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# PURPOSE

This toolkit is designed to assist managers in implementing the Council’s Grievance at Work Policy and Procedures consistently and effectively. The toolkit contains standard paperwork, letter templates and guidance to be used for hearings and related correspondence under the Grievance at Work Policy and Procedures and should therefore be read in conjunction with the Grievance at Work Policy.

# SCOPE



The Grievance Policy and Procedures applies to all Local Government Employees and Chief Officers, Teaching employees should refer to procedures outlined in the SNCT Handbook of Conditions of Service.

# UNDERPINNING PRINCIPLES & OBJECTIVES



To outline the framework for dealing with grievance issues and the relevant steps that a line manager should undertake in line with the Grievance at work Policy.

To provide comprehensive guidance on the process of dealing with issues from the informal stages to exhausting the internal procedures.

To implement a framework that provides standard formats for implementing practices which take account of legislative compliance and best practice.

The approach of the Council will be through the following principles:

* Confidentiality
* Objective Approach
* Sensitivity to the feelings of all employees involved
* Openness and Honesty
* Effective information gathering
* Willingness to resolve the issue
* Following the established procedures

**All Matters** should be dealt with in the following way:

* + Consider an **informal approach** as the first step in resolving issues
  + Issues should be raised and dealt with **promptly** without unnecessary delay
  + Managers should act **consistently**
  + **Appropriate fact findings** carried out to establish facts of each case where required
  + Any grievance hearing will be conducted by a **manager not involved** in the matter giving rise to dispute.
  + Employees have the **right to be accompanied** at any grievance/appeal at work hearings (relevant companions/representatives are outlined in section 4 Definitions of the Grievance at Work Policy)
  + Employees have the **right of appeal** against formal decisions made in matters which involve them

# PROCESS



### *Process Overview*

The Toolkit will support Managers to move through the following stages of the process:

* Informal Action
* Grievance Hearing
* Fact Finding
* Grievance Appeals

### *4.2 Key Skills*

There are key skills which are considered essential in carrying out the responsibilities of the Grievance at Work Policy effectively as follows:

|  |
| --- |
| **Listening Skills** |
| * Reassure and put the person at ease * Ensure that there are no distractions that will have an impact on the meeting * Use appropriate responses such as nodding and asking further questions where necessary * Don’t try to listen and speak at the same time * Use appropriate levels of sensitivity * Be patient throughout the meeting/conversation * Control your own feelings * Ask questions and seek appropriate examples where relevant |
| **Handling Difficult Conversations** |
| * Lead by example, do not react in a confrontational manner * Recognise the importance of having good team relationships * Focus on the root of the issue and the facts * Take account of the information objectively * Use active listening skills to get the employee(s) point of view * Allow the employee(s) to express their views * Aim to reach a solution through a joint approach * Recognise the need for a break if the situation escalates, there are occasions the employee may be ‘letting off steam’ but know when to de-escalate the situation. |
| **Effective Note Taking** |
| The purpose of note taking is to summarise what was discussed in a meeting/hearing, record any actions that require to be taken forward and the responsibility for doing so. Some hints and tips in making written records at meetings:   * Don’t try to record every word that is said in the meeting * Concentrate on the main points of the discussions, actions agreed and who should follow up on any actions * Remember that the notes/reports will need to be understood by someone else and may be used further on in the process and so where possible provide the necessary detail, for example name, surname and job title when talking about somebody’s actions * Remain objective throughout * Consider the format and language used in preparing any reports. * Type up your notes when the meeting is still fresh in your mind * If more than 1 person is present, ask for one person to speak at a time to allow an accurate record to be made * Use headings or the questions asked to separate the information being presented * Review the notes/ report prior to submitting to ensure that the content is clearly outlined and accurate |



### *Informal Resolution*

Informal resolution should always be the first step to consider in addressing an issue which has been raised by an employee to avoid the matter being progressed through formal procedures.

Line Managers are encouraged to address issues with the employee at the earliest point possible through dialogue with the employee. It is recognised that the circumstances of some cases may not allow for this approach and it may be appropriate not to use this approach.

The informal approach may involve:

* Talking in private to discuss the concern
* Listening to the employee to understand the root of the problem

Informal measures may have more positive long term effects in modifying future behaviour than moving to formal procedures. In some situations having a conversation with someone to find out a bit more about the issues will be enough. Managers should keep a brief note of informal approaches and agreed remedies.

In addressing issues raised in an informal way, there may be a requirement to introduce working practices such as:

**Coaching:** Coaching may be appropriate where an employee raises a concern or complaint in relation to the role that they perform. The types of coaching that may be used could involve on the job training, job shadowing. By introducing coaching at an early stage, the employee may have an issue addressed with a positive impact on the employee and the service. This usually lasts for a short period and focuses on specific skills and goals. This is a non-directive form of development.

