



**TOOLKIT**

**FOR**

***STAFF GRIEVANCE***

***(INCLUDING BULLYING AND HARASSMENT)***

**FOR SCHOOLS**

**TO BE READ IN CONJUNCTION WITH THE GRIEVANCE  
POLICY**

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



<b>List of Contents</b>	<b>Page No</b>
<b>1) Grievance Summary</b>	<b>4</b>
<b>2) Schools Grievance and Investigation Process</b>	
<b>Formal stage</b>	<b>5</b>
- Stage One	<b>5</b>
- Stage Two	<b>6</b>
<b>3) Grievance Appeal</b>	<b>7</b>
- The Panel	<b>7</b>
- The Appeal	<b>8</b>
- Headteachers/Principals	<b>10</b>
- General	<b>10</b>
- Glossary	<b>10</b>
<b>4) Stage One Formal Grievance Request</b>	<b>12</b>
<b>5) Stage Two Formal Grievance</b>	<b>13</b>
<b>6) Grievance Appeal Request</b>	<b>14</b>
<b>7) Confirmation of Receipt of Grievance Appeal</b>	<b>15</b>
<b>8) Invitation to Grievance appeal Hearing</b>	<b>16</b>
<b>9) The Grievance Appeal</b>	<b>17</b>
<b>10) Guidance for conducting and Investigation</b>	<b>19</b>
<b>11) Invitation to Interview – Investigation</b>	<b>29</b>
<b>12) Employee Advice – Grievance</b>	<b>30</b>
<b>13) Manager’s Checklist</b>	<b>31</b>
<b>14) How to Address Bullying and Harassment</b>	<b>32</b>
<b>15) Guidance for Employees Accused of Bullying Harassment</b>	<b>35</b>
<b>16) Management V Bullying</b>	<b>36</b>

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

## Grievance - Summary

**The aim should be to agree a resolution informally.**

### **Keys to handling grievances in the workplace**

If it is not possible to resolve a grievance informally employees should raise the matter formally as soon as possible with a manager who is not the subject of the grievance.

### **Hold a meeting with the employee to discuss the grievance**

The manager should arrange for a formal meeting to be held after a grievance is received.

### **Allow the employee to be accompanied at the meeting**

Workers have a statutory right to be accompanied by a work colleague/UNION representative at a grievance meeting which deals with any complaint about a duty owed by the Council to the employee for example the individual's contract or a breach of employment legislation.

### **Decide on appropriate action**

Following the meeting decide on what action, if any, to take. Decisions should be communicated to the employee, in writing.

### **The employee is not satisfied with the outcome**

Allow the employee to raise the grievance at a higher level.

### **The employee may appeal**

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal.

### **Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary/capability process the disciplinary/capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues at the same time.



## Schools Grievance and Investigation process – Formal Stage

### 1. Formal Stage

#### 1.1. Stage One

- 1.1.1. Where the grievance cannot be resolved informally or the employee believes the matter is too serious for the informal stage it should be dealt with under the formal procedure.
- 1.1.2. The employee or representative should put his or her grievance in writing to the Deputy Head or appropriate manager, stating specifically that he/she is raising a formal grievance. Where the grievance is with that person the matter should be raised with the Headteacher/Principal. If the grievance is with the Headteacher/Principal the grievance should be made to the Chairman of the Governing Body. The letter should include:
- The grievance
  - The reason for dissatisfaction with the outcome of the informal stage
  - The remedy being sought
  - Any witness he/she wishes to call
  - Any supporting documentation

#### *See example on page 12*

- 1.1.3. The Deputy Head/appropriate manager will normally invite the employee as soon as possible to attend a hearing in order to discuss the grievance and explore possible solutions. Within 5 working days of receiving notification of the grievance the meeting should be arranged at a mutually convenient date. It may require more than one meeting with the employee. The employee should be informed that he or she has the right to be accompanied at the meeting by a trade union representative, staff representative or a work colleague.
- 1.1.4. If the employee calls witnesses it is the responsibility of the department employing the witnesses' to arrange time off for them to attend. The employee is responsible for asking the witnesses to attend the hearing and to bring any relevant material. It is an expectation that all employees will cooperate with the operation of the procedure which may include attending a hearing as a witness, if required. All statements submitted by witnesses must be signed.
- 1.1.5. The LEA's school personnel consultant must be informed and will attend all formal stages of the procedure to advise and assist the parties in resolving the issues
- 1.1.6. Once an investigation is complete and the Deputy Head/appropriate manager has discussed ways of resolving the grievance with the employee, a written response must be sent to the employee. This must be within 5 working days of the hearing or, where there has not been a hearing, within 5 working days of receiving the written notification of the grievance. If it is not possible to respond within that period the employee must be given an explanation for the delay and advised when a response can be expected.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



The response will set out:

- (a) what is understood to be the nature of the grievance;
- (b) the details of the outcome reached;
- (c) the reasons underlying the decision of the Deputy Head/appropriate manager and,
- (d) the right to pursue the matter under the second formal stage of the procedure,

## 1.2. Formal Stage Two

1.2.1. If the grievance is not resolved to the individual's satisfaction at stage one and if further discussions with the Deputy Head/appropriate manager are unlikely to bring a resolution the employee may proceed to the second stage of the formal process. Within 10 working days of receiving the notification, he/she either personally or through a representative should raise the matter in writing with the Headteacher/Principal. The letter should include:

- The grievance
- The reason for dissatisfaction with the outcome of stage 1
- The remedy being sought
- Any witness he/she wishes to call
- Any supporting documentation

*See example on page 13*

1.2.2 The Headteacher/Principal will respond and if necessary within 5 working days of being notified of the grievance arrange a hearing. The employee should be informed that he/she has the right to be accompanied at the meeting by a trade union representative, staff representative or a work colleague.

