair process and/or the process was not followed correctly;
- Information provided and/or gathered during the process was not considered;
- The conclusion reached was incorrect given the evidence presented i.e., not consistent or supported by the information provided;
- Where applicable, the behaviour complained about has not stopped.

All appeals will be sent to the Service Director – Legal & Assurance and the Service Director - HR.

All appeals will be assessed by HR who will determine if the Grievance Appeal Form (Stage 3) has been completed correctly. You may be asked to provide additional information to your Grievance Appeal Form.

Further information on the Personnel Appeals Committee can be found in [Personnel Appeals Committee Policy](#).

Stage 3 Appeals process – Personnel Appeals Committee

Timescale to appeal

- ✓ Appeals should be submitted to the Service Director – Legal and Assurance and the Service Director – HR, by emailing personnel.appeals@edinburgh.gov.uk within 14 calendar days of receiving confirmation of the grievance outcome.
- ✓ Committee Services will acknowledge receipt of the appeal and notify the appropriate Nominated Officer by sending them the appellant's appeal papers.
- ✓ The Service Director or their nominee's written response to the appeal must be sent to Committee Services within 14 calendar days of receiving the appellant's case for appeal, using the Appeal Response Form.

Appeal documents

- ✓ Any documents relevant to the appeal response should be sent with the Appeal Response Form. The Service Director or their nominee should also provide the name of any witness they wish to attend the hearing.

Appeal hearing

- ✓ Committee Services will make arrangements for an appeal to be heard within a month of receiving the Notification of Appeal Form, or as soon as possible if that timescale cannot be met.
- ✓ Committee Services will issue the agenda and papers for the meeting of the Personnel Appeals Committee not less than five calendar days in advance of the appeal hearing.
- ✓ Timescales can be varied by mutual agreement.

- ✓ The Service Director or their nominee will normally be supported at the hearing by a Senior HR Case Consultant.
- ✓ Colleagues are entitled to be represented at an appeal hearing by an accredited trade union representative, a work colleague (who must not be involved in the same proceedings), or an official employed by a trade union. No other representation will be permitted.
- ✓ Further information on the format of the Personnel Appeals Committee can be found in [Personnel Appeals Committee Policy](#) on the Orb.

New evidence

- ✓ If there is new evidence or the appellant has identified a witness who has not previously been involved in the process, and this is material to the case, then the case may be sent back to the previous stage to be reheard.

Reaching a decision

- ✓ Committee Services will write to both parties to advise them of the Personnel Appeals Committee decision, and the reason(s) for their decision, within ten calendar days of the date of the hearing. There will be no further internal right of appeal.

Possible outcomes

- ✓ The appeal outcome will normally be one of the following:
 - The decision at Stage 2 was reasonable and the appeal is not upheld;
 - The decision at Stage 2 was not reasonable and the appeal is upheld; or
 - The decision at Stage 2 is partially upheld.
- ✓ If your appeal is successful, the Personnel Appeals Committee will consider the resolution requested and will make appropriate recommendations to the service area. This could include (but is not limited to) arranging for the grievance to be reheard or recommending that further investigation into the issues is carried out.

Stage 4 Appeals

In the event that you continue to be dissatisfied, and only where the original grievance related to the interpretation or implementation of a national agreement promulgated by the Scottish Negotiating Committee for Teachers (SNCT), recourse may be had to their Joint Secretaries through their appeals process.

More information on the SNCT appeals process can be found on the [SNCT website](#).

11. Outline of Timelines

Stage	Timescale for colleague submission	Council response
Informal grievance	N/A	Manager to have been in contact regarding the grievance within five working days of receiving the grievance.
Stage 1 - Formal grievance	Colleague to submit their formal grievance within 10 working days from receiving the informal outcome if applicable.	Manager to make contact within 10 working days of receiving formal grievance to arrange a grievance meeting.
Outcome of Stage 1		Within five working days from the grievance meeting.

Stage 2 - Appeal	Colleague to submit their stage 2 appeal within 10 working days from receiving the formal outcome if applicable.	Appeal hearing set up within 10 working days from the appeal hearing.
Outcome of Stage 2 appeal		Within five working days from the appeal hearing
Stage 3 – Appeal	Within 14 calendar days of receiving stage 2 outcome.	Hearing set up within a month of receiving grievance appeal.
Outcome of Stage 3 appeal.		Within 10 calendar days from the appeal hearing.