* Focused on improving performance and developing individuals’ skills
* Personal issues may be discussed but the emphasis is on performance at work
* Focused on individual and organisational goals
* Provides Feedback on strengths and improvement areas

**Mediation:** Mediation may be appropriate as a means of solving or working to improve relationships following disagreement or misunderstandings occurring. The mediator will be objective in the process and can help parties reach agreement where it is otherwise seen to be impossible. Mediation is conducted on the basis that parties involved want to reach a mutually agreeable outcome and solution. This is a voluntary process and will only take place if both parties agree. Mediation is a confidential process where the terms of discussion are not disclosed to any party outside the mediation hearing.

Your HR Adviser can support with advice in relation to mediation and arrangements where both parties agree this as a way of reaching a resolution. Contact details for the HRAdviser can be found in section 5.0 of this toolkit.

**Training:** Training for employees may be an appropriate outcome to ensuring that the issues raised by an employee are fully or partly addressed where a gap in skills, knowledge or competence to carry out the role have been raised by an employee.

Implementing training to address areas of performance or conduct at an early stage may avoid any issues arising in the future.

**Informal Stage Improvement Planning:** Improvement planning can form part of informal action where an employee’s conduct or performance has caused concern. Through discussion, the employee will have an awareness of what is expected of them and will be made aware of the consequences if performance does not reach a satisfactory standard in a reasonable timescale. **An informal Improvement Plan Template can be found in Appendix 13.**

**The Performance Development Review (PDR) Framework:** Please refer to the procedures established within the PDR Framework & PDR Toolkit for guidance on addressing issues within the course of the PDR Framework communication and the setting, monitoring and review of objectives.

The above list of interventions is not exhaustive and managers should consider the most appropriate method of addressing an issue based on individual circumstances.

### *Grievance at Work Procedures*

Grievances should be raised informally in the first instance where the circumstances allow for this approach. This can be done through an employee requesting a meeting with the line manager or the line manager taking action where an issue is apparent.

In some instances, the informal stage of procedures may not be appropriate due to the nature of the complaint. Where the grievance relates directly to the line manager the employee can request advice from the HR Adviser.

Where a grievance cannot be resolved informally a formal Grievances should be raised using the notification of Grievance Form (Appendix 1) although Managers need to consider if other forms of communication may indicate an employee wishes to raise a formal grievance such as via email or letter. Where this is the case please seek advice from your HR Adviser and provide the employee with the notification of Grievance Form.

Although Managers can attempt to resolve any issue arising informally in order for a concern to progress to the formal process it has to be a competent Grievance. Further details of this are outlined in Section 2 Scope of the Grievance at Work Policy.

Managers should be aware that all records of meetings, completed forms and any other correspondence in relation to any matters can be used throughout the Grievance at Work process and may be considered on any appeals being received.

### *Grievance Hearing*

A Grievance Hearing should be arranged without unreasonable delay after a grievance is received in line with Section 5.3.2. of the Grievance at Work Policy. The employee will normally be provided with at least 7 calendar days’ notice of the formal grievance hearing. Template invite to Grievance hearing letter can be found in Appendix 2 Where the grievance involves a group of employees the employees should nominate an appropriate number of representative employees from the group to attend the hearing and present the case on behalf of the group along with their companions. However all employees involved in the grievance should receive a written outcome of their grievance and any other relevant information.

The hearing should allow the employee to present their case, provide any supporting evidence relating to the grievance and propose the way they see the issue being resolved. The notes of this hearing should be captured on the Record of Grievance Hearing Form – Appendix 3.

Managers may not be able to provide an outcome to the grievance following the hearing and may have to adjourn the hearing if there is a requirement to establish the facts of the issue and/or seek further information. In such circumstances, continued communication with the employee/s is essential. In certain circumstances this may involve the undertaking of a fact finding. Advice should be sought from your HR Adviser in these circumstances.

Further Guidance on undertaking a grievance hearing can be found in Appendix 4.

### *Guidance for Fact Finding*

**What is a Fact Finding?**

A fact finding is a way of establishing the facts of an incident or allegation made in relation to an employee. The fact finding is not a hearing but will generally involve meeting with relevant employee/s at which point they will be made aware of the allegations/reasons for the fact finding. The Fact Finding may involve the instigation of Discipline at Work Policy depending of the facts established. In such cases reference should be made to the Discipline at Work Policy and support/advise sought from a HR Adviser.

**Who will conduct a Fact Finding?**

The Manager appointed to hearing the grievance will undertake the fact finding to establish the facts of the circumstances surrounding an incident or allegation. However depending on the circumstances a different Manager may be appointed.

**The Fact Finding Report**

On concluding the Fact Finding the manager will review and consider the responses and the information/evidence collated and compile this into a Fact Finding report which will inform the Grievance outcome.