1.2.3. Following the hearing the Headteacher/Principal must respond to the grievance in person and confirm in writing within 10 working days of the hearing. If it is not possible to respond within that period the employee must be given an explanation for the delay and advised when a response can be expected.

The reply you receive will set out:

- what is understood to be the nature of the grievance;
- the details of the outcome reached;
- the reasons underlying the decision of the Headteacher/Principal and,
- information regarding any right of appeal to pursue the matter under the Grievance Appeal stage of the procedure, with the Governing Body.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## 2 Grievance Appeal

### 2.1. Appeal Stage

- 2.1.1. If the employee is dissatisfied he/she may proceed to the appeals stage and request within 10 working days of the Headteacher/Principal's response that the matter is considered by a grievance appeal panel. The appeal panel's decision is final.
- 2.1.2. If the employee wishes to appeal to the Headteacher/Principal it must be in writing within ten working days of receipt of the written reply at the formal stage. **(See example on page14)** The Headteacher/Principal will notify the Chair of Governors and the Clerk to the Governors that an Appeal request has been received within 2 working days. A copy of the letter can be forwarded to the relevant Trade Union/Teachers Association representative who may assist in preparing a statement of case. Within 15 working days, the statement of case should be prepared and submitted to the Headteacher/Principal. No new material can be introduced at this stage.
- 2.1.3. On receipt of the letter of appeal, the Chair of Governors will ask the Headteacher/Principal, or other appropriate party, to prepare a statement of response to the grievance within 15 working days.
- 2.1.4. Within ten working days of receiving the statements, the Chair of Governors will arrange a meeting of the Governing Body's Appeals Panel and will notify the employee in writing of the arrangements for the hearing. See 8.3 'The Appeal' for details of the hearing.
- 2.1.5. Within ten working days of this hearing the employee will receive a letter from the Chairman of the panel confirming their final decision on the grievance. A second copy of the letter will be sent to the employee to pass to the Trade Union/Teachers' Association representative, if desired.
- 2.1.6. A meeting of the Governing Body's Staff Appeals Panel is the last stage in the Grievance Procedure and therefore the decision of the panel will be final.

### 2.2. The Panel

- 2.2.1. The Governing Body Panel will normally comprise of at least 2 governors

### 2.3. The Appeal

- 2.3.1. Employees will be given at least five working days' notice in writing of the appeal hearing which should be heard as soon as possible.
- 2.3.2. The letter should include:
  - Date, time and place of the grievance appeal
  - The employee's right to be accompanied by a Union/staff representative or a work colleague
  - The names of the members of the Grievance Appeal Panel

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- The name of the person presenting the management case
- Copies of relevant paperwork, including a copy of the Policy and Procedure to Grievance
- Names of any management witnesses who will be called
- Reference to the employee's right to call witnesses and the requirement to present a written submission. This should be supplied at least two working days prior to the appeal and should include any papers being referred to at the appeal

2.3.3. The Chair must ensure that the appeal is conducted fairly. A note taker must make a written record of the appeal. These notes should be transcribed and formally agreed by the Chair and Panel within five working days of the appeal.

2.3.4. The process of the appeal hearing is as follows:

- a) The Grievance Appeal Panel should aim to meet at least 15 minutes prior to the appeal to ensure they are clear about the procedure to be followed. The Panel should not discuss the appeal or issues relating to it with the manager presenting the case or the employee concerned ahead of the hearing.
- b) The Panel will decide who will act as Chair to the proceedings. The Chair will invite the manager presenting the case and the employee (including the representative) into the room together.
- c) The Chair will open the hearing by introducing those present in the room and their role during the hearing.
- d) If a representative accompanies the employee he/she should be asked to introduce her/himself. If the employee is not accompanied the Chair should confirm that the employee is aware of the right to be accompanied and that this is his/her decision.
- e) The Chair will ask the employee to present his/her grievance and call any witnesses. Witnesses should appear one at a time and will only be present while they are being questioned.
- f) The manager presenting the case may question the employee (and representative) and any witnesses. The Panel, and its adviser, may also put questions.
- g) The employee (and representative) may re-examine any witnesses. The witnesses should be asked to remain available nearby for possible recall.
- h) The Chair will ask the manager to present the management case and to call his/her witnesses. Witnesses should appear one at a time and must only be present while being questioned.
- i) The employee (and representative) may ask questions of the manager and any witnesses. The Panel and its adviser may also question those above.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- j) The manager presenting the case may re-examine the witnesses. The witnesses should be asked to remain available for possible recall.
- k) The Chair will invite the employee (and representative) to sum up his/her case. This may involve bringing together the information already submitted as well as any new facts that have come to light during the hearing and should not include the introduction of any new evidence, but could include suggesting new solutions.
- l) The manager presenting the case will then be invited to sum up on the same basis as above.
- m) All present will leave the room while the Panel considers the evidence and reaches a decision. The note taker and any adviser may remain in the room but will not take part in the decision making.
- n) Where further information is required before reaching a decision, or if new issues have emerged which require further investigation, the appeal hearing should be adjourned and reconvened once the information has been obtained and made known to the other parties.
- o) Where the panel feels a decision may take some time, the other parties are asked not to wait. Witnesses are also told they may leave. Otherwise the panel considers all the evidence and reaches a decision straight away. The note taker will record the decision of the panel.
- p) Once the decision has been reached the employee (and representative) and the manager presenting the case are recalled and informed of the outcome.
- q) The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible or within 10 working days. A copy of the letter should be placed on the employee's personal file.
- r) There is no further right of appeal against the decision of the grievance appeal panel whose decision shall be final.