**Grievance Outcome**

The employee should be informed of the outcome of the grievance hearing in writing without unreasonable delay, usually within 7 calendar days. The Manager should also consider whether it is appropriate to re-convene the Grievance hearing to provide the outcome verbally prior to providing written confirmation. The employee should be provided with an outcome letter which can be found in Appendix 8.

### *Appeal Hearings*

Where the employee does not agree with the outcome of the grievance hearing they have the right to appeal in line with section 5.3.6 of the Grievance at Work Policy. There are 2 appeal stages.

* The appeal should be submitted in writing within 14 calendar days of the response of the initial grievance using the Grievance Appeal Form (Appendix 6).
* Appeal Hearing should be arranged without unreasonable delay by the next Tier Manager with at least 7 calendar days’ notice using the Invite to Grievance Appeal letter Appendix 10
* The outcome of the appeal should be confirmed to the employee in writing without unreasonable delay within 7 calendar days using the template letter in Appendix 12.

In exceptional circumstances, these timescales may vary however, ongoing communication must be made with the employee to ensure that they are kept up to date and aware of the reason for variation.

In the interest of consistency, the employee will always present the case first outlining their grounds of appeal followed by management. The format that is outlined below:

* The chair of the appeal hearing will outline the procedure and the purpose of the hearing
* The employee or representative shall be asked to put their case first; calling any witnesses if and when appropriate
* The management side and the chair shall then have the opportunity to ask questions of the employee, their representative and/or any witness(es) called on the employees behalf
* The management side shall then have the opportunity to put forward their case and call any witnesses
* The employee or the employee representative and the chair of the appeal hearing shall have the opportunity to ask questions of the management side and any of their witnesses
* The management side followed by the employee shall have the opportunity to sum up their individual cases.



### *Opportunity for Appeal*

|  |  |
| --- | --- |
| **Grievance Action** | **Authorised Level of Management to hear Appeals against Grievance Decision** |
| Formal Grievance Hearing | 3rd Tier Manager or 4th Tier Team Leader |
| Appeal Hearing (Appeal 1) | Next Tier Manager |
| Appeal Hearing (Appeal 2) | Executive Officer |

**For Grievances raised against Executive Officers and Depute/Chief Executives**

|  |  |
| --- | --- |
| **Grievance Action** | **Authorised Level of Management to hear Appeals against Grievance Decision** |
| Formal Grievance Hearing | Executive Officer, Depute Chief Executive or Chief Executive |
| Appeal Hearing (Appeal 1) | Depute Chief Executive, Chief Executive or HR Appeals Board\*\* |
| Appeal Hearing (Appeal 2) | Chief Executive or HR Appeals Board if not previously heard |

**For Executive Officers and Depute/Chief Executives**

|  |  |
| --- | --- |
| **Grievance Action** | **Authorised Level of Management to hear Appeals against Grievance Decision** |
| Formal Grievance Hearing | Depute Chief Executive or Chief Executive |
| Appeal Hearing (Appeal 1) | Chief Executive or Appeals Sub Committee \*\* |
| Appeal Hearing (Appeal 2) | HR Appeals Board if not previously heard |

\*\* An HR Appeals Board Committee will be made up of appropriate Elected Members.

# Contacts

HR Adviser contact details can also be found on the hub at [Workforce Strategy Contact List](http://thehub.eastdunbarton.gov.uk/sites/default/files/documents/council/plans-policies-and-strategies/workforce_strategy_contact_list.pdf)

|  |  |  |  |
| --- | --- | --- | --- |
| **HR Advisers** | | | |
| **Name** | **Job Title** | **Email** | **Ext No** |
| Nikki Edgar | HR Adviser | [nikki.edgar@eastdunbarton.gov.uk](mailto:nikki.edgar@eastdunbarton.gov.uk) | 5647 |
| Lorna McLaughlin | HR Adviser | [lorna.mclaughlin@eastdunbarton.gov.uk](mailto:lorna.mclaughlin@eastdunbarton.gov.uk) | 3243 |
| Susie Andrews | HR Adviser | [susie.andrews@eastdunbarton.gov.uk](mailto:susie.andrews@eastdunbarton.gov.uk) | 5608 |
| Susan Hamilton | HR Adviser | [susan.hamilton@eastdunbarton.gov.uk](mailto:susan.hamilton@eastdunbarton.gov.uk) | 5628 |
| Natalie Moyes | HR Adviser | [natalie.moyes@eastdunbarton.gov.uk](mailto:natalie.moyes@eastdunbarton.gov.uk) | 3172 |
| Anne Marie Cunningham | Team Leader HR Operations | [annemarie**\_**cunningham@eastdunbarton.gov.uk](mailto:annemarie_cunningham@eastdunbarton.gov.uk) | 5535 |

Support is also available from the Council Employee Assistance Programme Time for Talking:

**Time for Talking** offers a free 24 hour confidential helpline/support service which can be accessed by all employees.

This service offers a wide range of support available to meet individual employee needs including access to self-help resources

In addition to the website, email and telephone counselling employees there is access to live web chat through the website and the password is provided below.