## 3 Headteachers/Principals

- 3.1. Where the Headteacher/Principal has a grievance he/she should endeavour to resolve the matter by approaching the Chairman of the Governing Body. In exceptional circumstances, it may be appropriate for the LEA to assist the school/college in order to try and find a solution to the grievance. If the matter remains unresolved the Headteacher/Principal will have the right to put the grievance before the Governing Body of the school/ college. The general principles and the time limits set out in this procedure should be observed where ever practicable.

## 4. General

- 4.1. In individual cases, the time limits referred to in this procedure can be extended in exceptional circumstances or by mutual agreement.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- 4.1.1. Any joint consultative body established by the Governing Body or the LEA and the recognised Trade Unions/Teachers Associations whose terms of reference cover this procedure shall be entitled to discuss any important issue of principle which might arise out of its operation but shall not be entitled to deal with individual cases.
- 4.1.2. In cases where an individual grievance develops into a collective dispute. The matter shall, with the consent of the interested parties, be referred from this procedure to the appropriate collective disputes procedure.

## Glossary

Working Day = Monday to Friday, School Terms only

Schools procedure - Timescales

STAGE	ACTION	TIMESCALE
<b>Informal</b>	Grievance discussed informally	Variable
<b>START OF FORMAL GRIEVANCE PROCEDURE</b>		
<b>Stage One</b>	Submission of formal grievance	Variable
	Formal meeting to hear grievance is arranged	5 working days
	Written response to grievance	Within 5 working days of hearing

<b>Stage Two</b>	Submission of unresolved grievance from stage one	Within 10 working days
	Formal meeting to hear the grievance is arranged	5 working days
	Written response to grievance	Within 10 working days
<b>GRIEVANCE APPEAL</b>		
<b>Appeal</b>	Submission of formal Appeal request	Within 10 working days
	Headteacher to inform Chair of Governors and Clerk to	2 working days

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



	the Governors of Appeal request	
	Both parties to prepare statement of case	Within 15 working days of appeal request
	Chair of Governors to arrange meeting of Governing Body Appeals Panel	Within 10 working days of receipt of statements
	Appeal hearing	At least 5 working days notice given
	Notes of the hearing transcribed and agreed by Chair and Panel	Within 5 working days of the hearing
	Written confirmation of final decision of grievance	Within 10 days of the hearing

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Stage One Formal Grievance Request

CONFIDENTIAL

To: .....

From: .....Date: .....

### NOTIFICATION OF FORMAL GRIEVANCE

In accordance with the Schools Grievance Procedure, please consider the grievance referred to below.

My grievance is .....  
.....  
.....

This was discussed with ..... informally on .....

The oral response was .....  
.....

I am not satisfied with this response because .....  
.....  
.....

The outcome I am seeking is .....  
.....

My trade union/staff representative/work colleague is .....  
.....

I wish to call the following witnesses who have agreed to attend on my behalf .....  
.....  
.....

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

---

Northern  
House  
School



Supporting information listed below.

Signed ..... dated .....

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

## Stage Two Formal Grievance Request

### CONFIDENTIAL

To: .....Manager (Headteacher/Principal)

From: ..... Date: .....

### NOTIFICATION OF FORMAL GRIEVANCE

In accordance with the Schools Grievance Procedure, please consider the grievance referred to below. I attach a copy of the Stage One Grievance Notification for your information along with the supporting information from the hearing.

I am dissatisfied with the outcome of Stage One because.....

.....  
.....

The outcome I am seeking is .....

.....

My trade union/staff representative/work colleague is

.....

I wish to call the following witnesses who have agreed to attend on my behalf

.....

.....

Supporting information listed below:

Signed ..... dated .....

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Grievance Appeal Request

### CONFIDENTIAL

To: ..... (Manager two levels above) (Headteacher/Principal for Schools)

From: .....

Date: .....

### NOTIFICATION OF FORMAL GRIEVANCE APPEAL

In accordance with the Schools Grievance Procedure, please consider the grievance referred to below. I attach a copy of the Stage Two Grievance Notification for your information along with the supporting information from the hearing.

I am dissatisfied with the outcome of Stage Two) because.....