Face to face counselling can be provided via referral through the HR Advisers where criteria is met. In the first instance employees are encouraged to try the telephonic counselling and live web chat. The contact details for employees looking for immediate support are as follows:

Telephone: 0800 9703980

Email: [admin@timefortalking.co.uk](mailto:admin@timefortalking.co.uk)

Website: [www.timefortalking.co.uk](http://www.timefortalking.co.uk)

Live Web Chat: Accessed via website. Password: TfTnow (case sensitive)

### *Appendix 1: Notification of Grievance Form*

The form should be completed by the employee and submitted following the procedure outlined in the Grievance at Work Policy. Employees can contact a HR Adviser for assistance in completing the form. The form is available in alternative format where required by contacting the HR Adviser.

|  |  |
| --- | --- |
| **Personal Details** | |
| Name: | Employee  Reference: |
| Designation: | Department: |
| Location: | Contact Number: |
| Any correspondence related to the grievance should be forwarded to the address below:  Please outline a work/home address. | |
| **Companion Details** | |
| Trade Union Name: | Trade Union Rep: |
| Other Representative: | |
| **Informal Resolution & Proposed Informal Remedy** | |
| Informal approach taken | |
| Actions/Remedy Proposed | |
| Reason for moving to formal written grievance | |
| **Details of Complaint** | |
|  | |
| **Proposed Remedy** | |
|  | |
| **Employee Signature** | **Date** |
|  |  |

### *Appendix 2: Invitation to Grievance Hearing Letter*

Private & Confidential

Name

Address

Postcode

Date

**Invitation to Grievance Hearing**

I refer to the grievance which you submitted on *(date)* the ground for which being *(reasons).*

I invite you to attend a grievance hearing to discuss the matter on:

*(Date)*

*(Time)*

*(Location)*

*Please bring with you any information which may evidence your grievance.*

You have the right to be accompanied and I would be obliged if you could confirm your companion’s details and any witnesses that you intend to call to *(name),* HR Adviser, prior to the hearing taking place. An appropriate representative/companion may be:

* Fellow worker
* Trade Union Representative
* Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to Human Resources.

I would be grateful if you could confirm receipt of the invitation to the hearing by returning the tear off slip below to *(name)*. Please also confirm your attendance and whether you will have a representative and/or witnesses at the hearing.

Yours sincerely,

*(name)*

*…………………………………………………………………………………………………………….*

I confirm receipt of the invitation to the grievance hearing on *(date), (time), (location)* inaccordance with the Council’s Grievance at Work Policy. I shall attend and will bring:

(Representative and/or witnesses*)…………………………………………………………………*

*Name:*

*Date:*

**PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL**

### *Appendix 3: Record of Grievance Hearing*

The form Grievance at Work Form should have been completed and submitted following the procedure outlined in the Grievance at Work Policy. The form below should be used to record the proceedings at the formal hearing.

|  |  |
| --- | --- |
| **Personal Details** | |
| Name: | Employee  Reference: |
| Designation: | Department: |
| Location: | Contact Number: |
| Any correspondence related to the grievance should be forwarded to the address below:  Please outline a work/home address. | |

|  |  |
| --- | --- |
| **Companion Details** | |
| Trade Union Name: | Trade Union Rep: |
| Other Representative: | |

|  |
| --- |
| **Informal Resolution & Proposed Informal Remedy** |
| Informal approach taken |
| Actions/Remedy Proposed |
| Reason for moving to formal written grievance |

|  |  |
| --- | --- |
| **Pre-Hearing Information** | |
| Date Received: | Date of hearing: |
| Timescales Met: | Letter Issued: |

|  |  |
| --- | --- |
| **Present at Hearing** | |
| Management and HR Representative | |
| Name | Designation |
|  |  |
|  |  |
|  |  |
|  |  |
| Employee & Companion Details | |
| Name | Designation |
|  |  |
|  |  |
|  |  |
|  |  |

|  |
| --- |
| **Details of Grievance** |
|  |
| **Proposed Remedy** |
|  |

|  |
| --- |
| **Parties / Witnesses called** |
|  |
|  |
|  |

|  |  |
| --- | --- |
| **Evidence Submitted** | |
| Submitted By | Details |
|  |  |
|  |  |
|  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Decision Made** | | **Reason** | |
| Upheld | |  | |
| Not Upheld | |  | |
| Adjournment Required | |  | |
| Reconvened Date | |  | |
| **Remedy or Actions Required** | | | |
| Action | By Who | | Deadline |
|  |  | |  |
|  |  | |  |
|  |  | |  |
|  |  | |  |

|  |  |
| --- | --- |
| **Confirmation to Employee** | |
| Letter Sent |  |
| Timescales of 7 working days met? | Yes/No |
| Reason |  |

|  |  |
| --- | --- |
| **Officer Information** | |
| Name |  |
| Designation |  |
| Telephone Number |  |
| Signature |  |
| Date |  |