.....  
.....  
.....

The outcome I am seeking is .....

.....

My trade union/staff representative/work colleague is

.....

I wish to call the following witnesses who have agreed to attend on my behalf

.....  
.....

Supporting information listed below:

Signed ..... dated .....

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

---

Northern  
House  
School



## Example Letter – Confirmation of Receipt of Grievance Appeal

PRIVATE & CONFIDENTIAL

### Grievance Appeal

Dear

In response to your appeal dated **(insert date)** against the decision concerning your grievance. I write to confirm receipt of your grievance appeal and associated documentation.

Your appeal will be heard by **(insert name)**.

You will be notified as soon as arrangements have been made for the hearing to take place.

Please contact me **(insert tel.no:)** if you have any questions concerning this matter.

Yours sincerely

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

## Example Letter – Invitation to a Grievance Appeal Hearing

PRIVATE & CONFIDENTIAL

Dear

### Grievance Appeal

In response to your appeal dated (insert date) against the decision concerning your grievance. I write to confirm the arrangements for your appeal hearing.

The hearing will take place on (insert date) in (insert venue) Please could you arrive at (insert time).

Your appeal will be heard by (insert name), (insert name) will be the HR Advisor and (insert name) will be note taker.

(insert name) will present the management case (insert name/s) may be called as witness/es.

The decision of this grievance appeal hearing is final and there is no further right of review.

Please find attached copies of documents relating to the hearing and a copy of the Wokingham Borough Council's Policy and Guidance for Grievance.

You are entitled to be accompanied by a trade union representative, staff representative or a work colleague.

You have the right to bring witnesses to the hearing. Please make the necessary arrangements for your witnesses to attend. Names and relevant details of witnesses you intend to call should be notified to.....

Please contact me (insert Tel.No.) if you have any questions concerning this matter.

Yours sincerely

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## The Grievance Appeal

**The Appeal Meeting** - Employees will be given at least five working days' notice in writing of the appeal meeting which should be heard as soon as possible.

The letter should include:

- a) Date, time and place of the grievance appeal;
- b) The employee's right to be accompanied by a Union/staff representative or a work colleague;
- c) The name of the manager conducting the meeting;
- d) Name of the Manager presenting the management response to the grievance;
- e) Copies of relevant paperwork, including a copy of the Policy and Guidance to Grievance;
- f) Names of any management witnesses who will be called;
- g) Reference to the employee's right to call witnesses and the requirement of the employee to supply any documents and the names of witnesses and person who accompany them at least two working days prior to the appeal.

4.2.2. A member of the Human Resources Service will advise the Panel.

4.2.3. The Chair must ensure that the appeal is conducted fairly. A note taker must make a written record of the appeal.

The process of the appeal meeting is as follows:

- a) The Chair should not discuss the appeal or issues relating to it with the manager presenting the case or the employee concerned ahead of the meeting;
- b) The Chair will invite the manager presenting the case and the employee (including the person accompanying them) into the room together. The Chair must ensure that the meeting remains focused on the grievance appeal and not allow any new issues to be raised;
- b) The Chair will open the meeting by introducing those present and outline their role during the meeting;
- c) If the employee is not accompanied the Chair should confirm that the employee is aware of their right to be accompanied and that this is his or her decision;
- d) The Chair will ask the employee to present his/her grievance and call any witnesses. Witnesses should appear one at a time and will only be present while they are being questioned;

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- e) The manager presenting the management response to the grievance may question the employee (and representative) and any witnesses. The Chair and HR Consultant, may also put questions. The witnesses should be asked to remain available nearby for possible recall;
- f) The Chair will ask the manager to present the management response to the grievance and to call his/her witnesses. Witnesses should appear one at a time and must only be present while being questioned;
- g) The employee (and person accompanying them) may ask questions of the manager and any witnesses. The Chair and HR Consultant may also question those above. The witnesses should be asked to remain available for possible recall;
- h) The Chair will summarise the grievance to ensure complete understanding by those present. The Chair will close the meeting and inform the employee that the outcome of the appeal will be sent to him/her in writing as soon as possible or within 10 working days and that the decision will be final. A copy of the letter will be placed on the employee's personal file;
- i) The Chair will consider the evidence and reach a decision. The note taker and any HR Consultant may not take part in the decision making. The note taker will record the decision.
- j) Where further information is required before reaching a decision the Chair should consider adjourning the meeting and reconvening once the information has been obtained and made known to the other parties;
- k) There is no further right of appeal against the decision both the employee and manager concerned shall accept that the appeal decision is final.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



As a guideline only there is not an absolute requirement that investigating officers must apply every single paragraph of the guideline to every investigation they undertake, as the circumstances of some investigations could prevent this. Employee rights are set out in the Council's disciplinary, capability and grievance procedures and no additional rights should be inferred from this guideline.