### Appendix 4: Grievance Hearing Checklist

|  |
| --- |
| **Grievance Hearing Checklist** |
| Grievance hearings offer the opportunity to address issues raised formally by employees. The hearing may be appropriate when:   * Informal action has not proven successful and the issue has been raised formally * Informal action has not been suitable from the outset and would perhaps make matters worse * The employee raising the complaint has requested the formal process from the point of submitting the complaint |
| **Introductions**   * Employee welcomed to the hearing * All those present introduced * Confirm that the employee received written notification of the hearing * Employee reminded of their right to be accompanied(if unaccompanied) * Employee made aware that notes will be taken to ensure an accurate record of the hearing is held. No electronic recording devices are permitted in any hearing   **Information Gathering**   * Ask the employee to outline the details of their grievance and how they feel this could be resolved * Ensure that any additional questions asked are relevant to gathering more information on the issue * Ask the employee if they have anything further that they wish to add   **Adjournments**   * If required, postpone the hearing to speak to any other employee involved or to confirm any mitigating factors raised. If it is apparent that a longer adjournment is necessary inform the employee that you will keep in touch with any updates on the reconvened hearing * On resuming the hearing you should summarise the details of the issue which has been presented   **Concluding the Hearing**   * Thank the employee for their time and cooperation in dealing with this grievance * **If a clear decision is made**, you can communicate this to the employee and confirm that this will be followed up in writing within **7** calendar days of the hearing taking place * Advise the employee that they will have the right of appeal using Grievance Appeal Form and this should be submitted within **14** calendar days of the decision being received in writing * If a **decision is not reached** at the hearing, inform the employee that they will be advised of the outcome in writing within **7** calendar days (where possible) |

|  |
| --- |
| **Questioning: Hints & Tips** |
| **This guidance provides hints and tips for questioning in the Grievance Hearing and for any questioning required within additional fact finding exercises related to the grievance. These do not represent an exhaustive list and will not be relevant in all cases. Therefore, these should be adapted depending on individual cases.**  **Is this the first incident?**  If **yes**, you should proceed to the fact finding questions planned.  If **not**, you should ask the employee:   * How many times they have experienced these incidents? * Have they taken any action on an informal basis? |
| **What?**   * The actual details of the incident/allegation. * Clarification should be sought in this meeting on any points which are unclear. * If there is an allegation of persistent offences or incidents related to the grievance, you should ask for every detail of each occurrence in chronological order. * Ask whether they have reported this to any other employee.   **What happened then?**  This will allow for further information to be gathered. |
| **Where?**   * The location of the alleged incident(s) * If someone is unclear on the exact location, you could ask them where they were immediately before the incident occurred. |
| **When?**   * Date and time of the incident(s). If the employee cannot recall, ask for approximate times. |
| **Who?**   * Witnesses and any other people present at the time of the incident. * The role of each individual in the incident. * Any comments or contributions made by other individuals. |
| **Best Practice in Fact Finding**   * Conducted as soon as possible following an issue/complaint being raised * Fact Finding Officers are impartial with no prior involvement in the issue * Consider the location of where you will conduct the fact finding * Flexibility over the timing and location of the meetings * Taking an adjournment if employees become distressed or abusive * Using a facilitator or interpreter where there are language barriers * Communication with the employee following the conclusion of fact findings |

The Hints & Tips above may also be relevant whereby additional fact finding exercises are essential to dealing with the Grievance. The relevant point for the fact finding to take place will be determined by the nature of the case.

If a Trade Union representative is subject to fact finding, the matter must be discussed with the full time official before proceeding.

**How should additional Fact Findings be conducted?**

**Essentials**

* Advanced notice may be required where it is apparent that there is a need to speak to additional employees involved in the grievance
* The employee is aware of the right to appropriate representation
* Accurate recording of fact finding meetings using the Fact Finding Recording Form is essential to ensure that the principles of transparency and consistency are maintained throughout the process
* Resolving a grievance issue cannot be taken under any circumstances at a fact finding meeting, the fact finding must be concluded prior to communicating the outcome of the grievance hearing
* Statements and reports from interviews with employees must be signed for accuracy

**Adjournments**

It is good practice to consider an adjournment when interviewing to allow for information to be reviewed and for any further questions to be considered to ensure as much information as possible is gathered.

Adjournments should be mutually agreed and used if:

* The employee gets upset or confrontational within the meeting
* Further fact finding required into issues raised
* The employee or representative requests an adjournment
* More time is required to assess the information presented

**Follow up**

On concluding any additional fact finding exercises, all relevant information should be attached to the report including the Fact Finding Recording Form attaching all witness statements, copies of documentation and any other information essential to the report.