## **Guidelines for Conducting an Investigation**

### **Introduction**

1. The investigation process is the most fundamental part of any type of action that may be invoked against employees of Wokingham Borough Council. It is therefore important that a comprehensive, fair and thorough investigation is conducted to ensure employees are treated fairly and in the interests of natural justice. Additionally it assists in the correct decision being taken by the appropriate authority.
2. These guidelines outline the investigatory process to assist in determining the facts that may arise from the following:
  - Grievance Complaints
  - Disciplinary Offences
  - Whistler Blower Allegations
  - Adult/Child Protection Issues
  - Public Complaints
  - Bullying & Harassment
  - Audit Reports
3. While the investigatory process applies equally to all of the above it will be the responsibility of the investigating officer to determine how best to conduct the investigation to achieve the outcome.

### **Aim**

4. The aim of these guidelines is to ensure an effective investigation is carried out.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## **Objectives**

5. To ensure that a fair and consistent approach is adopted by managers of WBC when carrying out investigations.
6. To provide guidance for managers to ensure that investigations are carried out effectively.
7. To ensure employees are dealt with fairly and given the opportunity to input into the investigation.

## **Definitions**

8. **Investigation**. The implementation of a systematic process to uncover and clarify issues, thereby making it easier to establish facts and to assist in the determination of an outcome and solution.
9. **Investigating Officer**. The manager appointed to conduct and lead the investigation.

## **Investigation Procedure - Establishing an Investigating Officer.**

10. Normally an investigation will be conducted by the line manager where the incident took place.
11. In more complex cases an independent manager will be appointed to carry out an investigation.
12. No manager should conduct an investigation if a conflict of interest arises or where they were involved in the incident and which would prejudice a fair and effective investigation.

## **Investigation Process**

13. The appointed investigating officer should treat the investigation as a project irrespective on whether this is a simple or complex investigation. Adopting this process will assist in a well managed, timely and effective investigation.

## **Investigation Preparation**

14. **Initial Assessment of Facts**. The investigating officer should obtain and review all the relevant key documentation pertaining to the incident or complaint. Reviewing the documentation will assist in determining:
  - What happened and when.
  - Who was involved?
  - Were the correct procedures followed?
  - Witnesses to the incident.
  - Likely timescales of conducting the investigation.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



15. Before commencing the investigation the investigating officer should ensure that the employee subject of the investigation has been informed that an investigation is to be conducted and who is to carry out the investigation. They should also determine whether the employee has been suspended from duty.

## **Project Plan Investigation**

16. When the investigating officer has reviewed the initial key documents and determined the requirements they should plan how the investigation is to be conducted.
- a. Policies and Procedures. Apprise yourself of the policies and procedures relating to the incident or complaint.
  - b. Evidence. Ensure all the evidence is available and identify key documentation that may be required for interviews.
  - c. Interviews. List those employees you need to interview and plan dates and times for the interviews. There are two options for you to take:
    - I. Statement. Request a detailed statement from the employee requesting full details of what occurred. The statement should be signed and dated by the employee. However, it is likely that you will need to follow up the statement with an interview to clarify facts.
    - II. Investigatory Interviews. Interview the employees and make detailed notes of the discussion. The notes should be signed by the employee indicating they are an accurate record of the conversation.
  - d. Rooms. Book interview rooms to ensure confidentiality with sufficient time allowed to complete interviews.
  - e. Note Taker. Arrange a note taker to record the interview and type up the notes afterwards.
  - f. Current Workload. Plan investigations around current work commitments and reprioritise. In complex investigations it may be necessary to delegate your work out.
  - g. Questions. You may be able to plan some preparatory questions from the initial evidence available. But you will need to ask additional questions as interviews progress.
  - h. Timescale. Plan the time it will take you to complete the investigation from start to finish inclusive of your report. Additionally plan for delays that may arise during the investigation due to unforeseen circumstances.

## **Interviews**

17. Witnesses have an obligation to comply with an investigation and a refusal to do so could result in disciplinary action being taken against them. The purpose of the interview is to:

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- Establish and clarify the facts to the event.
- Resolve any contradictions or inconsistencies within the event.
- Establish the key issues that have arisen.

18. You have the option to either ring and arrange an interview date and time with employees or send them a letter requesting them to attend. Individuals have a right to representation at interviews with the support of a trade union representative or colleague and must be afforded this opportunity before the interview starts. The following is the basic outline of the interview:

- Introduce those present.
- Outline the purpose of the meeting and the reason it is being conducted.
- Inform them that a note of the meeting will be recorded and may be used as evidence at any potential hearing.
- Inform them that they will be asked to sign the notes to confirm it is an accurate record of the meeting but that they are not a verbatim record.
- Advise them that their attendance at a hearing may be required.
- A further interview may be required if you feel it is necessary to clarify further points.
- Have evidence available that you may have to refer to or need clarification of their involvement.
- Adjourn the interview if you feel this is required.
- Ensure employees are given the opportunity to state their case and provide any information pertinent to the investigation.

## **Interview Dos.**

- Do build a rapport with the interviewee to gain their trust and confidence.
- Do ask open questions.
- Do probe to ensure you get all the facts.
- Do keep to the facts of the case.
- Do actively listen.
- Do keep focused on the facts of the events.
- Do address contradictions in the evidence to clarify points.
- Do address conflict if it occurs.
- Do summarise the answers to check your understanding.
- Do adjourn the meeting if it is required i.e. as a cooling off period.
- Do ask closed questions where appropriate.