**The Fact Finding Report**

In reviewing the responses to the fact finding you should consider the information that you will present in the report to the relevant officer in line with the table of delegated authority. The report will present the findings of the fact finding stage giving as much information as possible. This can be attached to the Record of Grievance Hearing and referred to in the form.

In completing all paperwork related to the Grievance at Work Policy you should consider:

* The format of the report
* The language used
* Making your approach to the issue and facts surrounding the case clear
* The sensitivity of the information being presented

**Complex Cases**

In carrying out fact finding, in some complex cases it may be appropriate to appoint two Fact Finding Officers who will work together at all times to address the issues. This may be appropriate where the nature of the issue requires numerous employees to be interviewed or where the nature of the case would benefit from additional officers being present to conduct the fact finding.

**Employee Complaints Procedure**

This need for additional fact finding may be appropriate for allegations made under the Complaints Procedure which may be of a more complex nature. The Complaints Procedure may be used by an employee to report allegations of bullying, discrimination, harassment and/or victimisation.

The use of the Complaints Procedure does not exclude or replace any rights of an employee from taking formal action through the Grievance at Work Policy. Employees have the opportunity to pursue an issue under the Grievance at Work Policy where they are not satisfied with the outcome via the Employee Complaints Procedure.

In some cases where issues are of a complex nature there may be a requirement to extend the fact finding periods to ensure that all the facts are known. This may require variation in the time limits to be agreed with the employee and where appropriate the companion. This may also be the case where mitigating factors are highlighted within a hearing which will require clarification by the relevant appointed officer.

### Appendix 5: Invitation to Fact Finding Letter

**Private & Confidential**

**Name**

**Address**

**Postcode**

**Date**

**Invitation to Fact Finding Interview**

I write to advise you that in accordance with the Grievance at Work Policy information/allegations have been raised which require the undertaking of a Fact Finding.

As part of this Fact Finding you are required to attend a fact finding meeting.

The meeting will be conducted by **(Fact finding Officer)** on **(Date)** at **(Time).** The purpose of the meeting is to establish the facts surrounding the following allegation/issue:

* **(Reason)**

**(Delete as appropriate)\*\***

For Witness only\*\*At this stage you are required to attend as a witness only and there are no allegations made against you. However, should this change due to the information presented during the Fact Finding you will be informed of this in writing and asked to attend a further Fact Finding meeting to discuss.

This meeting will allow for the opportunity to present any information and facts you may have surrounding the allegation/issue outlined. You have the right to be accompanied by an appropriate representative/Companion which can be:

* Fellow worker
* Trade Union Representative
* Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

(\*\* delete as appropriate - only for those who allegations are against and not witnesses)

Please note depending on the outcome of the Fact Finding the Discipline at Work Policy may be invoked.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to Human Resources.

Yours sincerely,

(INSERT NAME)

Job Title

### Appendix 6: Fact Finding Recording Form

|  |  |
| --- | --- |
| **Fact Finding Meeting Recording Form** | |
| **Allegation** |  |
| **Date** |  |
| **Location** |  |
| **Present** |  |
|  | |
| **Introduction**   * All parties are aware of why the meeting is taking place. * Confirm that written notification has been received by the employee * Parties have been informed that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing. * The employee should be made aware that they have the right to be accompanied. * Parties have been made aware that fact findings are taking place in line with the agreed Grievance at Work Policy. * All relevant witnesses to be interviewed are invited to attend a fact finding * Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement.   **In Gathering the Facts of the case:**   * All parties are given an opportunity to put forward their case. * Additional/new witnesses cited to ensure a full and fair fact finding has been carried out. * Consider the facts presented and whether you have a full picture of the incident. | |
| **Question** | |
| **Response** | |
| **Question** | |
| **Response** | |
| **Question** | |
| **Response** | |
| **Concluding the Meeting**   * Confirm that there are no further questions to ask * Ask the employee if they have any further questions or anything to add * Inform all employees involved that the matter should be dealt with confidentially and that facts of the case will initially only be disclosed to the relevant officer in line with the table of delegated authority. Explain that if the matter does result in any further action, the employee’s statement may be shared with other individuals involved in the matter. * For the employee at the centre of the allegation or issue, outline that they should expect to receive correspondence confirming the next stage of the process * Thank the employee for their time and attendance * Provide a copy of notes taken to employee on their signing to confirm accuracy. (This may be following the meeting if possible or at another appropriate time when they have been typed up)   **Following the Meeting**   * All notes presented in a report giving all relevant information. This report will include:   - All information from the case put forward by employee(s) (Signed & Dated)  - Any relevant paperwork presented/submitted  - Witness Statements (Signed & Dated) | |
| **EMPLOYEE DECLARATION**  **I confirm that the information above is an accurate and fair representation of the discussions that took place and the information I provided during the fact finding meeting.**  Name:  Signature:  Date: | |
| **FACT FINDING OFFICER DECLARATION**  **I confirm that the information above is an accurate and fair representation of the discussions that took place and the information provided by the above employee during the fact finding meeting.**  Name:  Signature:  Date: | |

|  |  |  |
| --- | --- | --- |
| **Action Required** | **Responsibility** | **Progress/Complete** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**THE EMPLOYEE MUST BE PROVIDED WITH A COPY OF THE SIGNED STATEMENT**