## **Interview Do nots**

- Do not make judgements during the interview.
- Do not consider hearsay evidence only the facts.
- Do not give timescales on when the investigation will be completed.
- Do not use gut instinct.
- Do not jump to conclusions.
- Do not decide on the outcome.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- Do not comment or agree with a statement made if asked.
- Do not use hypothetical scenarios.

## **Interview Bewares**

- Beware of 'off the record' discussions – not acceptable.
- Beware of 'without prejudice discussions' – not acceptable.
- Beware that staff may lie.
- Beware of the stress and anxiety that the process can cause.
- Beware of cultural differences.
- Beware of anonymity – it is acceptable but must remain confidential.
- Beware of refusals to attend interviews. It is a requirement of investigations.
- Beware of sickness issues to prevent an interview. Seek HR advice on how to resolve.

## **Interview Notes**

19. It is essential that interview notes are a factual and accurate record of the meeting. The notes should contain the date and location of the interview. Details of those present and their role in the meeting and a summary of the questions and responses given. It is not required for the notes to be a verbatim record. The notes should be typed and sent to the interviewee within 3 days of the interview and asked that they sign the notes to confirm they are an accurate record. The interviewee should return the signed copy within one day of receipt. If the interviewee does not agree with the notes they may highlight any inaccuracies or omissions for you to consider. If you agree with the amendments retype the notes and submit for signature. In the unfortunate event that the notes cannot be agreed the interviewee may submit their own notes to be attached to the investigating officer's notes.

## **Evidence Review**

20. When you have completed the investigation you will need to collate all the evidence together which may comprise of the following:

- Interview Notes or Statements.
- Relevant Procedures.
- Relevant Policies
- Factual evidence such as timesheets, overtime claims etc.

21. All the evidence will require reviewing to enable you to write your report. You must be confident that the evidence supports what you are saying in your report and your conclusions and recommendations. If there are still gaps you should obtain further details to ensure the facts are clear.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## **Investigation Report**

22. On completion of the investigation you should compile a comprehensive report and submit this to the officer that requested it. The report should be factual, clear in its outcomes and understandable to enable the deciding officer to make a decision on the final outcome. The report should cover the following:
- a. **Introduction**. A brief introduction, purpose and overview on why the report was commissioned and by whom.
  - b. **Outline of Offence/Complaint**. Explain what is alleged to have occurred, by whom and who reported the matter or raised the complaint.
  - c. **Remedy Being Sought**. This applies to grievance cases only and you may wish to state what remedy is being sought by the complainant.
  - d. **Methodology of the Investigation**. Explain how you carried out your investigation inclusive of the timescales and problems that occurred. What documents you reviewed and who you interviewed.
  - e. **Findings**. This will form the bulk of your report. Outline the facts of the case referring to all relevant evidence to support your findings.
  - f. **Recommendations**. If your investigation highlighted flaws in procedures and policies you may wish to recommend how these should be resolved.
  - g. **Conclusion**. The report should end with your summary and conclusions on the allegations or complaint that was raised. It is not your responsibility to decide on the action to be taken i.e. disciplinary action but your conclusions should help the deciding officer to make that decision.
  - h. **Appendices**. The report should clearly identify any appendices that are relevant to the investigation.

## **General Points**

23. **Timescales**. It is very important that you draw up a timescale to complete the investigation quickly. Alleged offenders in particular and complainants/witnesses in general will find the investigation stressful if delays occur.
24. **Communication**. If the investigation is not going according to your plan you must inform the parties concerned and advise them of the reason why. This would include alleged offenders, complainants, witnesses and the manager who commissioned the report.
25. **HR Service**. You should seek the support of the HR service if you are unsure of your rights within the investigation or if delays are occurring.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Non Employees of WBC.

26. Where an incident involves a non-member of WBC you should try to obtain a statement or interview them – any statement or notes should be signed and dated. If, however, they refuse there is very little you can do. It is not normal for a non-member of WBC to attend a subsequent hearing to an investigation.

## Investigation Checklist

Pre-Investigation – Review all evidence on the background to the case	Tick off/action done
Identify witnesses to interview which could include non WBC employees.	
Question Preparation	
Identify sites to visit if required	
Identify further evidence to collate/review	
Identify Key Documents to collate	
Identify support for the investigation	
Review policies and procedures as necessary	

Pre-Investigation – Plan Timescales for your investigation inclusive of:	Tick off/action done
Plan timescales for your investigation:	
Ensure accused is aware that you are to investigate	
Consider interview timescales required	
Book a note taker for interviews	
Book interviews for witnesses (how many)	
Book interview for accused	
Book interview rooms	
How to contact individuals	
Reviewing further evidence collated	
Re-Interviews (if required)	
Typing up interview notes	
Producing final report	
Contingencies: delays/sickness/annual leave	
Representation particularly for the accused	
How will your current workload be managed	
Visit sites if required	

Interview Preparation	Tick off/action done
Additional Question Preparation	
Confirm interviewees attending	
Confirm that they have been given the right of representation if required	

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

Have evidence available to present if required	
Confirm rooms available	
Confirm note taker available	
Have questions ready on points to cover	

(Report Title)

## **DISCIPLINARY INVESTIGATION INTO:**

## **REPORT OF AN INVESTIGATION BY:**

Name and Appointment of Investigating Officer

## **PRESENTED TO:**

Name and Appoint of Manager Requesting Investigation

## **Index/Contents**

List the main Headings of the report and clearly label Appendices.

## **(Helpful Hints)**

Paginate the document and index the main headings for easy reference.

Cross reference documents and evidence for easy reference.

Provide a clear chronology of events

The report should be clear, easy to read with reference to important areas of the evidence that support your findings/recommendations and conclusions.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

## Introduction

Brief details of the facts leading to your appointment of investigating officer:

- Who requested the investigation?
- Reason for the investigation.
- Time taken to investigate.
- Who is the complainant?
- Policies and Procedures used for the investigation.

## Outline of Disciplinary Offence or Grievance or Harassment or Bullying Complaint

Give full details of the complaint(s) that has been made or full details of the disciplinary offence(s) that are alleged to have been committed.

## Outcome or Remedy Being Sought

In the case of a grievance or bullying or harassment complaint detail the remedy being sought by the employee.

## Investigation Methodology

Outline how you carried out the investigation:

- Documents seen and used in deliberations.
- Witnesses interviewed with dates.
- Evidence collated i.e. documents, video evidence etc.
- Policies and procedures reviewed and relevant to investigation.
- Sites visited if relevant.

## Investigation Outcomes

The bulk of your report should cover the full details of your investigation, outlining all the facts with the results of your findings. The details should only refer to the essential and should not include any hearsay evidence. Keep in mind that judgements are made on the 'balance of probability' under employment law.

Link the contents to relevant evidence or policies or procedures.

You may wish to itemise each aspect of the investigations viz:

- Complaint or alleged offence details. Give full details of what it complained about or occurred,
- Findings. Outline what your findings are detailing the evidence that support your finding, contradictions within the evidence that make it difficult to make a conclusion or a lack of evidence that support the complaint or alleged offence committed. Key aspects of statements

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



- Timeline. Consider producing a timeline of events as this is very useful in complex cases to identify how events occurred and when.
- Witnesses. Highlight those witnesses who wish to remain anonymous.

## Recommendations

If your investigation highlighted flaws within procedures not followed or where procedures and/or policies could be improved list any suggested recommendations for consideration.

## Conclusions

Give details on the conclusion of your investigation and the reasons. (It is not the investigating officer's responsibility to recommend whether disciplinary action should be taken but you can indicate where a regulation, policy or procedure has been breached). Detail the impact the complaint/offence has had on the Council or staff.

Signed  
Appointment

Enclosures:

List all attachments to support your findings:

- Witness statements.
- Copies of policies and procedures
- Local standing orders or instructions
- Documentary evidence

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

---

Northern  
House  
School



## Example letter/e-mail invitation to interview - Investigation

Dear [insert Employee's name]

I have been asked by .... to complete the investigation this will be carried out under the Policy and Guidance for Grievance (including Bullying and Harassment).

As part of my investigation I would like to interview you as I feel that you may have information that will help me to reach a full understanding of the issues raised.

Or

I am writing to invite you to an interview to carry out a formal investigation regarding a complaint made against you by another employee relating to .....

The interview has been arranged at [insert time] on [insert date] in room [insert venue], please confirm that you are able to attend.

You have the right to be accompanied at the meeting. The person accompanying you can be a union representative, staff representative or work colleague. This person is there to accompany and support you; they are not there to answer on your behalf.

If you have any documents that you think would add to my investigation please bring them with you when we meet.

Finally, due to the nature of any investigation of this sort, this matter is confidential and you should not discuss the fact that you are being interviewed with anyone other than your representative, nor should you discuss the content of your interview with your colleagues.

Yours Sincerely

Investigating manager

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



---

## Employee Advice - grievance

### Employee Advice - grievance

- Have you tried to resolve your concern informally with your manager/supervisor?
- If you are still dissatisfied after raising your concern with your manager/supervisor and wish to raise a formal grievance, write down briefly what your concern is; provide a copy to your manager/supervisor.
- If your concern is with the behaviour of your manager/supervisor, keep a copy of your written complaint, give a copy to your manager/supervisor and send a copy to your manager's/supervisor's manager.
- You may wish to invite another employee or trade union/staff representative to accompany you at the meeting with the manager considering your grievance.
- You may find it helpful to write down your thoughts and feelings about your grievance to save relying on memory.
- At the start of the meeting be sure that you understand how the meeting will proceed and that you will have an opportunity to present all your facts. The manager considering your grievance will treat you with respect in a fair and reasonable way, including acknowledging your feelings about your concerns.
- You and the person accompanying you may wish to take notes during the meeting(s).
- If the manager hearing your grievance requires more time for consideration before giving a written response this will be discussed with you.
- If you remain dissatisfied with the outcome of the first stage of the formal process it is your right to continue through the procedure.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Manager's Checklist