# Appendix 7: Fact Finding Report Form

|  |  |  |  |
| --- | --- | --- | --- |
| **Fact Finding Report Form** | | | |
| **Fact finding officer(s)** | **Designation** | **Contact Details** | **Fact Finding Start & End Date(s)** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Incident/Allegation Summary** | | | |
|  | | | |
| **Evidence Gathered** | | | |
|  | | | |
| **Mitigating Circumstances / Concerns** | | | |
|  | | | |
| **Confirmation** | | | |
| I have completed the Fact Finding Process in respect of the issue outline above and have attached all relevant information related to the Fact Finding procedures carried out.  Name:  Date: | | | |

### *Appendix 8: Outcome of Grievance Hearing Letter*

**Private & Confidential**

**Name**

**Address**

**Postcode**

**Date**

**Outcome of Grievance Hearing**

I refer to the grievance which you submitted on (date) the grounds for which were (reason).

The Grievance Hearing was held on (date) at which you, (Employee Rep), (Management) and (HR Adviser) were present. The hearing provided opportunity for you to present your case and it allowed for witnesses to be called in relation to your grievance.

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my decision to (uphold the grievance/uphold the grievance in part/not to uphold the grievance). The reasons for this are

(Please detail reasons)

Any subsequent actions by manager/employee should be highlighted here.

If you feel that this decision is unfair or inappropriate, you have the right to appeal this decision and should do so by completing the enclosed Grievance Appeal Form and submitting it within 14 Calendar days to (Initial Appeal: Manager of next tier or Second Appeal: Executive Officer). You will receive confirmation of receipt of your appeal thereafter.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to Human Resources.

Yours sincerely,

*(Name)*

*Job Title*

### *Appendix 9: Notification of Grievance Appeal*

The form should be completed by the employee and submitted where an employee is unhappy with the outcome of the grievance hearing. Employees can contact the Employee Relations Team for assistance in completing the form. The form is available in alternative format where required by contacting the Employee Relations Team.

|  |  |
| --- | --- |
| **Stage of Appeal** | |
| Appeal against Grievance Hearing Decision (Appeal 1) |  |
| Appeal against Appeal Hearing Decision (Appeal 2) |  |

|  |  |
| --- | --- |
| **Personal Details** | |
| Name: | Employee  Reference: |
| Designation: | Department: |
| Location: | Contact Number: |
| Any correspondence related to the grievance should be forwarded to the address below:  Please outline a work/home address. | |

|  |  |
| --- | --- |
| **Companion Details** | |
| Trade Union Name: | Trade Union Rep: |
| Other Representative: | |

|  |  |
| --- | --- |
| **Details of Previous Hearing** | |
| Date Held: | Grievance heard by: |
| Grievance Outcome Letter Received: | |

|  |
| --- |
| **Nature of Original Grievance** |
|  |
| **Proposed Remedy at Grievance Hearing by Manager** |
|  |
| **Reason for Appeal** |
|  |
| **Proposed Remedy by Employee at Appeal Stage** |
|  |

|  |  |
| --- | --- |
| **Employee Information** | |
| Signature |  |
| Date |  |

### *Appendix 10: Initial/Second Grievance Appeal Letter*

Private & Confidential

Name

Address

Postcode

Date

**Initial/Second Grievance Appeal**

I write to acknowledge receipt of your appeal against the decision made at the grievance hearing which took place on (Date) with (Chair).

You have appealed the outcome of the grievance hearing on the grounds of (reason).

I can confirm that the appeal against this decision at your Grievance has been arranged to take place (Date), (Time) (location) with (Chair). You have the right to be accompanied and I would be obliged if you could confirm your companion’s details and any witnesses that you intend to call to the HR Team prior to the hearing taking place. A representative/companion may be:

* Fellow worker
* Trade Union Representative
* Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please Note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to Human Resources.