- Remind the employee of his/her right to be accompanied at formal stages by a work colleague or trade union/staff representative.
- Whether the grievance is against his/her colleague or manager/supervisor ensure that support is available for both parties, that, where required, alternative arrangements for supervision are in place and that effects on any other working relationships are reviewed.
- Clarify the stage the grievance procedure has reached
- Explain the grievance process to the employee (and person accompanying them) and clarify the employee's rights within the process.
- Recognise and acknowledge issues of gender, race, disability and status.
- Listen attentively and make notes of the meeting.
- Investigate all facts and issues raised through the process by the parties involved.
- If further time is needed to complete enquiries agree on a time extension.
- Once a decision has been reached this should be communicated in person to the employee giving reasons for your decision. This should be confirmed in writing including the employee's right to pursue the grievance should they remain dissatisfied.
- Consider how the grievance and its resolution may have affected other colleagues and the workplace and how any issues can be dealt with. Establish who will be responsible for ensuring this is managed.
- Inform any others who need to know about the outcome of the grievance, while respecting appropriate confidentiality.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## How to address bullying or harassment

Where employees cannot raise a complaint informally with their manager/supervisor they are advised to meet their HR Consultant and/or Union/Staff Representative. In this meeting the complaint being made will be clarified and the different options available to the complainant under the informal and formal procedure will be explained. The purpose of this meeting is to establish whether there is substance to the complaint and to draw attention to available procedures and options and to help the employee to consider alternatives, but without pressure to adopt any particular course and to assist the individual in dealing with the situation (if the individual asks for help). A record will be made of the meeting. Options that might be considered are:

### Talking to the person concerned

Appropriate when:

- There are times when the working relationship is acceptable;
- The problems are recent;
- Both parties are assertive (i.e. not passive or aggressive).

Not appropriate when:

- There have been threats or threatening behaviour.

### **What should you do?**

Before the meeting:

- Identify the behaviours that are experienced as unpleasant or bullying;
- Be specific (times, frequency) and keep a diary.

At the meeting:

- Clearly describe the behaviour to the offending person.
- Say that it is unwanted;
- Describe the appropriate behaviour that should be used.
- Seek agreement.

### **Benefits**

- Issues can be resolved quickly;
- Relationships can be improved.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## **Writing a letter**

Appropriate when:

- Talking to the person has not brought about the expected results;
- A meeting is not possible (e.g. distance, timing).

Not appropriate when:

- The person is unable to deal with the potential responses to the letter;
- The person is unprepared to talk about the difficulties directly.

## **What should you do?**

Before writing the letter:

- Identify the behaviours that you want the person to change;
- Identify alternative, appropriate behaviours.

When writing the letter:

- Clearly describe the negative behaviours;
- Explain why the behaviours are unwanted;
- Describe the alternative, appropriate behaviours;
- Say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter).

## **What shouldn't you do?**

- Do not personalise the bad behaviours (e.g. say 'the behaviour was "disrespectful" rather than "you are disrespectful");
- Do not be too emotional in your language.

## **Benefits**

- It allows preparation time;
- It enables you to say what you want;
- It acts as a record.

## **Mediation**

Appropriate when:

There is a need for support in dealing with a problem;

- There is agreement on the existence of an issue;
- Both parties are willing to work for a win-win solution.

Not appropriate when:

- One or more people are unwilling to take part in the process;
- There has been serious bullying or victimisation;
- The parties are not able or prepared to negotiate.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



The mediator will help you:

- Identify what has happened by speaking confidentially to all parties;
- Assess the best way to bring the parties together;
- Hold a joint meeting;
- Explore the issues;
- Build the agreement for future working relationships.

**What shouldn't you do?**

- Do not expect the mediator to solve the problems;
- Do not remain in the past;
- Do not try to apportion responsibility/blame.

**What should you do?**

Contact your HR Consultant who will make the arrangements

**Benefits**

- It increases the likelihood of a resolution;
- It can improve working relationships.

**Formal processes**

Appropriate when:

- The incident that brought about the complaint is considered very serious by the complainant;
- Informal routes have been unsuccessful.

Not appropriate when:

- The employees concerned prefer to work together to resolve the problem;
- The formal process may cause extreme distress to one or more employees.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Guidance for employees accused of bullying or harassment

If someone makes a complaint against you, you should consider the following:

- Differences of attitude and culture or misinterpretation of social signals mean that what is perceived as harassment by one person may not seem so to another. Even though your behaviour may seem harmless to you, it is the other person's reasonable reaction to your behaviour that is important.
- Listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable and appropriate to change your behaviour. You must take this matter seriously, do not treat it lightly.
- The first indication you may have that there is a problem may be when a colleague tells you that they are offended or upset by certain aspects of your behaviour and they will ask you to stop behaving towards them in a particular manner. All employees are informed that they have the right to ask any of their colleagues to stop behaving in a manner that is insulting, discriminatory or offensive to them.
- Alternatively, you may first be made aware that there is a problem when approached by one of the designated employees attempting to resolve the issue or informing you that a formal complaint has been made.
- If you are accused of harassment or bullying, you may wish to consult your HR Consultant or a Staff/Union representative. These support networks are intended to help employees to find positive ways of resolving complaints. Your manager or HR can nominate a contact officer.

# Tool Kit Policy for Staff Grievance Policy

1 June 2017 Version Number:1

Review Date: Summer Term 2018

Northern  
House  
School



## Management v Bullying