Yours sincerely,

***(Name)***

***Job Title***

### *Appendix 11: Record of Grievance Appeal Hearing*

The form should be completed by the officer hearing the appeal and submitted following the appeal hearing. The HR Adviser can provide assistance in completing the form. The form is available in alternative format where required by contacting the HR Adviser.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Stage of Appeal** | | | | | | |
| Appeal against Grievance Hearing Decision:  To the next level of management from those who took heard the grievance | | | | | |  |
| Appeal Against Appeal Hearing Decision:  To Executive Officer | | | | | |  |
| **Personal Details** | | | | | | |
| Name: | | | | Employee  Reference: | | |
| Designation: | | | | Department: | | |
| Location: | | | | Contact Number: | | |
| Any correspondence related to the grievance should be forwarded to the address below:  Please outline a work/home address. | | | | | | |
| **Companion Details** | | | | | | |
| Trade Union Name: | | | | Trade Union Rep: | | |
| Other Representative: | | | | | | |
| **Details of Previous Hearing** | | | | | | |
| Date Held: | | | | Grievance heard by: | | |
| Timescales Met: | | | | Letter Issued: | | |
| **Present at Hearing** | | | | | | | |
| Management and HR Representative | | | | | | | |
| Name | | | Designation | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
| Employee & Companion Details | | | | | | | |
| Name | | | Designation | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
| **Nature of Grievance** | | | | | | | |
|  | | | | | | | |
| **Proposed Remedy at Grievance Hearing (Manager & Employee)** | | | | | | | |
|  | | | | | | | |
| **Reason for Appeal** | | | | | | | |
|  | | | | | | | |
| **Proposed Remedy at Appeal Stage (Manager & Employee)** | | | | | | | |
|  | | | | | | | |
| **Decision Made** | | **Reason** | | | | | |
| Upheld | |  | | | | | |
| Not Upheld | |  | | | | | |
| Partially Upheld | |  | | | | | |
| Adjournment Required | |  | | | | | |
| Reconvened Date | |  | | | | | |
| **Remedy or Actions Required** | | | | | | | |
| Action | | By Whom | | | Deadline | | |
|  | |  | | |  | | |
|  | |  | | |  | | |
|  | |  | | |  | | |
|  | |  | | |  | | |
| **Appeal Officer Information** | | | | | | | |
| Name |  | | | | | | |
| Designation |  | | | | | | |
| Telephone Number |  | | | | | | |
| Signature |  | | | | | | |
| Date |  | | | | | | |

### Appendix 12: Outcome of Grievance Appeal Hearing

**Private & Confidential**

**Name**

**Address**

**Postcode**

**Date**

**Outcome of Grievance Appeal Hearing**

**Appeal against Grievance Hearing Decision**

I refer to the hearing held (Date) to consider the appeal against (action taken at grievance hearing) issued to you on XXX

Having given careful consideration to all evidence presented and representations made in the course of the hearing on (date), I can confirm that I have taken the decision to (not uphold, uphold, partially uphold) your appeal.

***Delete as appropriate\*\*\*\****

In accordance with the Grievance at Work Policy, (you will have the right to appeal to the (appropriate Executive Officer) within 14 Calendar days of receipt of this letterl.

***OR***

In accordance with the Grievance at Work Policy this letter concludes the Grievance process and you have no further right of appeal.

A copy of this letter has been forwarded to your Trades Union Representative (if appropriate) and Human Resources.

Yours sincerely,

(insert name)

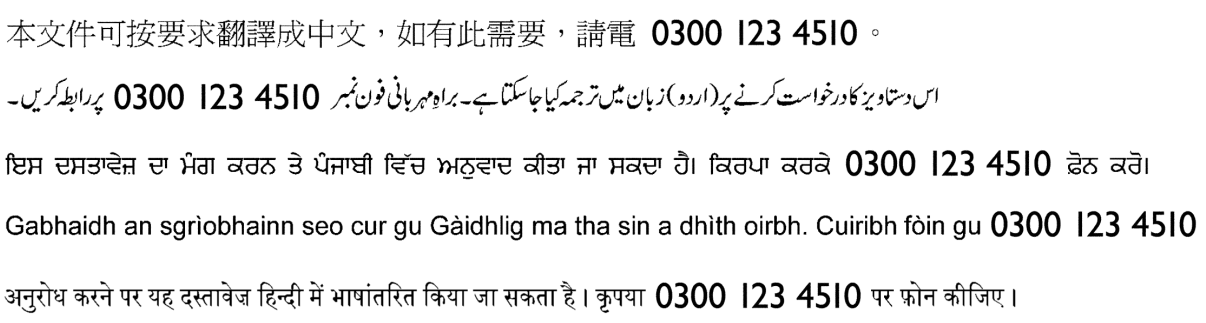
### Appendix 13: Informal Improvement Plan Agreement

|  |  |
| --- | --- |
| **Personal Details:** | |
| Employee Name:  Job Title:  Department: Date of Meeting: | |
| **Area(s) of Performance/Conduct Improvement Required** | |
|  | |
| **Perfomance Indicators for Improvement** | **Target Date** |
|  |  |
| **Assistance required (e.g. training, coaching, mediation):** | |
|  | |
| **Declaration** | |
| We have discussed and agreed the objectives required to enhance the employee’s performance in line with recent disciplinary procedures.  Employee: Date:  Manager: Date:  Next Review Date: | |

**Other Formats & Translations**

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council’s Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

**Kirkintilloch G66 1TJ Tel: 0300 123 4510**